

SHARED ETHICS ADVISORY COMMISSION

2012 ANNUAL REPORT

Report to the Communities of

**Crown Point, Dyer, East Chicago, Highland,
Munster, Schererville and Whiting**

SHARED ETHICS ADVISORY COMMISSION

2012 Annual Report

We are pleased to submit this annual report to our member communities pursuant to Article 6 (c) of the Interlocal Agreement that established the Shared Ethics Advisory Commission (Commission). The Commission's principal activities during the calendar year 2012 are summarized in the following paragraphs of this report.

Commission Structure and Organization

During 2012, the Commission continued its active programs of municipal employee training and community engagement, always with the goal of heightening awareness of ethical issues in local government. Important to achieving our mission is effective organization of our activities. The following paragraphs summarize 2012 efforts to enhance the Commission's structure and organization.

Additional Member Communities: We were pleased to welcome two new member communities -- Dyer and East Chicago. Both these communities have indicated their desire to be fully engaged and have already been active participants in our programs. With these two new communities, the Commission now has seven members, all of whom are listed on the cover sheet of this report.

New Commissioners: With the addition of Dyer and East Chicago, we gained two new Commissioners, Maxine Cole of East Chicago and Sandra Sidock of Dyer. Both are already contributing valuable insights. A third new Commissioner, Patricia Earnest, was appointed to fill the Crown Point vacancy. She too is a valued addition. Schererville's long time representative Tom Dykiel resigned in July because of his relocation to southern Indiana. He was a very active member of the Commission, and his counsel will be greatly missed. At year end, we had open seats for Highland and Schererville. Hopefully these vacancies will be filled soon. A complete list of Commission members as of December 31, 2012 can be found in Appendix I.

Code of Shared Ethics and Values: Our code, originally drafted at the Commission's beginning in 2005, is the starting point for our various training programs and has also been adopted by each of our member communities. After seven years, it was decided to review the Code and an ad hoc subcommittee of Commission President Bellamy, Vice President Rominger and Shared Ethics Officer Pellicciotti was appointed to conduct that review and recommend any changes that might be needed. The subcommittee engaged two local ethicists, one from Calumet College and the other from Purdue Calumet, to perform an initial review and then prepare a revised draft. The Committee then asked a third ethicist from Indiana University Northwest to study the suggested revisions. To obtain a practitioner perspective, we also asked a widely respected local municipal law attorney, David Hollenbeck, to review and comment on the revised draft. After all this input, the subcommittee, along with input from Commissioner Rittenmeyer, presented a final draft to the Commission which was approved at our regular meeting in October. Member

communities will be asked to approve the revised Code in 2013. A copy of the revised Code is attached as Appendix II.

Changes include a new preamble that expresses in a more focused manner the Commission's mission of training municipal employees. Throughout the revised code, wording has been tweaked to use words that are more in common usage. In some cases, the placement of various principles has been moved from one section to another. The Code remains an aspirational statement of ethical principles and has not been changed in any major substantive manner.

Website: Our website was launched in the Spring and member communities were encouraged to establish a link to our site. While much still needs to be done to make the site a useful resource, we are pleased to note that Commissioner Earnest has agreed to chair a subcommittee to upgrade the site. Ms. Earnest is a retired librarian and has relevant experience with website content. The fact that we had no difficulty obtaining the domain name we sought (www.sharedethics.com) may be an indication of the uniqueness of our multi-community approach to ethics training.

Branding: In July, the Commission decided that it would be beneficial to have a logo designed that would capture our mission in an easily identifiable manner. Several designs have been reviewed, but a final decision had not been made by year end. Once a satisfactory design is achieved, we will print stationary, update our existing pamphlet, purchase event signage and print and distribute workplace posters displaying our Code.

Commission Leadership: Calvin Bellamy and Anna Rominger were re-elected to serve as Commission President and Vice President. Joe Pellicciotti continues to serve as the Commission's Shared Ethics Officer. Mr. Pellicciotti and all Commissioners serve as unpaid volunteers.

Commission meetings: The Commission meets approximately every other month at the Munster Town Hall, generally at 8:30 a.m. In 2012, the Commission met on January 24th, March 12th, May 24th, July 24th, September 25th, October 23rd (special meeting) and December 7th. Ad hoc subcommittees met at numerous other times throughout the year.

