

## MINUTES

Muncie Ethics Advisory Committee  
Thursday, July 18, 2024  
7:30pm  
Maring-Hunt Library  
2005 S. High Street  
Muncie, IN

### Roll Call

Members present: Conception, Edgell, Shipman, Taylor, Whitaker  
Members absent: Black, Craig, Gibson, McCauliff

### Approval of minutes of June meeting

The minutes were approved unanimously.

### Public Input

- Anyone attending who wishes to provide feedback about the draft ethics standards or draft commission structure and enforcement procedures may do so

There was no public input at this time.

### New business

- None

### Old business

- Review of draft Ethics Commission Enforcement discussion items, including public feedback.
  - Qualifications of members

The committee engaged in discussion about the requirement that no Commission member may be “a person with a business relationship with an agency.”

It was the consensus of the committee that the owner or other very important decision maker from a business organization that does a lot of business with the city should serve.

One alternative suggested was to replace that bullet point with the following:

- “A person who is an owner, officer, director, or partner of a business organization which has been paid by the City and/or any of its agencies an aggregate amount exceeding \$X in the previous calendar year.”

Chip Taylor discussed some analysis he had done using data for 2023 monthly expenses posted on the city’s website. In 2023 there were almost 1500 individuals or organizations that were paid in 2023.

Setting the threshold at \$500,000 eliminates 31 companies or just over 2%  
 Setting the threshold at \$300,000 eliminates 49 companies or just over 3%  
 Setting the threshold at \$200,000 eliminates 77 companies or just over 5%

The committee discussed the issues related to implementation of such a standard and it was their consensus that this would provide an objective standard. If Dan Gibson sees legal problems or other issues with it then we could just strike the bullet point.

- Jurisdiction, Authority, Administration, and Enforcement;
  - Section 2. Authority
  - Section 5. Decision
  - Section 6. Violations

The committee discussed changing references to specific city ordinance or state laws to “applicable law.”

- Section 4. Complaint Procedure, item (3)

The committee discussed the need to strike the last sentence: “The respondent may be invited to attend the executive session in the discretion of the Ethics Commission.” As it would require a public meeting to make that decision.

- Jurisdiction, Authority, Administration, and Enforcement; Section 7.  
 Whistleblower Protection

In response to feedback from a member of the public, the committee revisited whether this section should include examples of retaliation. After discussion, the consensus of the committee was that a list might be viewed as exclusive. The committee also discussed that retaliation could be directed at someone who wasn’t an employee.

- Transparency Portal

The committee discussed the bullet point:

- “Documents received from potential suppliers in response to a request for bids, request for proposals, or invitation to quote.”

Chip Taylor suggested revising the bullet point to read:

- “Documents received from potential suppliers **presenting their final bid, proposal, or quote** in response to a request for bids, request for proposals, or invitation to quote.”

Doing so would reduce the potentially large number of documents to be posted on the website. It was the consensus of the committee that this revision should be incorporated.

- Review of draft Ethics Standards discussion items, including public feedback.
  - Appointed official definition

Public feedback was received suggesting that some titles aren’t consistent with current city code will be passed along to Dan Gibson.

- Direct Line of Supervision definition

The committee discussed a suggested clarification to the definition of Direct Line of Supervision. The suggestion will be passed along to Dan Gibson.

- Gifts, food, drink, entertainment, travel expenses

In response to public feedback, the committee discussed whether there should be a reporting and recordkeeping requirement added to the gift rule. It was the consensus of the committee that doing so would create an excessive administrative burden.

- Nepotism

The committee discussed whether the new ordinance would need a statement that the existing nepotism ordinance would be repealed and replaced with this rule. The suggestion will be passed along to Dan Gibson.

The committee reviewed feedback from the public that hiring into an indirect line of supervision is prohibited in the current City Handbook for Non-bargaining Unit Employees and discussed whether the proposed nepotism code should be modified accordingly.

It was the consensus of the committee that current proposed language already notes that there are cases where someone is in the direct line of supervision of someone who is not a direct supervisor.

- Contracting with the City of Muncie/Conflict of interest in contracts

It was the consensus of the committee that prohibitions on the City entering into contracts with elected or appointed officials or business entities owned by them should be expanded to cover employees, too.

It was the consensus of the committee that disclosure requirements related to the City entering into contracts with relatives of elected or appointed officials or business entities owned by them should be expanded to cover employees, too.

- Review of other proposals submitted in public feedback.
  - Non-partiality and Non-discrimination

The committee discussed a proposal submitted by a member of the public. It was the consensus of the committee that they agreed with the sentiment, but that it would be hard to define or enforce impartial treatment.

- Representation

The committee discussed a proposal submitted by a member of the public. It was the consensus of the committee that it is appropriate for officials and employees to make recommendations based on their knowledge and expertise.

The committee also discussed that the rule on Use of City Property prohibits use of an official's position for a purpose that is primarily of benefit to a third party.

- Public records transparency

The committee discussed a proposal submitted by a member of the public. It was the consensus of the committee that it agreed with the spirit of the proposal – that all boards, commissions, and committees should have up-to-date and complete records available on the city website – but that the ethics code isn't the appropriate vehicle for accomplishing this goal.

- Review of schedule through September

The committee will review a complete draft in ordinance form, along with a brief report to council at the August meeting.

The final ordinance and report will be voted on at the September meeting.

#### Other business

- Public engagement efforts
  - Next meeting: August 15, 2024, Maring-Hunt Library
- August City Council meeting – August 5

#### Adjournment