

An Ethical Statement for the City of Saugatuck, Michigan

The welfare of a community depends not only upon the justice of its laws, but also upon the integrity and good will of its populace. Any statement setting forth communal ethical goals therefore should seek to incorporate not only the letter but also the spirit of those rules of conduct which lead to the greater welfare and to a sense of confident trust between government officials and employees and the citizens of the community. To assert that no one is above the law is also to affirm that no one, by virtue of office, prestige, or personal interest, either overtly or covertly, has the right to misuse the public trust. With the goal of making Saugatuck an ever more desirable and joyful place in which to live, we propose the following guidelines for our City, our elected officials, our appointed officers and our citizens.

Approved by Saugatuck City Council: September 13, 2004

Shaded text is from the City Charter

A.) ETHICAL STANDARDS OF CONDUCT POLICY

A POLICY ESTABLISHING A CODE OF ETHICAL STANDARDS OF CONDUCT FOR PUBLIC OFFICIALS AND EMPLOYEES OF THE CITY OF SAUGATUCK THAT IS APPLICABLE TO PERSONS IN MUNICIPAL SERVICE WHETHER COMPENSATED OR NOT AND WHETHER ELECTED, APPOINTED, OR HIRED AND TO PRESCRIBE A REVIEW PROCESS WHERE VIOLATION AND / OR UNCERTAINTY ARISES.

STANDARDS OF CONDUCT

The City's integrity rests solidly on the foundation of several general rules of ethical behavior. These rules form fundamental values to be understood and honored by all.

1. Integrity

The City of Saugatuck expects its officers, officials, and employees to act with integrity, and to deal with one another fairly and openly. They shall act to acknowledge and observe state and federal statutes pertaining to ethical conduct.

2. Honesty

The City expects its officers, officials and employees to refrain from: misrepresenting situations where fact or law is ascertainable, falsifying records, and misusing City property, equipment, supplies or assets for personal gain or benefit or for the unlawful gain or benefit of others.

3. Fairness

The City expects its officers, officials and employees to deal with each other with evenhandedness and impartiality.

4. Highest Standards

The City expects its officers, officials and employees to act in such a way as to exemplify the highest standards of conduct, thereby demonstrating that they, on behalf of the City are acting fairly, honestly, openly and evenhandedly. The City expects its officers, officials and employees to conduct themselves with propriety at all times.

5. Spirit of the Law

City officers, officials and employees are expected to honor the spirit of the law as well as its letter. Accordingly, it is important for all to understand the reasons for a law or regulation and to consider the totality of its impact on the community as well as the ways it affects personal behavior.

6. Direction and Suggestion

The City expects its officers, officials and employees to understand that no improper action is made proper because an employer or community official might have directed or suggested the action.

7. Gray Areas

There are times when City officers, officials and employees confront situations where the legal mandates are not clear. It is important to exercise thoughtful caution, to be aware

of the legislative rules, and to base decisions upon those rules, rather than upon emotion and personal inclination.

PROHIBITED ACTS

The following actions and omissions constitute violations of the ethical standards for City officials, officers, and employees as set forth in the Standards of Conduct for Public Officers and Employees Act, P.A. 196 of 1973, as amended, the Incompatible Public Offices Act, P.A. 566 of 1978, as amended, and the Contracts of Public Servants with Public Entities Act, P.A. 317 of 1968, as amended. These include, but are not necessarily limited to, these specific references, but rather are intended as examples only.

1. Gratuities

City officers, officials, and employees shall not solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, or hospitality, which is not a recognized part of their compensation, which is intended to influence the manner in which the City officer, official or employee performs his or her duties.

2. Preferential Treatment

City officers, officials, and employees shall not use or attempt to use their official position to secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment.

3. Use of Information

A) City officers, officials, and employees who acquire information in the pursuit of their official duties, which information by law is not available to the general public and/or is otherwise exempt from disclosure under the Michigan Freedom of Information Act, P.A. 442 of 1976, as amended, shall not use such information to further the private interests of themselves or anyone else.

B) City officers, officials, and employees shall not use their position to obtain information or records to further the private interests of themselves or anyone else which information or records would not otherwise be available to the general public pursuant to Michigan's Freedom of Information Act.

4. Conflict of Interest

No member of the council or of any board or commission of the City shall vote on any issue or matter in which he/she or a member of his/her family shall have a proprietary or financial interest or as the result of which he/she may receive or gain a financial benefit. Any perceived conflict of interest by any member must be disclosed at any council, board or commission meeting. The council, board, or commission must then determine if there is a conflict of interest by a vote without the participation of the member concerning whom the question was raised. If it is determined that a conflict of interest exists, the said member must refrain from participating in the deliberations and voting on the matter. Conflict of interest matters shall be governed by the Standards of Conduct for Public Officers and Employees Act, P.A. 196 of 1973, as amended, and the Contracts of Public Servants with Public Entities Act, P.A. 317 of 1968, as amended.

