

# Muncie Ethics Commission

## Advisory Opinion and Disclosure Process

### **Purpose**

To establish a process for issuing advisory opinions and receiving disclosures as set forth in Title IV, Chapter 40, Section 40.09 of the City of Muncie Code of Ordinances entitled "Code of Ethics."

### **I. Reasonable Time**

In computing any period of time prescribed or allowed by these rules, the provisions of Title I, Chapter 10, Section 10.12 shall be used.

### **II. Notices**

Any notices required by this procedure may be delivered via the recipient's official City email address.

### **III. Requesting an Advisory Opinion**

#### **A. Form of Request**

Any individual seeking an advisory opinion under the provisions of Section 40.09(B) or Section 40.09(C) shall prepare a memorandum addressed to the Chair of the Commission containing the information required by Section 40.09(D). If the individual is not an elected official, the memorandum should also identify their immediate supervisor and/or appointing authority. The memorandum shall be signed by the individual seeking the advisory opinion.

#### **B. Submitting the Request**

1. Advisory opinion requests shall be filed at the City Clerk's office, where they will be received on behalf of the Commission.
2. The City Clerk's office shall not accept any requests that are not signed by the individual requesting the advisory opinion.
3. The City Clerk's office shall stamp submitted requests with the date received.
4. After receiving a request, the City Clerk's office shall assign it a request number.
5. The City Clerk's office shall treat each request as confidential information until such time as the Commission places it in the public record.
6. After receiving a request, the City Clerk's office shall forward it to the Chair of the Commission.

#### **IV. Reviewing the Request**

##### **A. Conference**

After receiving the request, the Chair shall assign two (2) members of the Commission to meet with the individual making the request and their immediate supervisor and/or appointing authority to discuss the nature of the conflict and then report back to the Commission.

##### **B. Report to Commission**

1. If it is determined that the interest is not so substantial that it is likely to affect the integrity of the services the City expects from the individual requesting the opinion, the report shall provide a written determination stating so, as described in Section 40.09(D)(2).
2. If it is determined that the interest is so substantial that it is likely to affect the integrity of the services the City expects from the person requesting the opinion, the report shall provide directions for the person's immediate supervisor and/or appointing authority to reassign the particular matter and screen the person from involvement in the matter, as described in Section 40.09(D)(1).

#### **V. Acting on the Request**

##### **A. Public Meeting**

1. Within 30 days of the Conference, the Commission shall hold a public meeting for the purpose of acting on the request.
2. Following a majority vote of the Commission to accept the recommendation in the report, the Commission shall place the request for an advisory opinion, report, and record of its decision into the public record.
3. If the Commission does not accept the recommendation, then it shall not issue an advisory opinion.
4. The Commission shall notify the individual and the individual's immediate supervisor and/or appointing authority within 10 days of the decision by the Commission.
5. If the Commission does not issue an advisory opinion, then the individual must file a written disclosure statement as described in Section 40.09(B)(2) or Section 40.09(C)(2), as appropriate, within seven (7) days of the notification.

##### **B. Withdrawn Requests**

1. At any point prior to a decision by the Commission, the individual making the request may withdraw the request by providing notice to the Chair of the Commission.

2. An individual withdrawing a request must file a written disclosure statement as described in Section 40.09(B)(2) or Section 40.09(C)(2), as appropriate, within seven (7) days of the notification.

## VI. Written Disclosures

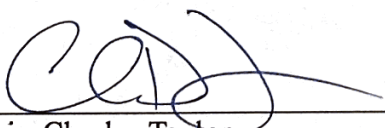
### A. Form of Disclosure

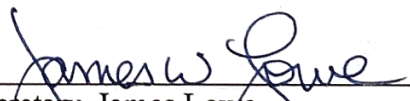
Any individual filing a written disclosure under the provisions of Section 40.09(B)(2) or Section 40.09(C)(2) shall prepare a memorandum addressed to the Chair of the Commission containing the information required by Section 40.09(E). The memorandum shall be signed by the parties listed in Section 40.09(E)(3).

### B. Submitting the Disclosure

1. Disclosures shall be filed at the City Clerk's office, where they will be received on behalf of the Commission.
2. The City Clerk's office shall not accept any disclosures that are not signed by the required parties.
3. The City Clerk's office shall stamp submitted disclosures with the date received.
4. After receiving a request, the City Clerk's office shall assign it a disclosure number.
5. Disclosures may be placed in the public record upon receipt.

Approved this 12<sup>TH</sup> day of MARCH, 2025

  
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Chair, Charles Taylor

  
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Secretary, James Lowe