2012 Training

Of course, training is the heart of the Commission's mission. We have developed four training courses of various lengths plus a twelve minute interactive video which we purchased and distributed to our member communities. We depend on each member community to identify a small number of their employees whom we prepare as ethics trainers. They then conduct training at least every other year among their co-workers. In addition, the Commission itself conducts or organizes certain training activities. In 2012, our direct training activities included the following:

Train the Trainers: On August 22nd, we hosted a half-day training session for our community-designated trainers. Because we had two new member communities and also because present

member communities had identified some new trainers, the Commission felt it was particularly important to host a train the trainer program. Experienced trainers were also invited to participate. Based on feedback from this session, we plan on scheduling one or two informal meetings in 2013 with all trainers to give them an opportunity to discuss training issues and to bond with each other.

Board and Commission Training: On October 29th, the Commission hosted 282 individuals from member communities for instruction and table discussion on ethical issues facing Board and Commission members. This program was facilitated by David Limardi of the International City/County Management Association. As a previous city manager, he had many firsthand experiences to relate. People from different communities were seated together and given a case study to discuss. We felt mixing communities was the best way to obtain a variety of perspectives. We are pleased to note that ten attorneys from the Municipal Law Section of the Lake County Bar Association volunteered their time as advisors to the table discussions. Also Leadership Northwest Indiana supplied volunteers at each table to report to the entire assembly what their table decided about the case study assigned to them. Participant feedback was very favorable and we plan to host a similar session in 2013.

Employee Survey. In the last quarter of 2012, we asked each member community to distribute a twelve-question ethics survey to all their employees. This survey had several purposes: (1) raise awareness of the Commission and ethical issues among rank and file employees in our member communities, (2) seek employee views on the broad subject of municipal ethics in their community, (3) learn what employees consider to be the most pressing ethics issues they face in their workplace, and (4) determine whether our training is effective by comparing differences in answers from those who have been trained and those who had not received our training.

A total of 1276 surveys were distributed to the fulltime employees of member communities. We were pleased by the high rate of response – 565 returned or 44 percent. Retired Indiana University Professor Richard Hug was retained to analyze the responses, and his report is expected in the first quarter of 2013. Each member community will receive a report on the overall results as well as data on their own employees' responses.

This is the second time we have conducted an employee ethics survey. The first time was in 2009, and we will be examining what differences there might be in the results between the two surveys.

Law Enforcement Project. At the Commission's December meeting, Commissioner Rittenmeyer presented a broad and very preliminary idea for an area-wide ethics training program for all law enforcement personnel. Since such a program would include many non-member communities, several issues, including funding, need to be worked out. The Commission thought the idea was worth further examination, and Dr. Rittenmeyer will report back when further details and partners are identified.

New Community Recruitment

Yearlong efforts were made to increase the number of member communities. As noted above, we can celebrate the addition of Dyer and East Chicago. But we are also disappointed that others have not yet addressed the matter or have decided against joining.

Cedar Lake, Merrillville, Portage and the Lake County Solid Waste Management District have all decided against joining, at least for the present. Lake County enacted the Interlocal Agreement but failed to pass the Code of Shared Ethics and Values or take action on any of the other membership requirements.

Discussions have been held with the following entities that have not yet responded to our invitation: Hammond, Hobart, Gary, East Chicago Schools, Lake Station, and St. John. At year end, one Lowell council member expressed interest, and we will pursue that lead.

Various reasons have been cited for not joining:

