MINUTES OF THE
MACOMB COUNTY ETHICS BOARD

Tuesday, December 18, 2018

A meeting of the Macomb County Ethics Board was held Tuesday, December 18, 2018, at 8:30 a.m., in the Talmer Building 2nd Floor Conference Room, 120 North Main Street, Mount Clemens, Michigan.

CALL TO ORDER

Chair Amboyer called the meeting to order at 8:40 a.m.

ROLL CALL

The following Members were present:

Dr. Donald Amboyer, Dorie Vazquez-Nolan, Brian Gabriel, and Paddy Laske.

Valerie Schave, Macomb County Finance, prepared/reported the Minutes.

ADOPTION OF AGENDA

MOTION

Chair Amboyer requested to make one change to the preliminary agenda. He added "Term Expirations" under "Other Business".

A motion was made by Dorie Vazquez-Nolan, supported by Paddy Laske, to adopt the Agenda as revised. The Motion Carried.

APPROVE MEETING MINUTES OF OCTOBER 16, 2018

MOTION

A motion was made by Dorie Vazquez-Nolan, supported by Paddy Laske, to approve the minutes of October 16, 2018. The Motion Carried.

PUBLIC PARTICIPATION

None

CORRESPONDENCE

Chair Amboyer noted that the Board had received an email from Ms. Patti Dib in the Board of Commissioners (BOC) office requesting a meeting of the Ethics Board members with the BOC Chairman, Bob Smith today at 10:00 a.m. Chair Amboyer, Mr. Gabriel and Ms. Vazquez-Nolan will attend.

A complaint was received from a Mr. Joseph Elias and the information was returned to him. It did not pertain to the Ethics Ordinance.
Mr. Timothy Barkovic had submitted a complaint to the Ethics Board regarding the denial of his FOIA request regarding the bank accounts held by the Prosecutor's Office. The matter concerning the bank accounts was resolved this week by the County and the Prosecutor's Office. Since this was not specifically related to the Ethics Ordinance the complaint was dismissed.

Chair Amboyer reviewed the complaints received by the Board this year. There were four complaints with one that was amended by Mr. Frank Cusumano and those have all been resolved. There were zero advisory opinions and a total of 19 telephone inquiries regarding a variety of topics.

2017 ANNUAL REPORT PRESENTATION

Dorie Vazquez-Nolan provided an update on her presentation of the 2017 Annual Report to the Board of Commissioners. She advised that she summarized the report for them, gave a brief history of the Ethics Board's work and detailed the amount of time they have spent dealing with the new Ethics Ordinance.

Ms. Vazquez-Nolan also reviewed the feedback she received from several Commissioners during and after the meeting. She noted that there were also a couple of date errors that need to be corrected within the report itself and will provide that information to Chair Amboyer.

ETHICS ORDINANCE & RULES OF PROCEDURE REVIEW

Chair Amboyer discussed the possibility that there may be another version of the Ethics Ordinance proposed at the 10:00 a.m. meeting today. He examined where he believes the Board is currently in the revision process and reviewed the evolution of the Ordinance over the last few years. Mr. John Schapka of Corporation Counsel had proposed a draft and the Board had been working with him in conjunction on that version. Chair Amboyer had requested that Mr. Schapka be invited to attend the meeting today, but he does not know if he will be there.

Chair Amboyer reported that he has gone through the 2010 version of the Ordinance, the Charter document, the 2016 version of the Ordinance, meeting notes from 2017, correspondence with the County Executive’s Office and Board of Commissioner’s Office in preparation for the meeting this morning. The Board members discussed the concerns they had related to the prior and current version of the Ordinance. There are some additional definitions they felt could be added, some questions regarding applicability of the Ordinance to volunteers and they talked about confidentiality in relation to transparency. They also discussed investigations and who should be responsible and to what degree.

Chair Amboyer also expressed concern about some Court employees potentially not being bound by the Ethics Ordinance and possible “political grandstanding” involving elected officials. The Ordinance is also silent on the matter of retirees and former employees as well and that might be something that should be addressed in a future version. There is also no mention in the Ordinance of next steps when a fine that has been assessed by the Ethics Board remains unpaid. Another issue of concern is retaliation against the Board members and there were also questions about liability protection.

ETHICS ORDINANCE VIDEO

Chair Amboyer stated that this would be a video presentation available for new County employees to watch during orientation that describes what the Ethics Board does, but this requires further discussion.

INTERACTIVE ONLINE LEARNING

Chair Amboyer indicated that he had spoken with Mr. Andrew McKinnon, Director of Human Resources and Labor Relations and they agreed to hold off on any aspect of the online learning modules until the new Ordinance has been approved.
OTHER BUSINESS

a. Term Expirations

Dorie Vazquez-Nolan confirmed that her term expires February 1, 2019. She has already received the form to apply for re-appointment.

NEXT REGULARLY SCHEDULED MEETING: TUESDAY, JANUARY 15, 2019 - 8:30 A.M.

ADJOURNMENT

MOTION
A motion was made by Dorie Vazquez-Nolan, supported by Brian Gabriel to adjourn the meeting at 9:45 a.m. The Motion Carried.

Approved:

[Signatures]

Donald J. Amboyer, Ph.D., Chairperson
Brian Gabriel, Secretary