



ORDINANCE NO. 14-26

AN ORDINANCE OF THE CITY OF MUNCIE PROHIBITING DEPARTMENT HEADS FROM SERVING ON CERTAIN BOARDS AND COMMISSIONS; AND ESTABLISHING ETHICS AND CONFLICTS OF INTEREST STANDARDS

WHEREAS, Pursuant to Indiana Code 36-1-3 *et seq.*, municipalities possess broad Home Rule authority to regulate local governance structures, boards, commissions, and appointments; and

WHEREAS, the Common Council of the City of Muncie finds that maintaining independence between the executive administration and boards or commissions that exercise oversight, quasi-judicial, or advisory functions is necessary to avoid actual conflicts of interest, reduce the risk of undue influence, and prevent the appearance of impropriety; and

WHEREAS, the Common Council further finds that the simultaneous service of City department heads, who are subject to the direction and control of the executive branch, on such boards or commissions may compromise, or appear to compromise, the objectivity and independence of those bodies, thereby undermining public trust in municipal governance; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA, THAT:

Section 1. Eligibility.

- A. **Department Head** means any individual appointed by the Executive or other executive authority to serve as the head, director, superintendent, or chief administrative officer of a City department, division, or agency, whether full-time or part-time, and whether paid or unpaid.

- B. **Board or Commission** means any board, commission, committee, task force, council, authority, panel, or similar body that exercises advisory, regulatory, oversight, quasi-judicial, administrative, or policy-making functions on behalf of the City, regardless of the manner in which such body is created, established, or authorized, including without limitation bodies:
 - i. Created by ordinance or resolution of the Common Council.
 - ii. Established by executive or administrative action of the Mayor or other City official.
 - iii. Organized or mandated under Indiana statute or other state law.

- iv. Formed pursuant to interlocal agreement, intergovernmental cooperation agreement, joint powers agreement, or memorandum of understanding to which the City is a party.
- v. Appointed, designated, or recognized by the City to perform functions on behalf of or in the name of the City.
- vi. Delegated authority by the City to act in an advisory, regulatory, oversight, or administrative capacity.
- vii. Otherwise functioning on behalf of the City through any legal mechanism or authority.

C. **Covered Board or Commission** means any Board or Commission described in subsection (B) of this section.

Section 2. Applicability. This Ordinance applies to all Boards and/or Commissions as defined in Section 1 that:

- A. Exercise quasi-judicial authority, including but not limited to rendering decisions affecting rights, duties, obligations, or privileges of identified persons or entities in particular matters, including, by way of example and not limitation, decisions regarding permits, variances, licenses, land use approvals, code enforcement, and ethics or disciplinary actions;
- B. Exercise oversight or review authority over the performance, policies, or operations of any City department; or
- C. Provide formal recommendations to the Common Council or Executive on matters involving regulation(s), enforcement, licensing, land use, or the expenditure of public funds.

Section 3. Prohibition on Simultaneous Service.

- A. No Department Head shall be eligible to serve, whether by appointment, designation, nomination, ex officio capacity, or otherwise, as a member of any Covered Board or Commission.
- B. No Department Head shall accept appointment to, continue serving on, vote as a member of, participate as a member of, or otherwise exercise the authority of a member of any Covered Board or Commission.
- C. This Ordinance shall not prohibit a Department Head from appearing before, providing information to, submitting reports to, or otherwise communicating with a Board or Commission in the Department Head's official administrative capacity, provided that the Department Head

does not serve as a member of the Board or Commission and does not exercise voting, deliberative, or decision-making authority as a member of that body.

Section 4. Ex Officio and Statutory Service.

- A. To the extent any ordinance, resolution, policy, appointment practice, or local rule provides for a Department Head to serve on a Covered Board or Commission by virtue of the Department Head's office, position, or employment, such local provision is hereby superseded to the fullest extent permitted by law.
- B. Nothing in this Ordinance shall be construed to prohibit service that is expressly required by Indiana statute and that cannot lawfully be modified by local ordinance. However, where state law permits discretion in appointment, designation, or local implementation, the City shall exercise that discretion in a manner consistent with this Ordinance.
- C. If a Department Head's participation with a Board or Commission is required by law or necessary for administrative coordination, such participation shall be limited to staff support, technical assistance, reporting, or advisory participation only, unless voting membership or formal membership is expressly required by controlling law.