- Lake County expressed concern that our Code would impose unintended legal rights that could be the basis of law suits against the county. We see our Code as aspirational with no legal force. To date, no one has attempted to use the Code as a legal weapon in any of our member communities. The County's concern was one of the reasons we thoroughly reviewed the Code. With the 2012 revisions that emphasize the Commission's role as limited to training, we think the likelihood of using the Code as an enforcement tool, already remote, is extremely unlikely.
- Probably the most frequently stated reason for not joining is that membership is too expensive in these tight fiscal times. Actually, our enrollment and annual fees are very reasonable. Enrollment fees range from \$5,000, payable over two years for communities with more than 150 employees, down to just a few hundred dollars for smaller communities. Annual fees are even less, ranging from \$1,500 to \$125.
- Another reason is variously expressed as "we are already ethical," everyone already knows right from wrong," "joining is like bragging about how good we are." Perhaps the most colorful expression of this point of view was made by the Merrillville Clerk-Treasurer following a presentation on joining the Commission, when he stated Merrillville "...is as ethical as you're going to get." It is difficult to know what to say in response to these types of comments except to point out that ethical decision-making is a learned skill and ethical training is like any other training. The trainee can take or leave it, but at least, he or she cannot say, "no one ever told me."
- Still others have said, "this is not the right time." This reason may mean that the community is working through some gray area at the moment, and they do not want to draw any more attention to that matter. In these cases, our intention is to

keep asking until we receive a final response.

- One issue that has not been raised in our presence, but may be an unspoken concern, relates to the time commitment. In joining the Commission a community commits to giving two or three employees enough release time to be trained by the Commission as ethics trainers. In addition, the community is indicating its willingness to devote whatever time is required to provide ethics training to every one of its fulltime employees. Because this is the heart of what the Commission is trying to achieve, President Bellamy himself always initiates discussion of the time commitment by noting that this is time well spent as a quality of life issue.

The Commission has developed a multipage presentation package to explain to town councils and mayors what the Commission does and what is expected of member communities. We are always willing to appear at any meeting to explain the Commission's story to interested communities, and we plan to be vigorous in the pursuit of new members in 2013.

Community Outreach

The Commission's premier annual event is the *Ethics in Government Breakfast*, usually in each March but in 2012 held on April 5th. This well attended event features a key note speaker (in 2012 U.S. District Court Judge Joseph Van Bokkelen) and a panel discussion (in 2012 Gary Mayor Freeman-Wilson, Whiting Mayor Stahura and Munster Council President Nellans, moderated by Commissioner Rittenmeyer). A large cross section of public officials, business and community leaders, and individual citizens attended. Our goal for this event is to give a brief overview of the Commission's work and for the balance of the program to discuss ethics in government from different perspectives. Close to 300 people were in attendance and media coverage was comprehensive.

Aside from this signature event, many other outreach activities occurred (in addition to visits to Mayors and Town Council meetings) including:

Editorial Boards. Commission President Bellamy and Shared Ethics Officer Pellicciotti reviewed the Commission's work and plans with the editorial board of each local newspaper and thanked them for their continuing support. The TIMES was visited on August 16 and the Post-Tribune on August 20.

Rotary Presentations. Programs explaining the work of the Commission and urging attendees to promote community membership included Merrillville Rotary (7-11), Schererville Rotary (8-26) and Hammond Rotary (9-18).

NIRPC/Forum: On April 19, President Bellamy and Shared Ethics Officer Pellicciotti were invited to present the Commission's story to the multi-county Northwestern Indiana Regional Planning Commission. It was at the urging of NIRPC's director that Commission membership eligibility was expanded to communities in Porter and LaPorte County as well as Lake County.

Though Valparaiso and Portage have been approached, all current members are Lake County communities, but we still look forward to the day when communities in other counties decide to join. The next day President Bellamy made a similar presentation to the Board of Directors of the Northwest Indiana Forum, the multi-county business leadership organization.

Lake County Bar Association. On September 9, Commission President Bellamy attended a meeting of the Bar Association’s Municipal Law Section with two purposes in mind: (1) recruit volunteers to assist at the Board and Commission training (10 eventually volunteered) and (2) acquaint these attorneys with the Commission’s mission with the hope that they would encourage their municipal clients to join.

League of Women Voters. Several meetings have occurred with League representatives and Commission President Bellamy or Commissioner Rittenmeyer or both. We believe the League would be a natural partner for us, and we have proposed a joint committee to explore specific opportunities. At year-end, we are waiting for the League to name its team.

