

## CITY OF PORTAGE

### CITY COUNCIL CODE OF ETHICS AND VALUES POLICY

1. **Purpose.** The Code of Ethics and Values Policy (“Policy”) of the Portage City Council is intended to establish standards of integrity, fair dealing, responsibility, accountability and disinterested conduct which are an essential part of a fiduciary duty owed to the public by its elected officials. The Policy is intended to encourage all councilmembers to place the public interest above self-interest and maintain independence and partiality and fairness in their judgment, decisions, and conduct. It is the policy of the City of Portage City Council to uphold, promote and demand the highest standards of ethics from all councilmembers. All members of the City Council share a commitment to ethical conduct in the service to their community. This Policy has been established to provide guidance for councilmembers so that the performance of their duties will be carried out in an ethical manner. In furtherance of this goal, the following general principles will apply:

- A. Councilmembers shall comply with the laws of the United States of America, the State of Michigan and City of Portage in the performance of their public duties.
- B. Councilmembers shall work for the common good of Portage residents and not be motivated by their own personal or financial interests.
- C. Councilmembers will endeavor to treat all members of the public and issues before them in a fair and equitable manner.
- D. Councilmembers shall be committed to the concepts of effective and democratic local government.
- E. Councilmembers shall encourage communication between residents, City Council and City Administration and endeavor to keep the community informed on municipal matters, not otherwise made confidential.
- F. Councilmembers shall safeguard public confidence by being honest, fair and respectful of all persons with whom they have official contact and will follow the rules and laws that govern the deliberation of public policy issues and meaningful involvement of the public.
- G. Councilmembers have an obligation to attend Council meetings and other meetings necessary for the performance of their official duties. Councilmembers should be prepared for meetings they attend, review materials, listen to the public discussions before them, keep comments and questions relevant to the business at hand, participate in discussions and make informed decisions based on the merits of each question.

2. **Definitions.**

- A. **Councilmember** means an elected member of the City Council.

- B. **Confidential information** means information, written or non-written, that has been obtained by a councilmember in the course of acting as such, 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, policy or procedure recognized by law, and that the councilmember is unauthorized to disclose:
- C. **Immediate family** means:
1. A councilmember's spouse or domestic partner, or
  2. A councilmember's relative by lineal descent, parent, brother, sister or a person who resides in the councilmember's household; or
  3. An individual claimed by a councilmember or a councilmembers spouse as a dependent under the United States Internal Revenue Code, being 26 USC 1 *et. seq.*
- D. **Ownership Interest** means financial or pecuniary interest that a councilmember has in the affairs of 1) any business entity in which the councilmember or a member of his or her immediate family is an officer, director, member, or employee; 2) any business entity in which the councilmember or a member of his or her immediate family controls, or directly or indirectly owns, in excess of 5% of the total stock; or 3) any person or business entity with whom the councilmember has a contract.
- E. **Personal Gain or Benefit** means any benefit which is accepted or received by a councilmember or the councilmember's immediate family, or is perceived by a reasonable person to be accepted or received by a councilmember or the councilmember's immediate family, as remuneration for the purpose of improperly influencing an official action in a specific manner or for refraining from the performance of an official action in a specific manner, or as inducement for the councilmember to act in favor of some interest other than in the public interest.
- F. **Residence** means that location the councilmember habitually sleeps, keeps their personal effects, has a regular place of lodging and matches the address listed in Michigan Qualified Voter files as used on the councilmember's affidavit of identity.

3. **Conflict of Interest – Standards of Conduct.**

- A. A councilmember shall not divulge to an unauthorized person confidential information acquired by the councilmember in the course of his or her duties as a councilmember in advance of the time prescribed for its authorized release to the public, if it is to be released to the public.
- B. Councilmembers shall represent the official policies and positions of the City Council to the best of their ability when designated as delegates or City representatives for this purpose. When presenting their individual

opinions and positions, a councilmember may not represent, nor allow the inference of, his or her personal opinion or position as that of the City Council or the City of Portage.

