

CITY OF EAST CHICAGO
ECONOMIC BUSINESS DEVELOPMENT COMMISSION

Thursday, October 22, 2020

BOARD MEMBERS:

Jesse Avitia
Leon Valdez
Ezell Foster

STAFF:

Courtnee Dinkins
Richard Morrisroe
Esperanza Ceja-Ramirez

Reported by: Peggy S. LaLonde, CSR, RPR
Fissinger & Associates

Call to Order: 4:30 p.m.

Pledge of Allegiance

Roll Call: Present: Jesse Avitia
Leon Valdez

Staff Present: Richard Morrisroe, Legal Counsel
Courtnee Dinkins, Recording Secretary
Esperanza Ceja-Ramirez

MR. AVITIA: Can I have a motion to
approve the minutes of Thursday, September 24, 2020?

MR. VALDEZ: So moved.

MR. AVITIA: Second. Roll Call.

Roll Call: "All in Favor": Leon Valdez Abstain:
Jesse Avitia Opposed: None

MR. AVITIA: And since we do not have any
old business, Mr. Morrisroe, I would like to move to new
business.

MR. MORRISROE: If we may, we are looking
at the Indiana Citizen Planner, and we are looking at
Chapter 6, at the beginning, on Ethics. We are going to
do the first 3 or 4 pages. I mentioned some of it. For
instance, that first page, page 88, is just background
and talks about ethics and regular thought and
discussion on planning influencing our daily behavior.

But then it goes on the next page,
page 89, looks to the first of two ethical issues that
concern the Economic Development Commission, Plan
Commission, and BZA. The first of these is ex-parti

1 contact. Are you familiar with this term or may I go
2 through it with you?

3 MR. AVITIA: Why don't you go through it?

4 MR. MORRISROE: It has to do with -- it
5 has -- notice those weird contact lenses running into
6 your X, but what it really is this, at a meeting, our
7 talking to someone outside of an official public meeting
8 setting. Now it makes an interesting distinction
9 between staff and commissioners. The commissioners are
10 kind of administrative law judges in a way, even though
11 you are not sworn in as judges. But you are like a
12 judge and judges are not really to be dealing with
13 either party. They are not to be sort of giving a deal
14 to someone, if I can put it that way.

15 Here, if we can go through it, this
16 will help. Again, where it says, where this is actually
17 governed by state law. This IC-36, has to do with
18 persons not communicating with any member of the BZA.
19 Now the BZA, the prohibition of ex-parte contact is
20 written into their law. It is not written into the Plan
21 Commission or to the Economic Development Commission,
22 but it is still there. Where it says, persons may not
23 communicate with any member of the BZA before the
24 hearing, with intent to influence the members action.

25 Years ago I had a young man come up
to me and tell me that his dad was very surprised that I
was the one person to return an envelope before a Plan
Commission hearing. And this was the farthest thing
from my mind, that there would be such -- you know --
where someone would feel that going before the Plan
Commission or Board of Zoning Appeals, they would have
to provide some consideration for the members. I don't
think that's the situation now. I have no indication
that it is, but not only that, but in terms of trying to
influence people in various ways.

This mainly has to do with where you
don't in effect talk to someone a lot about a project,
to the point where you become an advocate for the
project. Because if you are like in favor and working
towards the project developing, it becomes harder then
to be in a position to, if there are reasons on the
other side, to perhaps not approve something. So this
is a quasi judicial body as far as what I was meaning,
as far as being judges. Plan Commission members need to
discuss the issue as a group.

Down towards the end of that
paragraph, it has local elected officials my feel their

1 constituents have the right to contact them and talk
2 about their concerns. Yet one option for addressing
3 this concern may be to exempt certain members of Plan
4 Commission from ex-parte contact due to elected or
5 appointed position. And the Plan Commission, that might
6 be the city controller or the city engineer, they are on
7 the Plan Commission, and it would be better to exempt
8 them up front than to have them clearly dealing with
9 people that want to deal with land and with
10 transportation and with access to industrial land or
11 even residential land. They would want to talk to the
12 city engineer and/or his staff because you often go to
13 the engineer to find out what the regulations are and
14 how to get various permits. If it's adjoining any state
15 property or state highway, you would contact someone at
16 the state. It might be something that goes down state.
17 Might be something that goes to the LaPorte district
18 office for this area.