Press Coverage

The work of the Commission has received widespread coverage. Thanks are owed to the local media for their strong support of our efforts to promote ethical decision making. 2012 Media coverage included:

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| January 12, 2012 | TIMES guest editorial by Larry Tumbleson, a member of Valparaiso Ethics Commission, titled “Top 10 list for ensuring ethics in government.” Joining the Commission was listed as number 6. |
| January 19, 2012 | TIMES editorial, titled, “Lake officials join ethics movement.” Note: While the Interlocal Agreement was approved, the county balked at approving the Code of Shared Ethics and Values. Consequently, the process did not move forward. |
| January 19, 2012 | Post Tribune news story, titled “New Commissioners’ assistant sent home,” reporting on the Commissioners’ vote to join the Commission. |
| January 30, 2012 | TIMES editorial, titled “Ethics wagon picking up speed.” |
| February 5, 2012 | TIMES news story, titled “Trained on a NEW ERA,” concerning ethics training for County employees. |
| February 19, 2012 | TIMES news story, “Dyer latest municipality to join Ethics Commission.” |
| February 19, 2012 | TIMES news story reporting on the Town of Dyer’s decision to join the Commission. |

February 24, 2012 TIMES news story, titled “Freeman-Wilson sees challenges, progress,” noting desire to join Commission.

February 28, 2012 Lakeshore Public Radio interview on Commission’s work.

February 28, 2012 TIMES editorial entitled “Benchmarks for true progress in Gary,” mentioning the Commission.

March 13, 2012 TIMES editorial, entitled “Indictment promotes ethics in government,” urging membership in the Commission.

April 5, 2012 TIMES news story titled “Mayor pushes for East Chicago to join Shared Ethics Commission.”

April 5, 2012 Post Tribune news story, titled “East Chicago mayor wants to join Ethics Commission.”

April 5, 2012 Lakeshore Public TV report on the work of the Commission.

April 6, 2012 Post Tribune news story, titled “Judge: Keep shining light on corruption,” report on the Commission’s Ethics in Government breakfast.”

April 6, 2012 TIMES news story, title “Officials: NWI ethics movement taking hold,” also a report on the Ethics breakfast.

April 10, 2012 TIMES editorial, titled “Ethics movement worth joining.”

April 19, 2012 TIMES news story, titled “Merrillville contemplates joining ethics group.”

August 23, 2012 TIMES captioned picture, titled “What’s the ethical response,” reporting on the train the trainer program hosted by the Commission.

August, 2012 Society of Innovators’ own newsletter, announcing the Commission’s induction into the Society of Innovators.

August 26, 2012 TIMES news story, titled “Society honors top innovation for August,” acknowledging the Commission’s induction to the Society of Innovators of Northwest Indiana.

August 28, 2012 TIMES editorial, titled “Philpot provides incentive for ethics training.”

September 6, 2012 Lake County Bar Association flyer announcing Commission presentation to the Association’s Municipal Law Section.

September 12, 2012 Post-Tribune news story, titled “Dyer cop may vote on pension benefit.” Commission President quoted in article.

- September 15, 2012 TIMES news story, titled “Conflict of interest is suggested with Cinko.” Commission President quoted in article.
- September 20, 2012 TIMES editorial, titled “Dyer situation shows need for new law,” citing Dyer’s recent membership in the Commission.
- September 23, 2012 TIMES guest editorial by Calumet College President Dan Lowry, titled “Indicators point way for improved quality of life,” referencing the Commission’s work.
- October 5, 2012 TIMES editorial, titled “ Shore up public’s trust in local government,” urging communities to join the Commission.
- October 9, 2012 One Region, Quality of Life Indicators report, referencing the Commission’s work in the report’s Government Section.
- October 30, 2012 Post Tribune news story, titled “Ethical dilemmas examined,” reporting on Commission’s Board and Commission training.
- October 30, 2012 TIMES news story, titled “Public officials attend ethics training.”
- December 16, 2012 Post Tribune news article, titled “Ethics complaint against Portage mayor dropped;” article cites our Code of Shared Ethics and values.

Looking Forward

For 2013, the Commission will be focusing on the following goals to advance ethics in local government.