- C. A councilmember shall not appear or advocate on behalf of the private interest of third parties, including the councilmember's immediate family members, before the City Council or any City board, committee or commission or other proceeding of the City.
- D. A councilmember shall not solicit or accept a gift or loan of money, goods, services or other things of value for the benefit of a person or organization other than the City which tends to influence the manner in which the councilmember or another public officer or employee of the City performs official duties.
- E. Except as permitted by state law, a councilmember shall not engage in a business transaction in which the councilmember may derive a personal profit or gain, directly or indirectly, from his or her official position or authority or benefit financially from confidential information which the councilmember has obtained or may obtain by reason of that position or authority.
- F. Except as permitted by state law, a councilmember shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the councilmember's official duties or when that employment may tend to impair his or her independence or judgment or action in the performance of official duties.
- G. Except as provided by state law, a councilmember shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates or other regulation or supervision relating to a business entity in which the councilmember has a personal or ownership interest.
- H. Except as permitted by state law, a councilmember shall not vote or participate in any other question on which the councilmember has a substantial direct or indirect financial, personal or ownership interest other than an interest similar to that of other citizens affected.
- I. Councilmembers shall reside in the City of Portage throughout their elected term. Should their declared residence change during their term in office, they shall notify the city manager and city clerk no later than 30 days following the change in address.

4. **Disclosure.** Whenever the performance of official duties shall require a councilmember to deliberate and vote on any matter involving the councilmember's financial or personal interest, the councilmember shall publicly disclose the nature and extent of the interest and is disqualified from participating in the deliberations and voting on the matter. The

disclosure shall be made public at a meeting of the City Council before the matter is voted upon or in any other manner required by law.

5. **Gifts.** Councilmembers and their immediate family members shall not directly or indirectly solicit or accept a gift or loan of money, goods, services or other things of value which tend to influence the manner in which the councilmember or other public officer or employee of the City performs his or her official duties. Councilmembers are not prohibited from receiving money, goods, services or other items of value if not given to influence the councilmember in the performance of his or her official duties. The following list includes, but are not limited to, examples not prohibited:

- A. The solicitation and acceptance of campaign contributions in accordance with state law.
- B. Admission or registration fees, travel expenses, entertainment, meals or refreshments that are furnished to a councilmember by the sponsor of an event which is related to official local government business in connection with the event to which one or more members of the public are invited or are furnished to the councilmember in connection with a speaking engagement, teaching or the provision of assistance to an organization or another governmental entity as long as the City does not compensate the councilmember for the same items.
- C. An award publicly presented to a councilmember by an individual or a non-governmental entity or organization in recognition of the councilmember's public service, acts of heroism, crime solving or other similar recognition.
- D. Any gift or loan of money, goods, services or other things of value paid for by the federal, state, local government or other public agency authorized by law.

6. **Use of City Property.** No councilmember shall request, use, or permit the use of any city owned or supported property, vehicle, equipment, material, labor, or service for the personal convenience or the private advantage or personal gain of the councilmember or any other person which is not available to the public at-large.

7. **Nepotism.** A councilmember shall not influence or cause, directly or indirectly, the employment or any favorable employment action of an immediate family member, or participate in any employment decision about such family member.

8. **Political Activity.** Councilmembers shall not use any city owned property, vehicle, equipment, material, labor or services for the councilmember's own political benefit or for the political benefit of any other person seeking elective office, which is not available to the public at large on an equal basis. No political activity of the councilmember shall interfere with the performance of the usual duties of any city officer or employee.

9. **Compliance.**

- A. This Policy is intended to encourage and promote the highest standards of ethical conduct and behavior by members of the Portage City Council

and is not intended to be a code of conduct enforceable by punitive measures. Violations of this Policy are not intended to subject councilmembers to reprimand or censure by the City Council. A violation of this Policy shall not be considered a basis for challenging the validity of a councilmember's decision or position as a councilmember.

- B. It is not the intent of this Code to in any way limit the right or ability of any councilmember 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 councilmember of a particular duty, or treat that person differently than other similarly situated city residents.

10. **Delivery of Policy to Councilmembers.** The City Clerk shall deliver a copy of this Policy to each councilmember as soon as practicable after the enactment of this Policy and to each new councilmember at the time of taking office. The City Clerk shall also request that each councilmember sign and return an acknowledgement the receipt of this Policy.

11. **Amendments.** This Policy may be amended to remain consistent with state law regarding the local code of ethics and the standards required therein.

12. **Ethics Committee.** If a councilmember requests an interpretation of this Policy, the Mayor shall select three (3) councilmembers to convene an Ethics Committee meeting who will provide its opinion to the councilmember requesting the interpretation.

Adopted & Effective: November 14, 2023