

Draft structure and appointment of ethics commission - revised

Establishment and purpose

- [TBD]

Responsibilities of the Muncie Ethics Commission

- The Muncie Ethics Commission shall have the following responsibilities:
 - Receiving complaints about alleged violations of the City of Muncie Ethics Ordinance and taking appropriate action,
 - Receiving disclosures related to potential conflicts of interest,
 - Issuing advisory opinions regarding potential conflicts of interest,
 - Overseeing the maintenance and operation of a City of Muncie Transparency Portal website, and
 - Recommending revisions of the City of Muncie Ethics Ordinance to the City Council for its consideration.

Appointment and terms of members

- The Ethics Commission shall be composed of five (5) members.
 - Two (2) members shall be appointed by the Mayor
 - Two (2) members shall be appointed by majority vote of the City Council
 - One (1) member shall be appointed by majority vote of the mayoral and council appointees
- Except for initial appointments to the Ethics Commission, as described below, each appointment shall be for a term of three (3) years; however, a member shall serve until his or her successor is duly appointed and qualified.
- A member appointed to fill a vacancy shall serve for the duration of the unexpired term.
- When making initial appointments to the Ethics Commission, the Mayor shall designate one of the mayoral appointees to serve an initial term of one (1) year and the other to serve an initial term of two (2) years.
- When making initial appointments to the Ethics Commission, the City Council shall designate one of the council appointees to serve an initial term of one (1) year and the other to serve an initial term of two (2) years.
- No member shall serve more than two (2) consecutive terms.
 - Partial terms of less than two (2) years duration shall not count as a term for the purposes of determining term limits.
 - No person who has served two (2) consecutive terms shall be eligible for a subsequent appointment unless at least three (3) years have passed since the end of their most recent term on the commission.

Qualifications of members

- ~~The mayoral appointees may not be affiliated with the same political party.~~
- No more than one (1) mayoral appointee may be affiliated with a single political party.

- ~~The council appointees may not be affiliated with the same political party.~~
- No more than one (1) council appointee may be affiliated with a single political party.
- ~~An appointee is affiliated with a political party if he or she would be eligible to file for office as a candidate of that political party.~~
- Appointee political affiliations will be determined as specified in IC 36-1-8-10.
- At no time may a member be:
 - An elected official, appointed official, or employee of the City of Muncie;
 - A member of any other city board, commission, or committee;
 - An elected official of Delaware County government;
 - An officer or employee of any political party; however, this shall not include an individual who is elected or appointed to serve as a delegate to a party convention;
 - A person with a business relationship with an agency ~~or a person who intends to have a business relationship with an agency.~~
- At all times a member must be a resident of the City of Muncie.
- A member may be removed only for cause and only upon a two-thirds majority vote of the City Council.

City of Muncie Transparency Portal

- The Ethics Commission shall oversee the maintenance and operation of a website, known as the “City of Muncie Transparency Portal,” that will make ethics-related documents and information readily accessible to the public.
- Documents and information to be provide via the Transparency Portal shall include:
 - Copy of the Ethics Ordinance,
 - List of Ethics Commission members,
 - Copies of all conflict-of-interest forms filed with the Ethics Commission, and/or City Clerk, and/or state of Indiana
 - Copies of advisory opinions issued by the Ethics Commission,
 - Copies of all contracts entered into by the City of Muncie or any of its boards, commissions, or other dependent bodies,
 - Copies of documents submitted to the City of Muncie or any of its boards, commissions, or other dependent bodies in response to a Request for Proposals, Request for Qualifications, or other solicitation for work to be completed for the City of Muncie with an anticipated cost exceeding \$XXXXX, and
 - Public documents related to complaints filed with the Ethics Commission.
- The Ethics Commission may make other documents accessible via the Transparency Portal as it deems beneficial to the public interest.

Training Requirements

- All elected officials, appointed officials, officers, and employees covered by the City Ethics Ordinance shall be properly trained in complying with the City Ethics Standards. Such training shall also include a review of the criminal offenses against public administration (IC 35-44-1), the Access to Public Records Act (IC 5-14-1.5), and the Open Door Law (IC 5-14-3).

- The City Attorney shall prepare and administer the training required by this section with the assistance of the City personnel director. Each appointed official shall:
 - Require all new appointed officials and employees to participate in ethics training within xxx (X) weeks of the appointed official's appointment date and the employee's starting employment with the department or agency; and
 - Require all appointed officials and employees to participate in ethics training at least every two (2) years during an appointed official's and employee's tenure with the City of Muncie.

Whistleblower Protection

- An appointed official or employee who reports:
 - A violation of the city ethics code,
 - A violation of any other city ordinance, rule, regulation,
 - A violation of a state law or rule,
 - A violation of a federal law or regulation, or
 - The misuse of public resources

to:

- The Ethics Commission,
- Any other city agency,
- Any state agency,
- Any federal agency,
- County, state, or federal prosecutor, or
- Other regulatory or investigative agency

may not:

- Be dismissed from employment,
- Have salary increases or employment related benefits withheld,
- Be transferred or reassigned,
- Be denied a promotion that the employee would otherwise have received, or
- Be demoted

for having filed a report.