19 MR. AVITIA: Mr. Morrisroe, it says here,
20 city engineer. City engineer, is he considered exempt
21 even though he's a member of some of the commissions?
22

23 MR. MORRISROE: What they are saying is
24 the Plan Commission may want to exempt them simply
25 because of their job. The person who is looking for
26 approval may want to know what the requirement is, and
27 the engineer is presumed to have special knowledge of
28 both of what is required by the city ordinances and the
29 state statutes, such as they govern Indianapolis
30 Boulevard, Columbus Drive, Chicago Avenue.

31 For example, the new bus garage for
32 the School City, does not have a light because the State
33 did not think that it was called for, that it was --
34 that it could wait. At least to-date it does not have a
35 light for the buses to go in and out of there because
36 Columbus Drive was looked at and they didn't want to add
37 more lights to Columbus Drive. And when we get to the
38 Harbor, Columbus Drive has lights every two blocks. My
39 hunch is, if Columbus Drive had the kind of traffic that
40 it's had more recently, in the absence of the Cline
41 Avenue bridge, probably we wouldn't have had as many
42 lights in the Harbor, even though the City would want
43 them since it's a state highway. They want to move
44 traffic as much as they could.

45 MR. AVITIA: So the staff member that has
46 to deal with the public, it can be made exempt by the
47 Planning Commission.

1 MR. MORRISROE: That's what it seems to
2 be saying.

3 MR. AVITIA: Okay.

4 MR. MORRISROE: Now, it goes on, then it
5 mentions Columbus, Indiana is a very, very -- either of
6 you had a chance to visit Columbus, Indiana?

7 MR. VALDEZ: I have.

8 MR. MORRISROE: It's a beautiful city.
9 It has a strong history of architecture. Some of the
10 banks in the community have invested for many years in
11 putting exceptional -- inviting exceptional nationally
12 known architects to help design some of the buildings
13 that are built in Columbus. So their procedures are
14 pretty advanced, and so it mentions them here.

15 Now, if we go to the next page,
16 page 90, it mentions, if you do have contact outside of
17 the meeting, sometimes it's unavoidable in small Indiana
18 communities. It's just best policy to disclose that
19 contact with the rest of your group at the public
20 meeting.

21 So, for instance, if somebody comes
22 up and talks to you; it's not like you have initiated
23 the ex parti contact, but the best practice seems to be
24 just to mention that at the beginning of the meeting
25 rather than to have someone later say, well, I saw Jesse
visiting with such and such a developer, and I don't
think they should have been doing that. It's better
that Jesse or Leon disclose that at the beginning of the
meeting rather than have somebody trying say something.
It may have been a very harmless contact.

Now, how do you know that? This is
under the picture where it says, how do you know if the
person contacting you was trying to influence a
decision? What if they just want information. And then
it says, the best policy in that situation is to refer
them to the Planning staff for information. And as I
said, also might be the engineer in some of these
situations.

The end of that paragraph, the
safest course of action for a citizen planner or
Economic Development member, is to politely tell the
questioner that your policy is not to discuss cases
outside of the public hearing. That he or she should
contact appropriate staff for more information. They
mention how some jurisdictions file with the BZA a

1 written statement some five days before. That has not
2 been our practice. But it is something we should and
will consider.

3 Now the second point of Indiana law
4 and ethics is Conflict of Interest. Now what I'd like
5 to ask you is whether you would like to do this this
6 afternoon or whether you would like to retain this for
7 our next meeting. It has about three pages and then
8 followed by a Code of Ethics.

9 MR. VALDEZ: The only reason I hesitate
10 to continue is because our other member wasn't here. If
11 he was here, I would say go on with it. I think he's
12 going to be missing out on this.

13 MR. MORRISROE: Let's then move to
14 adjourn the meeting and to continue with this at our
15 next time.

16 MR. AVITIA: Another thing about this
17 Conflict of Interest in this part of the manual, is that
18 it does not deal with the BZA, which is not as
19 restrictive as what this one is. So this continues to
20 the next meeting.

