



CITY OF YPSILANTI
Board of Ethics MEETING
Thursday, February 20, 2020 @ 7:00 PM
Council Chambers
One South Huron, Ypsilanti, MI 48197

Page

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. AGENDA APPROVAL

V. INTRODUCTIONS

VI. PUBLIC COMMENT (3 MINUTES)

VII. RESOLUTIONS/MOTIONS/DISCUSSIONS

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- A. Approval of the October 28, 2019 Minutes.
[Board of Ethics - 28 Oct 2019 - Minutes](#)

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- B. Approval of the 2019 Board of Ethics Annual Report.
[2020 Annual Report](#)

- C. Election of Board of Ethics 2020 Officers.

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- D. Review of Chapter 46 Article II - Board of Ethics
[Board of Ethics - City Code](#)

VIII. PUBLIC COMMENT (3 MINUTES)

IX. ADJOURNMENT



MINUTES

Board of Ethics Meeting

7:00 PM - Monday, October 28, 2019
Council Chambers

The Board of Ethics of the City of Ypsilanti was called to order on Monday, October 28, 2019, at 7:00 PM, in the Council Chambers, with the following members present:

I CALL TO ORDER

The meeting was called to order at 7:03 p.m.

II ROLL CALL

Steven Landstrom Present
Patricia Berry Absent (Telephonic)
Beth Currans Present
Brian Geiringer Present
Sally Lusk Present

III AGENDA APPROVAL

The agenda was approved as submitted

IV PUBLIC COMMENT (3 MINUTES)

V RESOLUTIONS/MOTIONS/DISCUSSIONS

a) Approve the minutes of July 24, 2019.

Board Member Lusk moved, seconded by Board Member Geiringer to approve the minutes as amended.

Approved: Yes - 4; No - 0; Absent - 1 (Berry)

b) Approve the Ethics Board Meeting 2020 Meeting Schedule.

Board Member Geiringer moved, seconded by Board Member Currans to approve February 20 and October 26 as meeting dates for the 2020 Board Schedule

Approved: Yes - 4; No - 0; Absent - 1 (Berry)

c) Approve the Ethic's Board Annual Report.

Board Member Geiringer moved, seconded by Board Member Lusk to table until following item F.

Approved: Yes - 4; No - 0; Absent - 1 (Berry)

d) Clarification of Board Bylaws

Board Member Lusk moved, seconded by Board Member currans to amend the bylaws by adding "calendar year" to Article III, Section 8 - Absences.

Approved: Yes - 4; No - 0; Absent - 1 (Berry)

- e) Attorney Opinion
- f) Ethics Complaint Violation Discussion

Board Member Lusk moved, seconded by Board Member Geiringer to dismiss with qualifications

Approved: Yes - 4; No - 0; Absent - 1 (Berry)

- g) Approve the Ethic's Board Annual Report

Board Member Currans moved, seconded by Board Member Geiringer to remove item from the table

Approved: Yes - 4; No - 0; Absent - 1 (Berry)

Board Member Lusk moved, seconded by Board Member Currans to approve the 2019 Board Annual Report

Approved: Yes - 4; No - 0; Absent - 1 (Berry)

VI PUBLIC COMMENT (3 MINUTES)

VII ADJOURNMENT

The meeting adjourned at 8:56 p.m.

2019 Board of Ethics Annual Report

In 2019 the Board of Ethics held 4 meetings. In those meetings we created our by-laws, received orientation on the Open Meetings Act, and received and acted on one complaint.

The complaint we received, we chose to dismiss with qualifications.

We also made plans for future resolution and changes to the Board of Ethics ordinances.

We'd like to advise City Council that we intend to recommend changes that will define what an ethics complaint is and the disposition of those complaints, including how and if the Board is notified of those complaints.

Our 2020 meetings are currently scheduled for February 20, 2020 and October 26, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Landstrom", with a large, sweeping flourish extending to the right.

Steven C. Landstrom
Board of Ethics Chair

ARTICLE II. - BOARD OF ETHICS²

Footnotes:

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Charter reference— Board of ethics, § 9.01(c).

Cross reference— Boards and commissions, § 2-111 et seq.

Sec. 46-31. - Creation; members.

