

ORDINANCE NO. 113

ETHICS POLICY ORDINANCE

CITY OF DeWITT

CLINTON COUNTY, MICHIGAN

AN ORDINANCE TO ESTABLISH A CODE OF ETHICS FOR PUBLIC SERVANTS OF THE CITY OF DeWITT THAT IS APPLICABLE TO ALL PERSONS IN THE MUNICIPAL SERVICE, WHETHER COMPENSATED OR NOT. IT IS INTENDED TO ENCOURAGE SUCH PERSONS TO PLACE THE PUBLIC INTEREST ABOVE SELF-INTEREST. THE PROVISIONS OF THIS ORDINANCE ARE NOT INTENDED TO BE THE EXCLUSIVE STATEMENT OF GOVERNING LAW REGARDING ETHICS IN THE MUNICIPAL SERVICE. CERTAIN OTHER ETHICAL MATTERS MAY BE PREEMPTED BY STATUTE OR BY THE CHARTER OF THE CITY OF DeWITT. THIS ORDINANCE PROVIDES CERTAIN DEFINITIONS, CERTAIN PROHIBITED CONDUCT OF PUBLIC SERVANTS, CERTAIN DISCLOSURE AND RECORD REQUIREMENTS, AND PRESCRIBES PENALTIES FOR VIOLATIONS.

THE CITY OF DeWITT ORDAINS:

Section 1. Title.

This ordinance shall be known as the "Ethics Policy Ordinance" or the "Code of Ethics for Public Servants of the City of Dewitt" ("the Code").

Section 2. Definitions.

Whenever in this ordinance the following terms are used, they shall have the meanings described to them in this section:

"Business entity": A business entity includes a corporation, a partnership, sole proprietorship, joint venture, unincorporated association, trust, or other business form.

"City": The City of Dewitt, a Michigan municipal corporation.

"Interest": 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 Servant": The Mayor, Member of the City Council, Officer, full or part-time City employee and any person elected or appointed to any public body of the City.

"Public Body": The City Council, and any board, authority, commission, committee, department, office or other agency of the City, and includes the City.

### Section 3. Intent and Purpose.

It is the intent of this Code that a public servant, regardless of whether specifically prohibited by this Code, 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.

It is not the intent of this Code 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 their discretion so long as such action does not provide a special benefit to that person, relieve the public servant of a particular duty, or treat that person differently than other similarly situated City residents.

### Section 4. Fair and equal 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.

### Section 5. Use of public property.

No public servant shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, labor or service, or money, for the personal convenience or the private advantage of self or of any other person. This requirement shall not be deemed to prevent any public servant from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice, to the public at large, or which is provided, as a matter of public policy for the use of public servants in the conduct of official business, as approved consideration for their services to the City.

### Section 6. Matters Requiring Disclosure of Conflicts of Interest, Actual and Potential.

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 person 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 person 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.

#### Section 7. 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.
- (2) Benefitting 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.
- (5) Soliciting or accepting a gift or loan of money, goods, services or other things of value which tend to influence the manner in which the public servant performs his or her official duties.
- (6) Engaging in a business transaction 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.

(7) Engaging in 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 judgement.

(8) Participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity in which he or she has a substantial interest; however this provision shall not apply in the following circumstances:

(a) contracting with the City where

(1) the contract is awarded pursuant to sealed bids.

(2) the public servant is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract, and

(3) the City Council, after reviewing the circumstances, determines the award of the contract would be in the best interest of the City.

(b) Where the interest of the public servant in the business entity involves the holding of less than one percent of the securities in a publicly traded business or less than five percent of any privately or closely held business and where the public servant will not have any involvement in the transaction on behalf of the contracting business entity.

#### Section 8. Public disclosure, contents

Whenever a public disclosure is required by this ordinance, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the Clerk/Treasurer, in both of which cases it shall be made a part of the record of a regular City Council meeting, and in either event shall include:

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

(b) 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 ordinance must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.

#### Section 9. Duties of the Clerk-Treasurer

The Clerk-Treasurer shall examine all disclosure statements filed pursuant to this ordinance and report irregularities immediately to the person filing the statement, to the City

Administrator, and the City **Attorney**. Acceptance of a statement by the Clerk-Treasurer shall not constitute approval of the statement. The Clerk-Treasurer shall maintain a current list of all disclosure statements required to be available for public disclosure. The Clerk-Treasurer shall preserve all disclosure statements for at least three **(3)** years after the date on which they are filed. The Clerk-Treasurer shall make available to the public all statements that are required to be available for inspection during regular business hours.

Section IO. 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 ordinance generally, or **on** questions directly relating to the propriety of their conduct in a particular situation.

Section 11. Delivery of Copies of Ethics Code to Public Servants.

The Clerk-Treasurer shall deliver a copy of this ordinance to each public servant as soon as practicable after the enactment of this ordinance, and to each new public servant at the time of employment or taking office. The Clerk-Treasurer shall also request that each such person sign and return an acknowledgement of receipt of a copy of this ordinance.

Section 12. Violation of Ordinance.

Every person convicted of a violation of this ordinance shall be punished by a fine of not more than Five Hundred Dollars **(\$500.00)** or by a sentence of ninety (90) days in jail, or both, in the discretion of the Court. The penalty or penalties imposed are not exclusive remedies under this ordinance and any and all statutory and Charter penalties or forfeitures may also be enforced. Any person convicted under the provisions of this ordinance shall be deemed guilty of misconduct.

Section 13. Validity.

The invalidity of any section, sentence, clause or other part, or parts, of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 14. Effective Date

This ordinance was adopted by the DeWitt City Council at its regular meeting held November 18, 1996, and shall be effective December 1, **1996**, following publication in full.

IN WITNESS WHEREOF the undersigned Mayor and Clerk-Treasurer

of the City of DeWitt hereby authenticate this Ordinance No. 113 by  
their signatures

CITY OF DEWITT

SEAL OF THE  
CITY OF DEWITT

BY: /S/ MICHAEL J. TOWNS  
MICHAEL J. TOWNS  
Its Mayor

BY: /S/ Marsie N. Lotre  
Margie N. Lotre  
Its Clerk-Treasurer