Section 5. Conflicts of Interest and Ethical Standards.

- A. All City officers, employees, appointees, and members of Boards and Commissions shall avoid actual conflicts of interest, potential conflicts of interest, and circumstances that reasonably create the appearance of impropriety in the performance of public duties.
- B. No Department Head shall use, or attempt to use, the authority of the Department Head's position to influence the independent deliberations, recommendations, decisions, or actions of any Covered Board or Commission, except through lawful public participation, official staff presentation, or administrative reporting authorized by law.
- C. No Department Head shall participate in any matter before a Board or Commission in a manner that creates a direct conflict between the Department Head's administrative responsibilities and the independent duties of the Board or Commission.
- D. Nothing in this Ordinance shall be construed to limit, replace, or supersede any requirement imposed by Indiana law concerning conflicts of interest, public purchasing, disclosure obligations, criminal conflict-

of-interest statutes, the Indiana Open Door Law, the Indiana Access to Public Records Act, or any other applicable state or federal law.

Section 6. Existing Appointments; Vacancies.

- A. Any Department Head serving on a Covered Board or Commission on the effective date of this Ordinance shall become ineligible to continue serving in that capacity.
- B. Within thirty (30) days after the effective date of this Ordinance, any Department Head serving on a Covered Board or Commission shall resign from such Board or Commission, or the appointing authority shall take appropriate action to remove or replace the Department Head from such position to the extent permitted by law.
- C. Upon the resignation, removal, or disqualification of a Department Head under this Ordinance, the position shall be deemed vacant and shall be filled in the same manner as other vacancies on that Board or Commission, unless a different procedure is required by controlling law.
- D. Any action taken by a Covered Board or Commission before the effective date of this Ordinance shall not be invalidated solely because a Department Head served on the Board or Commission at the time the action was taken.

Section 7. Enforcement.

- A. The Common Council, the City Clerk, the City Attorney, the appointing authority, or any other appropriate City official may review appointments to determine compliance with this Ordinance.
- B. If a Department Head is appointed to or continues to serve on a Covered Board or Commission in violation of this Ordinance, such appointment or continued service shall be voidable, and the Department Head shall be ineligible to vote, deliberate, or otherwise act as a member of the Covered Board or Commission.
- C. Any person found to be serving in violation of this Ordinance may be removed from the Covered Board or Commission by the appointing authority or by any other procedure authorized by law.

Section 8. Construction.

- A. This Ordinance shall be liberally construed to promote transparency, independence, ethical governance, and public confidence in City boards and commissions.
- B. This Ordinance shall not be construed to alter the powers, duties, jurisdiction, or legal authority of any Board or Commission except to the extent necessary to establish eligibility standards for service and to prevent conflicts of interest as set forth herein.
- C. This Ordinance shall not prohibit City employees who are not Department Heads from serving on Boards or Commissions unless otherwise prohibited by law, ordinance, employment policy, or applicable ethical standards.
- D. In the event of a conflict between this Ordinance and any prior ordinance, resolution, policy, appointment practice, or local rule, this Ordinance shall control to the fullest extent permitted by law.

Section 9. Effective Date. This Ordinance shall be in full force and effect upon passage by the Common Council and approval by the Mayor.

Passed by the Common Council of the City of Muncie, Indiana this _____ day of _____, 2026.

	Yeas	Nays	Abstained	Absent
Jeff Green	_____	_____	_____	_____
Nora Powell	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____
Sara Gullion	_____	_____	_____	_____
Jerry Dishman	_____	_____	_____	_____
Harold Mason Jr.	_____	_____	_____	_____
Dale Basham	_____	_____	_____	_____
Ro Selvey	_____	_____	_____	_____
William McIntosh Sr.	_____	_____	_____	_____

President Muncie Common Council

Presented by me to the Mayor for his approval, this _____ day of _____, 2026.

Belinda Munson, Muncie City Clerk

The above Ordinance is approved/vetoed by me this _____ day of _____, 2026.

Dan Ridenour, Mayor of the City of Muncie

ATTEST:

Belinda Munson, Muncie City Clerk of the Common Council

This Ordinance is proposed by Council Member Harold D. Munson Jr.

This Ordinance is approved in form by Legal Counsel 