- (a) In order to provide an orderly procedure for consideration and review of the issues which may arise concerning questions of standards of conduct for public officers and employees, there is hereby created a board of ethics for the city. The board of ethics shall consist of five members appointed by the mayor with the approval of the city council.
- (b) No city council member, officer or employee and no officer or employee of any other governmental unit shall be a member of the board ethics.
- (c) No more than three members of the board of ethics shall be members of the same political party. Each member of the board of ethics shall file an affidavit of party affiliation prior to taking office. The board member need not be a member of any political party and may serve as an independent with no political party affiliation.

(Ord. No. 819, § 1, 5-31-1995)

Sec. 46-32. - Appointment; term; officers; rules of procedure.

- (a) Members of the board of ethics shall be city residents. The mayor shall, with the majority consent of the city council, appoint members of the board of ethics. The first five persons shall be appointed to the board of ethics for terms of one year, two years, three years, four years and five years so that one member's term shall expire each year. Thereafter all terms shall be five years.
- (b) No person shall serve more than one full five-year term, provided that a person serving an initial term of two years or less, and a person appointed to fill a vacancy of a remaining term of two years or less shall be eligible for appointment to one additional five-year term.
- (c) One initial board member shall be selected by the mayor to serve as board chair until a new chair is elected by a majority of the board of ethics. The term of board chair shall be one year.
- (d) If any issue before the board of ethics involves any member of the board of ethics, the mayor with majority consent of the city council shall appoint an additional member or members to sit for the purpose of that determination in place of the member or members involved.
- (e) The board of ethics shall adopt its own rules of procedure not inconsistent with this article, other city ordinances, and other laws of the state and federal government.
- (f) Members of the board of ethics shall not be elected or appointed officers or employees of the city nor be nominees or candidates for any elective city office for two years prior to their appointment or two years after their term.

(Ord. No. 819, § 2, 5-31-1995)

Sec. 46-33. - Studies and recommendations.

The board of ethics shall make studies of ethical problems in city government. The board of ethics shall from time to time make recommendations to the city council for amendments to ordinances related to ethics for city officers and employees, and standards of conduct for officers and employees of the city.

(Ord. No. 819, § 3, 5-31-1995)

Sec. 46-34. - Hearings.

- (a) *Filing of complaint.* Any person may file a written, sworn, and signed complaint with the city attorney alleging a violation of ethics by any officer or employee of the city. The city attorney shall review the complaint as to proper form, determine whether the complaint falls under the scope of the board of ethics as defined throughout this article, determine whether the complaint alleges a prima facie case, and make a nonbinding recommendation to the board of ethics for action (e.g. order a hearing, forward to another agency for investigation, dismiss the case, etc.).
- (b) *Examination of complaint.* The board of ethics shall examine the complaint, consider the city attorney's recommendation and decide upon a course of action.
- (c) *Investigation.* If the board of ethics finds that a willfully false complaint has been filed, it may recommend that a perjury investigation be conducted by the appropriate agencies.
- (d) *Hearing; notice; recommendation.* If a hearing is ordered, the board of ethics shall set a date for the hearing not more than 30 days from the date of the complaint. Notice of the hearing shall be given to the officer or employee involved, immediate supervisor, city manager, mayor and city attorney by personal service or certified mail return receipt requested. Notice shall be given not less than ten days prior to the hearing. The hearing shall be public and any party to the hearing may be represented by counsel. After the hearing, the board of ethics shall make an advisory report and recommendation within 30 days of the conclusion of the hearing.
- (e) *Referral to law enforcement agency.* The board of ethics by majority vote on probable cause shown may refer any incident, case or proceeding to any appropriate law enforcement office or agency at any time for investigation.
- (f) *Hearing after completion of law enforcement investigation.* If any matter has been placed with any law enforcement agency for investigation the board of ethics shall not proceed with any hearing concerning the same matter and or facts until the conclusion of the investigation.
- (g) *Informal hearings.* Hearings shall be informal. Witnesses shall be sworn by the presiding officer of the board of ethics or other official authorized to administer oaths. The officer or employee shall have the right to counsel and the right to present evidence and witnesses and to cross examine witnesses. The rules of evidence need not be followed. Insofar as practical, hearings shall follow the administrative procedures act, Act No. 306 of the Public Acts of Michigan of 1969 (MCL 24.201 et seq.). A record shall be kept of the proceedings. The record may be by electronic means (tape or other recorder). The board of ethics shall not have subpoena power.
- (h) *Prospective application.* The board of ethics shall only investigate or consider conduct or issues which occur after the effective date of the ordinance from which this article derives.