5. Use of City Property

City officers, officials or employees shall not directly or indirectly, make use of or permit others to make use of City property, equipment, vehicles, or supplies of any kind for

purely personal gain.

6. Other Prohibited Conduct

City officers, officials or employees shall not engage in any of the practices described below in list form. The following acts, actions, failures of actions, and attempted acts and actions constitute a violation of the ethical standards of conduct for City officials, officers and employees. These include but are not necessarily limited to these specific references but, rather, are offered as providing examples of actions and failures of action that are prohibited by this policy, if not the Charter and labor agreements. They include:

1. Interfering on behalf of an employee or a member of one's immediate family when such interference impinges upon the integrity of the City.
2. Divulging confidential information.
3. Misusing City personnel resources, property, funds or assets for personal gain or gain of others.
4. Representing his or her individual opinion as that of the City.
5. Violating policies adopted by the City Council.
6. Engaging in a business transaction that causes the candidate, officer, official or employee to derive a personal gain as a result of using information not legally available to the general public or as a consequence of exploiting in an unethical way, his or her public office.
7. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties as set forth in state statutes and the City of Saugatuck City Charter.
8. Offering an officer, official or employee of the City a gift, loan, contribution, reward or promise based on agreement, promise or expectation that the vote, decision making, or action of the candidate, officer, official or employee of the City would be influenced thereby.
9. Engaging in an act, actions or other conduct contrary to honesty, justice or good morals; or an act or actions of moral turpitude.
10. Acting without official authority when authority has not been specifically given.

EXCLUSIONS

This policy is not intended to cover the following:

1. This policy shall not prohibit a City officer, official, or employee from accepting minor gifts such as meals, awards, pens, pencils, and other token items valued at \$25 or less when the gift is extended during the course of City business and no return promise is made by the recipient.
2. This policy shall not prevent any officers, officials or employees from accepting their regular compensation.
3. This policy does not prohibit the expression of views and opinions or communications of plans for future action, nor does it prohibit contributions to political parties or candidates as permitted by law.
4. This policy shall not prohibit the City manager, City attorney and all law enforcement officials from exercising their dutiful use of power, control and discretion.
5. This policy shall not prohibit the Mayor and City council from making policy decisions, enacting legislation, and directing the affairs of the City in accordance with their legal powers and responsibilities as provided in the City Charter or State statutes.

6. This policy shall not be enforced to cause any person to be favored or discriminated against because of race, gender, age, handicap, religion, gender/sexual orientation, country of origin or political affiliation.

B) COMPLAINT RESOLUTION PROCEDURE

1) Filing of Complaint. Complaints regarding violations of the Ethical Standards of Conduct Policy shall be submitted in writing to the City Manager. The City Manager shall forward the complaint to the Administration Committee of the City Council.

2) Citizen Involvement. If the complaint is regarding a member of the City Council, the City Council will select two (2) citizens from the City to be included with the Committee investigation.

3) Investigation. The Committee may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence to conduct a formal investigation into the conduct of any department, office, or offices of the City and make investigations as to malfeasance, misfeasance, nonfeasance, or irregularities in municipal affairs.

4) Notification. The person subject to investigation shall be notified in writing of the allegation and shall have the right to appear and be heard, upon written request, at a meeting of the Administration Committee and the City Council. Formal evidentiary rules and procedural rules need not be followed by the Committee or Council in such proceedings.

5) Determination by Administration Committee. The Committee shall determine that: (a) there is no basis for the allegation and that no course of action is required; or (b) that the matter be referred to the City Council for appropriate action. The Committee shall respond to the complainant in writing within thirty (30) days of receipt of the complaint. If the person about whom the question was raised is a member of the Administration Committee, that person shall be replaced with the Mayor or a member of the Council.

6) City Council Action. The City Council shall have the power to subpoena witnesses, administer oaths, and require the production of evidence and may make direct inquiries of City employees. The City Council may determine that: (a) there is no basis for the allegation and that no course of action is required; or (b) a violation of the Ethical Standards of Conduct did occur and that disciplinary action be taken against an officer or employee such as dismissal, censure, or forfeiture of office. The City Council shall respond to the complainant within 60 days of the referral by the Administration Committee.

7) Public Hearing. An officer charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand. Notice of such hearing shall be published in one (1) or more newspapers of general circulation in the City at least one (1) week in advance of the hearing.

8) Refusal to Cooperate. Persons subject to investigation who refuse to cooperate may be subject to the full disciplinary action by the City Council as prescribed in (6).

NOTES

- **Copies of all cited statutes as well as the City Charter are available at City Hall during regular business hours.**