

ORDINANCE 19-19

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL”**

**- Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by
Employees Responsible for Issuing Permits**

WHEREAS, the Indiana State Legislature enacted PL 3-2019 codified as IC 36-1-27-1 et seq., effective July 1, 2019; and

WHEREAS, PL 3-2019 prohibits designated employees from issuing specified types of permits if they have a conflict of interest and requires local governments to create a procedure to address instances when an employee who issues permits has a direct or indirect conflict of interest; and

WHEREAS, the City of Bloomington strives to avoid both actual conflicts of interest and appearances of conflicts of interest;

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

SECTION 1: Title 2 of the Bloomington Municipal Code shall be amended by adding a new chapter, 2.96, to be added to the index for this title and to read as follows:

**Chapter 2.96
CONFLICTS OF INTEREST**

Sections:

2.96.010 Purpose

2.96.020 Conflict of Interest

2.96.030 Permit

2.96.040 Prohibition

2.96.050 Report of Conflict of Interest

2.96.060 Appointment of Qualified Temporary Replacement

2.96.010 Purpose

The purpose of Chapter 2.96 is to satisfy the requirements of IC 36-1-27-1 through IC 36-1-27-4.

2.96.020 Conflict of Interest

As used in this chapter, “conflict of interest” means a direct or indirect financial interest in the issuance of a permit, pursuant to IC 36-1-27-1.

2.96.030 Permit

As used in this chapter, “permit” has the meaning set forth in IC 36-7-4-1109 (b).

2.96.040 Prohibition

A building commissioner, building code official or inspector of the City of Bloomington may not issue a permit, or oversee the issuance of a permit through a subordinate, if the building commissioner, building code official, or inspector has a conflict of interest.

2.96.050 Report of Conflict of Interest

A building commissioner, building code official, or inspector of the City of Bloomington shall report a conflict of interest to her, his or their department head and to the City’s conflicts officer.

2.96.060 Appointment of Qualified Temporary Replacement

Promptly upon receipt of a conflict of interest report made under this chapter, the department head, in consultation with the City’s conflicts officer, shall appoint a qualified temporary replacement building commissioner, building code official or inspector. The employee with a conflict will have no role in the permit review process.

SECTION 2. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of October, 2019.

Attest:


NICOLE BOLDEN, Clerk
City Of Bloomington


DAVE ROLLO, President

Bloomington Common Council

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4th day of October 2019.


NICOLE BOLDEN, Clerk
City Of Bloomington

SIGNED and APPROVED by me upon this 7th day of October, 2019.


JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance brings the City of Bloomington into compliance with IC 36-1-27-1 through IC 36-1-27-4, by creating a formal procedure to insure that building commissioners, building code officials and inspectors avoid conflicts of interest.