

To: City of Muncie Common Council

From: Muncie Ethics Advisory Committee

Date: September 20, 2024

Subject: Proposed ordinance establishing a Code of Ethics

The Muncie Ethics Advisory Committee has completed the work delegated to it by Resolution No. 6-23 (as amended by Resolutions No. 8-23 and 12-23). At last night's meeting, the committee approved the draft ordinance attached to this memo by a vote of \_\_\_\_\_. The ordinance establishes ethical standards for the City of Muncie along with an Ethics Commission and mechanism to ensure that the ethical standards are followed.

In crafting the standards of behavior, we relied greatly on the ethics rules governing City employees that were established during Mayor Ridenour's first term. These rules form the core of standards included in the Code of Ethics. In many cases the committee has merely formalized the rules into the form of an ordinance and expanded their coverage to include elected officials, appointed officials, and other city officers, as required by the resolution. Where additional standards were needed to cover other issues specified in the resolution, the committee drew on ethics codes of other municipalities, the code covering officials in the executive branch of Indiana state government, suggestions and ideas offered by members of the public, and the committee members' own ideas.

The process for appointing members of the Ethics Commission affords equal authority to the Mayor and City Council and requires partisan balance. Members serve three-year terms subject to a limit of two consecutive terms. Terms are staggered so that no more than two members' terms expire in any given year. These provisions are intended to provide stability in application of the standards while ensuring that new members with fresh perspectives are appointed to the Commission over time. The independence of the Commission is preserved by a requirement that members can only be removed for cause upon a two-thirds majority vote of the City Council.

The enforcement mechanism is designed to ensure that due process rights are respected for those accused of violating the Ethics Code. The Commission has no authority to fine or otherwise sanction anyone determined to have violated the Ethics Code, although it may report its findings of a violation, recommend corrective action to a violator's supervisor or appointing authority, or refer a matter to the Corporation Counsel for enforcement proceedings. If the Commission receives a complaint alleging a violation of state law, the matter will be referred to an appropriate law enforcement agency.

The committee would like to thank all those who assisted us in our efforts over the past year. Many members of the public attended our meetings and engaged in the discussion about the issues before the committee. Similarly, several members of the public sent written comments responding to the drafts we issued for comment. These questions, comments, suggestions, and ideas were extremely helpful.

We would also like to acknowledge several people who made particular contributions to the committee's efforts. Mikah Wilson, City personnel director when the committee began its work, readily provided the committee with information regarding the City's current ethics rules and standards. She also attended one of our early meetings and spent the evening answering our questions and sharing her insights about these issues. As stated earlier, the information she provided formed the core of the standards contained in the Ethics Code. Councilwoman Ro Selvey attended multiple meetings, engaged in our discussions, and helped us understand the perspective of elected officials covered by the Ethics Code. Stephen Brand was a regular attendee at our monthly meetings. The impact of his many insights, suggestions, and comments are evident throughout the Ethics Code. Finally, City Clerk Belinda Munson and her staff ensured that our meeting materials are permanently archived on the City website.

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