ARTICLE VI. - ETHICS [5]

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Sec. 2-251. - Declaration of public policy.

It is hereby declared to be the official policy of the city that all public servants must avoid conflicts between their private interests and those of the general public they serve. To enhance the faith of the people in the integrity and impartiality of all public servants, it is necessary that adequate rules be provided for separating public servant roles from the roles of public servants as private citizens. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his or her government. Each public servant must help earn and honor that trust by his or her integrity and conduct in all official duties and actions.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-252. - Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business entity means a corporation, a partnership, sole proprietorship, joint venture, unincorporated association, trust or other business form.

Confidential information means information that has been obtained by a public servant in the course of acting as a public servant, that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being MCL 15.231 et seq., or pursuant to other law, regulation or procedure recognized by law, and that the public servant is unauthorized to disclose.

Interest means any right, title or share in something, either personal, financial, legal or equitable, which is owned, held or controlled, in whole or in part, directly or indirectly, by a public servant.

Public body means the city council and any board, authority, commission, committee, department, office or other agency of the city, and includes the city.

Public servant means the mayor, member of the city council, officer, full-time or part-time city employee and any person elected or appointed to any public body of the city.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-253. - Intent and purpose.

(a) It is the intent of this article that a public servant, regardless of whether or not specifically prohibited by this article, shall avoid any action, which might result in or create the appearance of:

(1) Using public office or employment for private gain.

(2) Giving improper preferential treatment to any person or organization.

(3) Impeding government efficiency or economy.

(4) A lack of independence or impartiality of action.

(5) Making a government decision outside of official channels.

(6) Affecting adversely the confidence of the public in the integrity of the city.

(b) It is not the intent of this article to in any way limit the right or ability of any public servant to exercise his or her discretion in making legitimate policy decisions which are within his or her discretion so long as such action does not provide a special benefit to that public servant, relieve the public servant of a particular duty, or treat that public servant differently than other similarly situated city residents.

(c) This article should not be construed to interfere with or abrogate in any way the provisions of federal or state statutes, the City Charter, or any rights or remedies guaranteed under a collective bargaining agreement. This policy is also not intended to apply to political campaign contributions, which are governed by state law.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-254. - Fair and equitable treatment.

No public servant shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All public servants shall treat all citizens of the city with courtesy, impartiality, fairness and equality under the law.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-255. - Matters requiring disclosure of actual or potential conflicts of interest.

The following disclosure requirements are established to avoid both actual and potential conflict between the private self-interest and the public interest of public servants:

(1) *Self interest.* No public servant, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the city, unless the public servant shall first make full public disclosure of the nature of such interest.

(2)

Disclosure and disqualification. Whenever the performance of official duties shall require a public servant to deliberate and vote on any matter involving his or her financial or personal interest, that public servant shall publicly disclose the nature and extent of such interest and is disqualified from participating in the deliberations and voting on the matter.

(3) *Dual employment.* No public servant shall engage in employment with, or render services for, any person or entity, which has business transactions with any public body of the city, without first making full public disclosure of the nature and extent of the employment or services.

(4) *Dual representation.* A public servant shall make full public disclosure of business involving the city when attempting to use his or her official position to secure special privileges or exemptions for self or others.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-256. - Prohibited conduct.

All public servants are prohibited from engaging in the following conduct:

(1) Divulging confidential information to any person not authorized to obtain such information in advance of the time prescribed for its authorized release to the public.

(2) Benefiting financially from confidential information.

(3) Representing his or her individual opinion as that of the city.

(4) Misusing city personnel resources, property, funds or assets for personal gain or benefit.

(5) Violation of City Charter or enacted ordinance.

(6) Soliciting or accepting a gift or loan of money, goods, services or other things of value which may tend to influence the manner in which the public servant or another public servant performs his or her official duties.

(7) Engaging in a business transaction other than with a public body, which may cause the public servant to derive a personal profit or gain directly or indirectly as a result of his or her official position.

(8) Engaging in or accepting employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment or action in the performance of official duties.

(9) Participating in the negotiation or execution of contracts, making of loans, granting of subsidies, rate-fixing or issuing permits or certificates, or other regulation or supervision involving a business entity in which he or she has a substantial interest; however this provision shall not apply to the negotiation or execution of a contract where:

a. The contract is awarded pursuant to sealed bids;

b. The public servant is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract; and

c. The city council, after reviewing the circumstances, determines the award of the contract would be in the best interest of the city.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-257. - Public disclosure, contents.

Whenever a public disclosure is required by this article, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the city clerk, in both of which cases it shall be made a part of the record of the public body meeting, and in either event shall include:

(1) The identity of all persons involved in the interest.

(2) The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with the provisions of this article must verify, in writing, under penalty of perjury, that the information in the statement is true and complete as far as he or she knows.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-258. - Duties of the city clerk.

The city clerk shall examine all disclosure statements filed pursuant to this article and report irregularities immediately to the person filing the statement, the city manager, and the city attorney. Acceptance of a statement by the city clerk shall not constitute approval of the statement. The city clerk shall maintain a current list of all disclosure statements required to be available for public disclosure. The city clerk shall preserve all disclosure statements for at least three years after the date on which they are filed. The city clerk shall make available to the public all statements that are required to be available for inspection during regular business hours.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-259. - Request for opinion from the city attorney.

Any public servant may request that the city attorney provide an advisory opinion interpreting the effect or application of this article generally, or on questions directly relating to the propriety of their conduct in a particular situation. All such requests shall be through the office of the city manager.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-260. - Delivery of copies of ethics code to public servants.

The city clerk shall deliver a copy of this article to each public servant as soon as practicable after the enactment of the ordinance from which this article derives, and to each new public servant at the time of employment or taking office. The city clerk shall also request that each such person sign and return an acknowledgement of receipt of a copy of this article, and such acknowledgement shall be placed on file in the office of the city clerk.

(Ord. No. 2008-02, 9-8-08)

Sec. 2-261. - Violation.

Any person found to have violated the provisions of this article shall be deemed guilty of misconduct and may be subject to termination of employment or removal from appointment to a public body. Every person convicted of a violation of this article by a court of competent jurisdiction shall be punished with a fine of not more than $500.00 or by a sentence of not more than 90 days in jail, or both at the discretion of the court. The penalty or penalties imposed are not exclusive

remedies under this article and any and all statutory and Charter penalties or forfeitures may also be enforced.

(Ord. No. 2008-02, 9-8-08)

FOOTNOTE(S):

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[5] ***Editor's note***— *Ord. No. 2008-02, adopted September 8, 2008, did not specify manner of inclusion; hence, inclusion as article VI, §§ 2-251—2-261 is at the discretion of the editor.* (Back)