21 MR. MORRISROE: I should mention to you
22 Courtnee Dinkins is going to be leaving us. Today is
23 her last day. She has a substantially better job, which
24 interestingly is in the area of economic development,
25 and I think we'll still be seeing her. She is going to
be working here in the community, along with Milton Reed
and the Urban Enterprise Group, which is one of the
economic development tools that is here in the city.

So she has been, not only for this
Board, but for all the Planning boards and for keeping
me sane and keeping various approvals together and
flowing as they should be, whether it be a large
business application or whether it be somebody needs to
be replaced. She's done a wonderful job. I'd like to,
for the record, thank her.

MS. DINKINS: Thank you.

MR. AVITIA: The Board wants to thank you
for being here. You were very efficient. We got all
the papers we needed and we got the proper call on time,
and I personally wish you luck on your next endeavor.

MS. DINKINS: Thank you.

1 MR. MORRISROE: I'd like to introduce, if
2 you don't know her, Esperanza Ceja-Ramirez. She's been
3 on the staff for a long time, but will be carrying the
4 actual load for the transition, and not only is Courtnee
5 leaving, but Belinda is leaving again. She had been
6 promised an opportunity with the Ameristar in personnel.
7 They kept her on hold for the last 3 or 4 months, but
8 finally they have followed through on what they promised
9 back actually in January or February. So we are a
10 talent pool. We develop pool and talent usually has
11 opportunity.

12 MR. AVITIA: That's the way it is.

13 MR. VALDEZ: With that, I expressed
14 myself to her before the meeting started, but I just
15 want to go on record also, that I bid you good luck on
16 the next chapter of your life and I ask that God be with
17 you, and thank you so much for your service.

18 MR. DINKINS: Thank you so much.

19 MR. AVITIA: On that vein, we welcome you
20 too. Glad to have you here.

21 MS. CEJA-RAMIREZ: Thank you.

22 MR. AVITIA: Since there is no public
23 comments, we go on to commissioner comments? Do you
24 have anything?

25 MR. VALDEZ: I have none.

MR. AVITIA: I have a question. The
project by the old housing development over here on East
Calumet, anything going on that, any updates on that?

MR. MORRISROE: I tried to find out some
updates because it was -- Milton said that they have
been working -- they have been working actively. They
are still, the developer is still anxious to buy it and
move forwards. They have been working both with EPA and
with HUD to kind of work out all the kinks of what it is
to move into the property and what safeguards do they
have to have since it still remains contaminated
property.

MR. AVITIA: As far as you know it's
still a viable concept?

1 MR. MORRISROE: Not only viable, but that
2 they are working, even though we don't see anything,
3 that they are working on it steadily. That's what I was
4 told.

5 MR. AVITIA: All right. No more
6 comments. Next meeting will be on Thursday,
7 November 18, 2020, at 4:30, at the same place.
8 Can I have a motion to adjourn?

9 MR. VALDEZ: So moved.

10 MR. AVITIA: Second. Roll call.

11 Roll Call: "All in Favor": All Abstain: None
12 Opposed: None

13 MR. AVITIA: Motion carries. Meeting
14 adjourned. Thank you very much.

15 * * * * Meeting adjourned at 4:45 p.m. * * * *

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Approval of the Meeting Minutes of Thursday
October 22, 2020

Approved and signed Wednesday, November 18, 2020

Jesse Avitia
Jesse Avitia, President

Leon Valdez
Leon Valdez, Vice-president

Ezell Foster
Ezell Foster, Member

Resigned
Courtnee Dinkins, Secretary

Esperanza Ceja-Ramirez
Esperanza Ceja-Ramirez
Recording Secretary

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C E R T I F I C A T E

I, Peggy S. LaLonde, a competent and duly qualified court reporter, do hereby certify that I did report in machine shorthand the foregoing proceedings and that my shorthand notes so taken at said time and place were thereafter reduced to typewriting under my personal direction.

I further certify that the foregoing typewritten transcript constitutes minutes of the said proceedings taken at said time and place, so ordered to be transcribed.

Dated at Munster, Indiana, this 27th day of October, 2020.

Peggy S. LaLonde



Peggy S. LaLonde, CSR, RPR