- Repeat and Expand Annual Ethics in Local Government Breakfast
- Analyze and Report on Employee Ethics Survey conducted in 2012.
- Continue and Expand Training
 - Complete employee training in new member communities
 - Host additional in-depth training for department heads
 - Host one or two coaching sessions for existing trainers
 - Consider training directed to elected officials
- Increase Member Communities to 10 (from current 7)

- Enhance Marketing and Branding Efforts
 - Design logo
 - Print Stationery
 - Acquire permanent signage (e.g., pull up banner, employee posters)
 - Continue to seek out opportunities to make presentations to civic and community organizations
 - Increase dialog with local media
- Upgrade and keep current our web site

Conclusion

The Commission invites input and comments on this report and our role. Comments from member communities and the general public are always welcome, as are suggestions about what additional activities we might offer or in which we might participate, consistent with our limited mandate of presenting ethics training to municipal employees. As a reminder, the Commission has no adjudicatory authority. This responsibility remains with each member community.

Dated this 24th day of January, 2013

SHARED ETHICS ADVISORY COMMISSION



By _____
Calvin Bellamy
Commission President



Joseph Pellicciotti
Shared Ethics Officer

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Appendix I

Shared Ethics Advisory Commission as of January, 2013

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Appendix II

Code of Shared Ethics and Values of the Member Communities of the Shared Ethics Advisory Commission

Preamble

For government to operate with transparency and accountability it is essential that public officials and employees conduct themselves in ways that uphold the public trust. The Shared Code of Ethics and Values provides guidance and support to public servants for the promotion and maintenance of the highest standards of personal and professional conduct. Because we wish to ensure the public confidence in the integrity of our government entities, it is proposed that all elected and appointed officials, employees, volunteers and others who participate in government shall personally commit to being trained on the values and standards put forth in this document.

Public Service Values

Honesty/Integrity

- To exercise the moral courage to hold myself and others accountable for our actions.
- To work within the law and in a way that will bear close public scrutiny.
- To exhibit trustworthiness.
- To employ decision making that promotes the public's best interests.
- To avoid impropriety and refrain from misusing an official position to secure unwarranted privileges or advantages for myself or others.
- To make no private promises of any kind that may unduly influence my public duties.
- To refrain from engaging in business that would be directly or indirectly inconsistent with the conscientious performance of public duties.
- To accept the responsibility to expose corrupt and/or unethical behavior.
- To protect the public trust by exercising honesty and ensuring transparency.

Respect/Civility

- To treat every person with dignity and respect.
- To accomplish the goals and responsibilities of my individual position while respecting my role as a member of a team and the community at large.
- To act in a professional, responsive and courteous manner.
- To reach decisions only after considering various points of view.
- To work with others in a spirit of tolerance and understanding.
- To work to build consensus and accommodate diverse opinions.
- To utilize effective communication by listening, asking questions and responding in a way that adds value to the conversation.

- To support the public's right to know the truth and encourage diverse and civil public debate in the decision-making process.

Accountability/Responsibility

- To refrain from using official positions to secure unwarranted privileges or advantages for myself or others.
- To remove myself from every decision-making process in which I, my business, my associates or my family may benefit and upon removing myself from decisions, I will show self-restraint and not voice my opinion on the question.
- To conduct my private affairs in a manner that minimizes the risk of real, potential or perceived conflicts of interest.
- To make full public disclosure of the nature of any conflict of interest prior to any considered action.
- To respect the privacy of others by keeping confidential information that I acquire in the course of my professional duties protected unless a legitimate reason to disclose exists.
- To refrain from taking advantage of information received in the course of my professional duties that is not available to the public.
- To refrain from directly or indirectly using or allowing the use of government property for anything other than official activities.
- To refrain from soliciting or accepting gifts or gratuities that may have a real or perceived influence on my objectivity in carrying out official responsibilities or placing me under obligation to the donor.
- To refrain from competing with the community where I am employed or serve as an appointed or elected official.

Fairness/Justice

- To advocate and promote the most efficient, effective, and equitable way to deliver public services without prejudice or discrimination.
- To publicly acknowledge that the function of government is to serve the best interests of all citizens.
- To refrain from granting preferential treatment to family and friends when making staffing decisions or awarding contracts.
- To refrain from retaliation or condoning retaliation against those who have exposed corrupt or unethical behaviors.
- To assess the effects of inadequate resources on diverse groups within the service population and develop plans to remedy and implement such plans.
- To behave consistently and with respect toward all citizens.