

ORDINANCE NO.: 2019-04
OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA

**AN ORDINANCE OF THE CITY OF FRANKLIN ESTABLISHING AND ADOPTING A
CONFLICT OF INTEREST POLICY FOR BUILDING CODE OFFICIALS**

WHEREAS, the City of Franklin, by its Common Council, the legislative body of the City, recognizes the importance of eliminating conflicts of interest in the conduct of City business;

WHEREAS, Conflicts of interest are not only against state and federal regulations but are detrimental to the City's good reputation and the public's confidence in City government;

WHEREAS, IC § 36-1-27-1 et seq. requires a unit to adopt an ordinance to establish a procedure to address conflicts of interest regarding the issuance of building permits and similar approvals;

NOW, BE IT THEREFORE ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, THAT:

SECTION I

Nothing in this ordinance shall be construed to restrict the Board of Works, the Board of Zoning Appeals, the Plan Commission, the Technical Review Committee or City Council in the performance of their duties.

SECTION II

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- "Conflict of interest" means a direct or indirect financial interest in the issuance of a permit.
- "Permit" has the meaning set forth in IC § 36-7-4-1109. At the time of adoption of this ordinance, it means:
 - an improvement location permit;
 - a building permit;
 - a certificate of occupancy;
 - approval of a site-specific development plan;
 - approval of primary or secondary plat;
 - approval of a contingent use, conditional use, special exception or special use; or
 - approval of a planned unit development.
- "Report" means a written identification of the affected permit application and disclosure of the conflict of interest involved, signed and dated by the author.

SECTION III

- A. Except as provided in Subsection (D), whenever the individual charged with the duty of issuing a permit (issuing individual) has a conflict of interest in the issuance of a permit:
 - 1. the issuing individual shall recuse himself or herself from the permitting process;
 - 2. the issuing individual shall file a report of the conflict of interest with the Clerk Treasurer's Office;
 - 3. the issuing individual shall deliver all related files to the Senior Planner within the Department of Planning and Engineering; *and*
 - 4. the Senior Planner shall oversee the issuance of the permit.
- B. Except as provided in Subsection (D), whenever the Senior Planner has a conflict of interest in the issuance of a permit:
 - 1. the Senior Planner shall recuse himself or herself from the permitting process;
 - 2. the Senior Planner shall file a report of the conflict of interest with the Clerk Treasurer;
 - 3. the Senior Planner shall deliver all related files to the City Engineer; *and*
 - 4. the City Engineer shall oversee the issuance of a permit.
- C. Whenever a building code official or planning and engineering department official other than the Senior Planner or City Engineer has a conflict of interest in the issuance of a permit:
 - 1. such person shall recuse himself or herself from the permitting process;
 - 2. such person shall notify his or her department head or immediate supervisor of the conflict of interest.
- D. Whenever the Senior Planner or the City Engineer is authorized to oversee the permitting process pursuant to this ordinance but is unavailable or unqualified:
 - 1. such person shall recuse himself or herself from the permitting process;
 - 2. such person shall file a report of the conflict of interest with the Clerk Treasurer; if applicable;
 - 3. the Mayor shall appoint a temporary replacement to oversee the permit; *and*
 - 4. all related files shall be delivered to the appointed temporary replacement.

SECTION IV

Filing Reports. The Clerk Treasurer shall place reports received pursuant to this ordinance in a separate Ethics file and maintain them for at least five (5) years.

SECTION V

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or to a law, document, fund, program, department, commission, employee, or public office, shall extend and apply to the same, as may be subsequently amended, elected, appointed, revised, re-codified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to

another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of the) City of Franklin (Indiana).”

3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Severability. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- C. Effective Date. This ordinance shall be effective immediately upon passage.

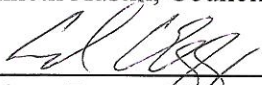
Introduced and Filed on the 5th day of August, 2019.

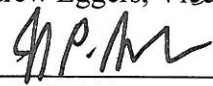
DULY PASSED on this 5th day of August, 2019 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 7 in Favor and 0 Opposed.

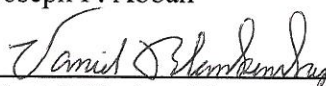
CITY OF FRANKLIN, INDIANA, BY ITS COMMON COUNCIL

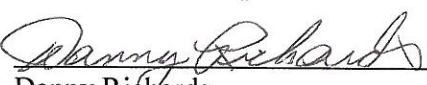
Voting Affirmative:


Kenneth Austin, Council President

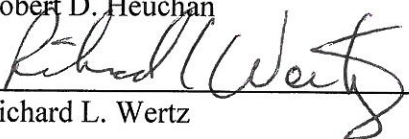

Andrew Eggers, Vice-President


Joseph P. Abban


Daniel Blankenship


Danny Richards


Robert D. Heuchan


Richard L. Wertz

Voting Opposed:

Kenneth Austin, Council President

Andrew Eggers, Vice-President

Joseph P. Abban

Daniel Blankenship

Danny Richards

Robert D. Heuchan

Richard L. Wertz

Attest:

Jayne Rhoades
Jayne Rhoades, City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this 5 day of August, 2019 at 6:20 o'clock a.m./p.m.

Jayne Rhoades
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me [Approved by me and duly adopted, pursuant to Indiana Code § 34-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 34-4-6-16(a)(2)], this 5 day of August, 2019 at 6:20 o'clock a.m./p.m.

Stephen Barnett
Stephen Barnett
Mayor

Attest:

Jayne Rhoades
Jayne Rhoades
City Clerk-Treasurer

Prepared by: Lynnette Gray

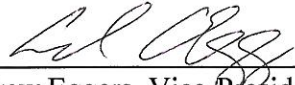
WAIVER OF SECOND READING

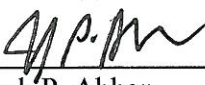
On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective immediately upon passage.

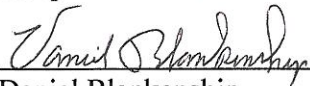
City of Franklin, Indiana, By its Common Council:

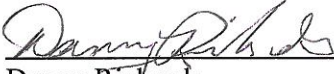
Voting Affirmative:

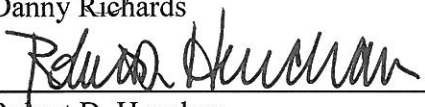

Kenneth Austin, Council President

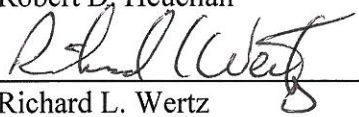

Andrew Eggers, Vice-President


Joseph P. Abban


Daniel Blankenship


Danny Richards


Robert D. Heuchan


Richard L. Wertz

Voting Opposed:

Kenneth Austin, Council President

Andrew Eggers, Vice-President

Joseph P. Abban

Daniel Blankenship

Danny Richards

Robert D. Heuchan

Richard L. Wertz

Attest:


Jayne Rhoades, City Clerk Treasurer