

MEMORANDUM

To: Members, Hancock County Tourism Commission

From: Kevin Harvey

Date: February 12, 2018

Re: Suggested Changes to New Policy Manual from George Langston

Below are my responses to Mr. Langston's suggestions for changes to the Policy Manual recently adopted by the Commission. If the Commission should decide to make any changes to the Policy Manual, I would be happy to provide suggested language to make the necessary changes for review and adoption by the Commission.

Mr. Langston's suggestions are printed in **bold** below, with my responses following.

1. Section 4.6

Insert "Indiana" where the word "state" not-for-profit corporation. This should be written as it is in I.C. 6-9-18-6, subsection (6). We are Not allowed to reduce the scope of the statue, only the State Assembly has those powers.

Response: This would be an appropriate change.

2. Section 10.5, Subsection 10.5.1

Claim Forms; is a public document or financial record of the Tourism Commission and is subject to the APRA laws. All financial records are public. Confidentiality is only used to protect sensitive information such as Trade Secrets and Social Security numbers, etc.

Response: "Having access" to an original record is different than making a copy of it and providing the copy in response to public record request. Members of the public should not have direct access to financial records of a governing body.

3. Section 10.7, Subsection 10.7.3 Claims for Credit or Debit Card Use:

This requirement needs to be changed. Our Tourism Director has to have an immediate way of buying office supplies, minor office equipment, and basic advertising opportunities that cannot wait 30 days for a commission meeting. This commission has already established a line item for office supplies, office equipment and advertising. All the commission would have to do is restricting her debit card to no more than whatever amount the commission chooses for each line item. This procedure is done through many other county departments, I have seen this procedure granted by the Board of Commissioners and the County Council several times in the last 6 or 7 years.

If she runs out of any one of these three funds, all we have to do is go to the county council and ask them to transfer funds. She cannot cross spend from any of these line items, purchase must be separated so its funding source can easily be determined for the expenditure.

Response: This would be an appropriate change. If the Commission decides to make this change, I recommend that the Commission adopt a dollar cap to define purchases that are “minor”.

4. Section 13, Subsections: 13.3.1 and 13.4: Conflicts of Interest

Conflict of Interest Disclosures does not take away the commission member’s right to discuss the issue and in some case doesn’t take away his or her right to vote, see SBOA email reply to George Langston, dated January 4, 2018. “A conflict of interest would not prevent you from voting.”

Response: The provisions regarding conflicts of interest have been adopted with requirements that are more stringent than those that are required by law. The Commission is free to take greater caution with conflict of interest issues than is required by law, if it so chooses. However, this section could be amended by the Commission to allow for discussion – if the Commission desires to relax its conflict of interest requirements.

5. Disclosure:

As the Board of Commissioners direct representative to the Hancock County Exposition Complex Corporation (HCECC or Xplex) I have been elected Vice President of its Board of Directors. I may be required to vote on a motion to bring a grant request before our commission.

If any HCECC grant request comes before the Tourism Commission, I will disclose my involvement with my HCECC appointment and abstain from voting. I will not abstain from the discussion. I have checked with 3 attorneys, the county attorney, Mr. Harvey and my personal attorney. All have stated this is the proper procedure to follow.

Response: This would be the proper procedure to follow if the Commission decides to relax its prohibition against discussion. If the Commission decides to keep the Manual, as written, in its present form, then participation in discussion would be a violation of the Manual as written.

6. Last item:

Question; is advertising this using taxpayer funds a violation of law?

I was contacting organizations requesting calendar events for 2018 in preparing for our new website. I noticed this brochure included church services and vacation bible schools notifications. Now I am no believer in the Separation of Church and State, but The Supreme Court 1950’s opinion ruled there is such a thing.

Church events like Strawberry festivals, Carnivals, Suppers and Fish Fry’s I believe are Okay?

Response: I agree that festivals, carnivals, and other events that have the ability to promote tourism, etc., can be advertised. Tourism funds could not be used to promote a church's activities that are connected only to the church's mission and not related to an activity that has a separate tourism component.