



MINUTES

Board of Ethics Meeting

7:00 PM - Wednesday, July 24, 2019
Council Chambers

The Board of Ethics of the City of Ypsilanti was called to order on Wednesday, July 24, 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 7:05 p.m.

II ROLL CALL

Steven Landstrom	Present
Patricia Berry	Present
Beth Currans	Present
Brian Geiringer	Present
Sally Lusk	Present

III AGENDA APPROVAL

The agenda was approved as amended.

IV PUBLIC COMMENT (3 MINUTES)

Amber Fellows, lives in Ward 3, and is the Chair of HRC. Ms. Fellows, stated that Mr. Hangenauer was interested in the Oath of Office. According to Ms. Fellows, Mr. Hangenauer mentioned that they are not furnished with the information of the City's Code of Ethics before an Oath, and would like to know if this can be added. Ms. Fellows stated that the City Clerk sent over helpful information from the State Constitution which states no changes can be made. Ms. Fellows suggested a copy of the Ethics Ordinance to be sent to all Boards and Commissions after the sworn-in has been taken place.

V RESOLUTIONS/MOTIONS/DISCUSSIONS

a) Approval of May 30, 2019 meeting minutes.

Member Lusk Moved, supported by Member Currans to approve May 30, 2019 meeting minutes.

On a voice vote, the motion was approved.

b) Open Meetings Act Presentation

John Barr, City Attorney, led the Open Meetings Act and Freedom of Information Act presentation. These two Acts are commonly known as the

Sunshine Act.

Board member Geiringer asked if whispering during an open meeting is allowed. Mr. Barr stated that whispering is probably allowed if it's done one by one and that the public can see it being done. He also stated that it's probably okay if you pass a note. The note will then become a public record. Mr. Barr stated that the board cannot get together as a team and make a decision behind closed doors.

Board Member Lusk questioned if an address from the public be required. She also mentioned that the City Council does. Mr. Barr stated that the City Council can ask for the address rather than requiring it.

Board Member Lusk understood that the commission date was established in 1993, but there has not been one in a while and wanted to know what happened during the interim. According to Mr. Barr, a number of things had happened: 1. Being an official was a privilege, but also a duty and can be a bother, 2. Unpaid, and 3. You are an advisory commission.

Mr. Barr also stated that it's hard to get people to volunteer for all of the boards, not just for the Boards of Ethics. This is partly due to: 1. the resistance to the public to volunteer to serve, and 2. record keeping wasn't good; difficult financial condition in the last 15 years.

Board Member Barry asked how ethics concerns go the board and the process. Mr. Barr stated that the complaints can come to the city in different ways such as filing a complaint with the police department, City Clerk, or City Manager. If it's an ethics complaint, it should go the City Attorney first. Mr. Barr, the Attorney, will then make the decision if it's a probable cause.

Board Member Barry, asked if there were any records of complaints or judgments that goes to both the Attorney and the committee. Mr. Barr stated that the Clerk keeps all records. If it's a public record it can be FOIA. Then it will go to City Attorney's office to determine if it's releasable or not. Board Member Barry asked if the Board would need to formally request as an individual citizen to received information. Mr. Barr stated that the Board can ask the Clerk.

Board Member Currans asked if it was possible to state something in the Bylaws to require the notification of the board when a complaint is filed. Mr. Barr stated that he would have to take a look at the ordinance.

c) Addressing the use of Title

Board member Landstrom asked when the Board can use their titles. Mr. Barr stated that each member of the board cannot speak for the city or the commission because the commission only speaks with a resolution passed by the board. He also stated that you cannot make your own opinion. You area allowed, for example, to put it on your letter head and other things of that nature as long as you're not using it to represent that you're speaking for the

City or Commission.

- d) Election of Vice-Chair

Member Berry nominated Member Geiringer as Vice-Chair.

On a voice vote, the motion carried.

- e) Approve Regular Meeting Schedule

Member Berry, seconded by Member Currans voted to approve the regular meeting schedule.

On a voice vote, the motion carried.

The Board voted Monday, October 28th from 7pm-9pm being the next meeting to finalize the yearly ethics board report.

- f) Discuss the creation of Board Bylaws

Member Berry, seconded by Member Lusk to approve the bylaws.

On a voice vote, the motion carried.

Board Member Berry asked if the Board was politically diverse. Mr. Hellenga, the City Clerk confirmed the Board being politically diverse. Under article 3, titled membership, all Board Members agreed to remove the last sentence. In addition, add the following after the first sentence, "Members of the board of Ethics shall be city residents." This will clarify the first sentence.

Board Member Currans, asked if anyone else approves the Bylaws other than the members of the Board of Ethics. Mr. Hellenga stated that that Council has the right to review the Bylaws and send them back to for edits, but they don't have to approve them.

Board member Landstrom asked Mr. Hellenga, regarding article 2, if one or three members can be considered independent. Both Mr. Hellenga and Board Member Berry clarified that the Board cannot be all republicans, democrats, or independent. Board Member Landstrom raised questions about diversity on the Ethics Board and how important it is. All other members chimed in this discussion. Board Member Currans asked Mr. Hellenga if there was already a statement stating if any of the appointments are to consider geographic, color, ethnicity, gender, party and etc. Mr. Hellenga stated that diversity is a goal among council, and doesn't think it hurts to add the goal of diversity in the Bylaws for the Board of Ethics.

The Board can recommend a member for termination due to unexcused absences in a calendar year or ethics violation. The board will allow 2 excused absences. Upon the third absence, membership will be under review by the board.

The board agreed to approve the Bylaws. Mr. Hellenga will check for typos before next meeting.

The meeting recessed at 9:05 p.m. and was reconvened at 9:07 p.m.

- g)** Discussion of potential ordinance amendments

Member Berry moved, seconded by Member Geiringer to table discussion of potential ordinance amendments.

On a voice vote, the motion carried.

- h)** Review Human Relations Commission resolution regarding Ypsilanti's oath of office.

Board member Berry suggested that the board discuss Ms. Fellow's suggestion at the next meeting.

- i)** Schedule future special meetings

VI PUBLIC COMMENT (3 MINUTES)

VII ADJOURNMENT

The meeting was adjourned at 9:20 p.m.