

MACOMB TOWNSHIP ETHICS BOARD
Minutes – March 25, 2021
Held Virtually by Zoom
5:30 PM

PRESENT: Tom Champion, Chairman, in Macomb Township, Macomb County, MI
Tony DeVillano, Co-Chair, in Macomb Township, Macomb County, MI
Ron Papa, Secretary, in Macomb Township, Macomb County, MI

ALSO PRESENT: Beth Wheeler, Asst. Township Liaison, in Macomb Township, MI

1. CALL TO ORDER

The meeting was called to order by Chairman Champion at 5:30 pm.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

The roll was called by Secretary Papa. All members were in attendance.

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES: 2-25-2021 and 3-11-2021

Motion by Papa, Seconded by DeVillano.

Roll Call:

Ayes: DeVillano, Papa, Champion

Motion Carried.

6. NEW BUSINESS

Section 2-148 Violation, enforcement and advisory opinions

A.

a1. DeVillano commented that everything looked very straightforward and that the Ethics Board is here to interpret not to take action. He suggested the following change: The Board of Trustees shall appoint a board of ethics, consisting of three members, as an independent and impartial advisory body for the purpose of interpreting this article and as otherwise defined herein ("board of ethics"). All members agreed.

a2. All agreed no changes on terms of office.

a3. Chairman Champion suggested we add the word independent so we are not picking people by political values. He stated we may need more than just the word qualified Papa agreed it needs to be impartial and we need to be careful with the

wording. He also reminded the board we need to be aspirational and the board should be impartial in their behavior and ability to exhibit impartiality. He said as a member of the Ethics Board we should strive to demonstrate impartiality from political motivation.

3a. All agreed no changes to members serving without compensation and not otherwise being a public official or employee.

3b. Papa questioned the meaning of this statement. He said it was very similar to #2. After brief discussion all agreed to state the roles of each individual: Chairman, Vice-Chairman and Secretary.

3c. Chairman Champion stated that Ethics Board should be non-political. The Board of Trustees is political. Ethics Board should set procedures and remove potential problem for the Board of Trustees. He suggested to change the word "trustees" to "ethics" and all agreed.

3d. All agreed no changes to members being an appointee.

B. All agreed there is a conflict in the last sentence. Change Board of Trustees to Board of Ethics. All agreed to the change.

C. Chairman Champion suggested we use a penalty system. If the complaint is severe we hand it over to the Board of Trustees. If the complaint is minor the Ethics Board will handle. Need to determine the severity of the punishment. Papa emphasized the punishment would be determined by the Board of Trustees. He also stated he would be in favor of penalties, but would like to learn more about the penalty system. DeVillano stated the board gets only recommendations from us. Chairman Champion explained the County uses a fine system. All severe complaints are handled by the board and the minor complaints are handled by the Ethics Board. The Ethics Board determines their punishment and fines them up to \$100. Chairman Champion stated he would like to delay action on this item until the next board meeting.

C 1&2 – Chairman Champion stated we are not an investigating body. We do not go out and create. Papa also said we may have an investigative role because we investigate allegations brought to us. DeVillano clarified that we wait until the issue is brought to us. All agreed no changes.

3. Chairman Champion clarified that an employee can ask for a closed meeting so the wording needs to be changed to reflect that option. All agreed.

4. All agreed no changes to issuing and publishing advisory opinions upon request from a public official, employee or the Macomb Township Board of Trustees relating to matters affecting ethical conduct of a public officer or employee.

DeVillano added the complainant cannot make false or anonymous accusations, the victim has the right to know who filed the complaint.