(Ord. No. 819, § 4, 5-31-1995)

Sec. 46-35. - Report and recommendation.

The report and recommendation issued by the board of ethics shall not bind or limit the action that can be taken by the officer's or employee's supervisor. The request for hearing shall not stay the effectiveness of and discipline, suspension or discharge provided that the officer ordering the discipline, suspension or discharge may reconsider that matter after the report of the board of ethics. The city council, and any officer or employee shall not be obligated to request action by the board of ethics prior to taking any other action allowed by law.

(Ord. No. 819, § 5, 5-31-1995)

Sec. 46-36. - Request to be in writing.

Each complaint shall be in writing, be sworn to on personal knowledge, and shall state fully the matter to be subject to consideration.

(Ord. No. 819, § 6, 5-31-1995)

Sec. 46-37. - Records and meetings to be public.

- (a) The records of the ethics board shall be public documents subject to disclosure under the freedom of information act, Act No. 442 of the Public Acts of Michigan of 1976 (MCL 15.231 et seq.).
- (b) All meetings of the board of ethics shall be public subject to the open meetings act, Act No. 267 of the Public Acts of Michigan of 1967 (MCL 15.261 et seq.).

(Ord. No. 819, § 7, 5-31-1995)

Sec. 46-38. - Administrative assistance.

- (a) The city clerk shall act as secretary of the board of ethics and keep the files and records of the board of ethics.
- (b) All governmental bodies and departments shall assist the board of ethics, the city attorney's office and any other law enforcement department or agency in investigating any complaints regarding possible violations of ethics by city officers or employees.
- (c) The city attorney shall act as legal advisor to the board of ethics.

(Ord. No. 819, § 8, 5-31-1995)

Sec. 46-39. - Compensation.

The board of ethics shall receive no compensation for their duties.

(Ord. No. 819, § 9, 5-31-1995)

Sec. 46-40. - Annual report.

The board of ethics shall file an annual report with the city clerk on or before December 31 of each year which shall be delivered to the city council and all department heads. The board of ethics shall appear and report to the city council in person as reasonably requested.

(Ord. No. 819, § 10, 5-31-1995)

Sec. 46-41. - Other action.

The board of ethics shall hold any proceeding in abeyance in the event any complainant, party or person involved in a complaint to the board of ethics is a complainant, party or respondent in or to any suit, grievance or case involving the same matter and or facts brought before any other commission,

board, association, court, agency or city department, including any grievance proceedings under contract provisions, until the other proceeding is finally determined including any appeals.

(Ord. No. 819, § 11, 5-31-1995)

Sec. 46-42. - Advisory opinions.

- (a) The board of ethics may give advisory opinions when requested by a city officer or employee. Requests for advisory opinions shall be in writing, signed by the requestor, filed with the city attorney and state the question concerning the conduct, past, present or future of the city officer or employee with particularity and in detail. The city attorney shall examine the request and if in proper form and within the purview of the board, forward the request to the board of ethics for action. The city attorney shall advise the board of ethics in writing of any request not approved and the reason for the denial. Opinions of the board shall not be binding but shall be advisory only. The board of ethics may make such informal investigation of the facts and issues raised by the request for advisory opinion, as the board of ethics, in its discretion, deems advisable under the circumstances. The board of ethics shall render its opinion within 30 days of receiving the request. The board of ethics, in its discretion may reject a request for advisory opinion in the event the board of ethics in good faith believes the request to be in bad faith, for improper purposes, frivolous, of only minor consequence, or has been effectively ruled on or settled by past actions of the board of ethics, a city ordinance, or other law.
- (b) If the city officer or employee conforms his action to the dictates of the opinion the action shall be prima facie legal and ethical. This section shall in no way excuse or forgive any criminal act.
- (c) Advisory opinions may not be used for any purpose not specifically authorized by this article.

(Ord. No. 819, § 12, 5-31-1995)

Sec. 46-43. - Arbitration.

The board of ethics in appropriate cases may recommend arbitration to the parties. The parties may agree in writing to arbitration under the rules of the American Arbitration Association.

(Ord. No. 819, § 13, 5-31-1995)

Secs. 46-44—46-70. - Reserved.