

**MICHIGAN CITY ETHICS ADVISORY COMMISSION  
MEETING MINUTES JUNE 4, 2009**

**Order of Business:**

Call to Order and Roll Call.

President Steve Janus called the June 4, 2009 Meeting of the Ethics Advisory Commission to order at 5:06 p.m. Members of the Ethics Commission in attendance were: Cindy Gillespie Steve Janus and John Pavy. Erik Prascak was absent.

Also noted in attendance: Shelley Dunleavy and Attorney John Espar.

**Approval of Meeting Minutes:**

The April 2, 2009 Meeting Minutes were approved with the exception of two small corrections:

On Page 4, Paragraph 3 the word “*father*” should say “*uncle*” and the word “*son*” should say “*nephew*”.

A Motion was made by President Janus and seconded by Cindy Gillespie to approve the Meeting Minutes with the changes reflected. The Motion carries 3-0.

**Discussion/Old Business:**

Letter to City Council.

Attorney Espar reported back to the Ethics Advisory Commission Members the City Council’s response to his April 9, 2009 correspondence recommending an Amendment to the Ethics Ordinance. Attorney Espar reminded Members that the Commission is empowered to make recommendations to the City Council for amendments to this Ordinance and for such other legislation affecting the subject matter of this Ordinance as the Commission may deem necessary or desirable.

After reading and reviewing the April 9, 2009 correspondence, the City Council’s Ethics Committee requested that Attorney Espar attend their May 14, 2009 Committee Meeting. During that Meeting, Attorney Espar told Commission Members that lively discussion ensued with Council President Bob McKee. Attorney Espar said although the Council appreciates the well-received recommendations of the Commission, the suggestion was that strict reading of the provisions of the Ordinance was never the original intent of the Council. It was only to preclude an individual, department or Board or Commission Member or Council Member from voting on a matter that will benefit themselves or one of their dependents. The City Council’s Ethics Committee will take the amendment under advisement, however requested the Ethics Commission review the Ethics Ordinance in its entirety and present any and all changes, clarifications and amendments to the City Council at one time instead of gradually making changes.

The Ethics Commission Members agreed to review the Ordinance in its entirety and report back to the City Council with changes, deletions and/or additions they feel may be warranted. A Motion was made by John Pavy and seconded by Cindy Gillespie to review the Ordinance in its entirety. The Motion carries 3-0.

Commission Members felt that an afternoon working session would be best as it will take several hours to review the Ordinance. All Members could digest the Ordinance, prepare notes and present their suggestions to Commission Members. President Janus stated he has already found many discrepancies within the Ordinance and has started making notes on his copy. Members Pavy and Gillespie also had several questions regarding the Ordinance as it stands as well.

Attorney Espar and Personnel Director Shelley Dunleavy told Commission Members that even though they have read the Ordinance numerous times, they still refer to the Ordinance due to the scope and complexity of it.

Commission Members decided on Wednesday, June 17, 2009 at 1:00 p.m. for their next session to review the Ordinance. The Meeting will be held in the Attorney's Conference Room wherein the Personnel/Attorney's Office would be able to remain open to the public.

#### **New Business:**

##### **Conflict of Interest Update.**

Personnel Director Shelley Dunleavy stated numerous Uniform Conflict of Interest Disclosure Statements are still outstanding and have not been received. It was noted that two City Council Members (Milsap and Nelson) have not turned in their Disclosure Statements, as well as entire Boards and/or Commissions. The Conflict of Interest Statements were due on May 15, 2009.

Commission Members agreed that letters need to be sent to respective City Council Members, individuals, Board and Commission Members who have not completed their Uniform Conflict of Interest Disclosure Statement. Attorney Espar agreed and stated failure to file the Disclosure Statement could result in fines as stated per Ordinance. Secretary Smith was instructed to send out the reminder letters to all who have failed to file a Uniform Conflict of Interest Disclosure Statement with the Personnel Director.

##### **Inquiries.**

Personnel Director Dunleavy stated there were no inquiries received since our April 2, 2009 meeting. Letters went out to Chief Swistek and the Board of Commanders regarding their inquiries last month.

##### **Comments by Commission Members.**

Commission Members questioned the Uniform Conflict of Interest Disclosure Statement and who, if anyone is able to view them. Attorney Espar told Commission Members that the Statement is not user-friendly and perhaps that could be an area that the Commission could

explore for change. However, per the *Public Records Act* anyone is able to view the Disclosure Forms located in the Personnel Director's Office.

Attorney Espar stated that the initial Disclosure Form presented by the City Council much more comprehensive and personal in nature and as such was revised.

**Adjournment:**

With no other business, Chair Janus adjourned the meeting at 5:45 p.m. with a reminder to all Commission Members that our next Meeting to review the Ordinance in its entirety will be Wednesday, June 17, 2009 at 1:00 p.m. in the City Attorney's Conference Room.

Respectfully submitted,

---

Andrea Smith, Secretary