Section 2-149 Penalties

1. Chairman Champion stated the more severe complaints will be handled by the Board of Trustees and the minor complaints will be handled by the Ethics Board. Papa used an example that the Ethics Board is the Jury and the Board Members are actually acting as the Judge. Papa said our duty is to provide our findings and recommendations. Chairman Champion explained the distinction between complaints at the County with criminal and civil. Criminal goes to the Sheriff, severe goes to the Board of Trustees and minor goes to the Ethics Board for a slight fine. Papa stated if they just pay a fine it's a slap on the wrist. If they have to appear before the board, the community will find out about it and it will now be on their employee record. The Board asked Beth Wheeler to find out from Jeff Tabaka, HR Director if a valid complaint will go on an employee's permanent record, for how long and if it will ever come off. Wheeler will find out the answer.
2. Chairman Champion wants to add the word "unions" to the end of the sentence. All agreed on the change.
3. Chairman Champion stated imposing the discipline is a burden for the Board of Trustees. All agreed no changes.
4. DeVillano suggested the following change: A public official or employee who reports or is about to report a violation, without malice, false testimony, retaliatory intent, and/or punitive complaining, shall not be subject to the following sanctions because they reported or were about to report such violation. All agreed on the change.

Section 2-150

Chairman Champion started a discussion about the unions. It was agreed it would be a major change but would like to add wording to their contracts to include something about the Ethics Board. He mentioned in the State of Michigan handbook the unions are avoided. DeVillano emphasized we are not here to interpret. If an employee works out something with their union or Township we do not have a say. We cannot interfere with union processes. Papa agreed Collective Bargaining Agreement should attempt to include the Ethics Board. Chairman Champion stated it is a big issue that would have to be solved in steps. He suggested to table this issue until the next meeting and think about the correct wording.

DISCLOSURES

DeVillano stated the County provided the best and most simple example. Papa agreed but stated it did not include anything related to owning property in Macomb Township that is not your primary residence. DeVillano agreed and stated Clinton Township had that in their disclosure.

Papa and DeVillano questioned the definition of “immediate” family. Suggested we put immediate family as defined in ethics ordinance. Also suggested in the gifts section we do the same. Gifts as defined in the ethics ordinance. DeVillano stated we can add a “part” of the ordinance on the form if needed. DeVillano volunteered to type up the forms and send to Kowal and Wheeler.

Chairman Champion confirmed that all employees are included, even the grass cutters. Papa suggested that in the future we also include contractors, consultants and volunteers.

7. OLD BUSINESS

8. * PUBLIC COMMENTS

There were two attendees on zoom. Jim Gelios commented. He thanked the new Ethics Board for all their hard work. He mentioned it is sometimes difficult to hear the Zoom Meeting and that the minutes were not posted to the website. He also stated that if the Board of Ethics does not agree that the complaint is not real or valid it does not have to go the Board of Trustees.

Champion, Papa and DeVillano all thanked Jim Gelios for all his hard work as well. Chairman Champion asked Gelios if he would attend the next Ethics Board Meeting on April 8, 2021 as a guest speaker. Gelios accepted and said he would attend. Chairman Champion asked Wheeler to send Gelios an invite.

9. BOARD COMMENTS

Papa suggested a homework assignment asking everyone if anything is missing from the ordinance. Examples include training requirements for the Board and disclosure of private information. DeVillano suggested this type of recommendations be put in procedures, not in the ordinance. All agreed.

Chairman Champion asked if we could coordinate the Ethics Ordinance suggested changes with other ordinance changes that would be on agenda for the Board of Trustees. Wheeler will find out the answer and let the Ethics Board know.

Chairman Champion suggested items for the next agenda:

Penalties and fines

Unions

Disclosure draft

Procedures

Guest Speaker – Jim Gelios

DeVillano thanked Jim Gelios again for all his hard work.

The next Ethics Board Meeting will be April 8, 2021.

10. MACOMB TOWNSHIP LIAISON UPDATE

11. ADJOURNMENT

Chairman Champion called for a motion for adjournment.

Motion by DeVillano, seconded by Papa.

Motion carried unanimously.

The meeting adjourned at 6:52 pm.

Ron Papa, Secretary

Date