

Village of Grosse Pointe Shores, a Michigan City

“Standards of Ethical Conduct for City Officials, Employees, Appointees, Representatives and Candidates for Office”

PURPOSE

Honoring the public trust is the highest obligation of those holding public office or employment. For government to operate ethically and honor the public trust, City officials and employees must commit themselves to a continuous, dedicated effort to practice the highest integrity and respectful conduct in their personal and professional lives.

The purpose of this Code of Conduct Ethics Policy is to ensure Grosse Pointe Shores is led and served with transparency and accountability by establishing:

- Standards of expected and prohibited conduct and behavior for elected and appointed City officials, employees, committee members, and candidates for office.
- The City Clerk will be assigned to review matters of concerns brought forth and to issue advisory opinions to City Council or City Manager or City Department Head.
- A framework in which to guide the City Clerk and City leadership in the administration of this Ethics Policy.
- The City Council, Manager, or Department Head as the final arbiter for addressing and resolving ethical matters depending if City Official, Candidate, Committee Member, or Employee.

THE VILLAGE OF GROSSE POINTE SHORES, A MICHIGAN CITY,:

Sec. 1. The Code of Conduct Policy, Village of Grosse Pointe Shores, Michigan, (hereafter, “City”) is amended to add the following Sections 2-1 through 2-7 entitled “Standards of Ethical Conduct for City Officials, Employees, Appointees, Representatives and Candidates for Office.”

Sec. 2-1. - Public policy.

Public office and employment are public trusts. For government to operate ethically and honor the public trust, City officials and employees must commit themselves to a continuous, dedicated effort to practice the highest integrity and respectful conduct in their personal and professional lives.

The City hereby declares that all City officials and employees must avoid conflicts between their private interests and the public interest. Public officials and employees must:

1. Be independent, impartial and responsible to the people;
2. Make governmental decisions and policy in the proper governmental channels;
3. Not use public office for personal gain.

To enhance public trust, the City must provide its officials and employees with adequate guidelines for separating their roles as private citizens from their roles as public servants.

This Ethics Policy sets minimum standards of ethical conduct for all City officials and employees, elected or appointed, paid or unpaid. It proscribes actions incompatible with the public interest and requires disclosure of private financial or other interests in matters affecting the City.

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Sec. 2-2. - Responsibilities of public office.

City officials and employees are bound to uphold the Constitution of the United States and the constitution of the state and to carry out impartially and comply with the laws of the nation, state county and the City, as well as the terms and conditions set forth within the City Charter, collective bargaining agreements, work rules, contracts and rules of the various City boards, committees and commissions. City officials and employees must not exceed their authority or breach the law or ask others to do so. City officials and employees are bound to observe in their official acts the highest standards of morality and to discharge the duties of their offices faithfully, regardless of personal consideration, recognizing that their conduct in both their official and private affairs must be above reproach.

All City officials and employees shall safeguard public confidence by being honest, fair, honorable and respectful of all persons and property with whom they have contact, by maintaining non-partisanship in all official acts, and by avoiding conduct which may tend to undermine respect for City officials and employees and for the City as an institution.

No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. If there is disagreement about the agenda or the Chair’s/Mayor’s actions, those objections should be voiced politely and with reason, in accordance with parliamentary procedure. Governance of a city relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council’s policies. Therefore, every effort shall be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Citizens who serve on boards, committees and commissions are a valuable resource to the City’s leadership and shall be treated with appreciation and respect.

Sec. 2-3. - Definitions.

Candidate for City Office means any person who seeks nomination for election, election to or retention to any elected City office, whether or not such person is elected. A person seeks nomination for election, election or retention if he or she (1) takes the action necessary under the laws of the State of Michigan to attempt to qualify for nomination for election, election to or retention in public office, or (2) receives contributions or makes expenditures, or gives consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination for election to or retention in such office. Terms within this definition shall have the meaning established by Michigan election law.

Censure means an expression of strong disapproval or condemnation of an action taken by a City official or employee in violation of this ordinance.

City official or employee means a person elected, appointed, a candidate for city office or a person otherwise serving in any capacity with the City in any position established by the City Charter or by City Ordinance which involves the exercise of a public power, trust or duty. The term includes all

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officials and employees of the City, whether or not they receive compensation, including consultants and persons who serve on advisory boards and commissions. The term does not include election inspectors and student representatives appointed to City boards or commissions.

Conflict of interest is either a personal interest or a duty or loyalty to a third party that competes with or is adverse to a city official’s or employee’s duty to the public interest in the exercise of official duties or official actions.

Confidential information means information obtained in the course of holding any elective or appointive office under or employment with, the city government that is not available to members of the public and which the city official or employee is not authorized to disclose, except to designated individuals or bodies, including written and non-written information

Consultant or Advisor means a person who gives professional advice or services regarding matters in the field of his or her special knowledge or training.

Compensation means any money, loan, property, and thing of value or benefit conferred upon or received by any person in return for services rendered or to be rendered to himself or herself or any other party.

Financial interest means any interest in money, property or thing of value or benefit and includes compensation.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, travel, lodging, and honoraria for speaking engagements related to or attributable to the city government or the elective or appointive office or employment with, the city government.

Illegal Gratuity means something of value that a person or entity gives, offers or promises for the purpose of influencing the action of an official in the discharge of his or her public duties.

Immediate family includes the City official’s or employee’s spouse, partner, child, grandchild, parent, parent-in-law, sibling, sibling-in-law, niece/nephew, “step” of any of the preceding, or any member of the official’s or employee’s household.

Loan means a transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.

Official duties or official action means a decision, recommendation, approval, disapproval or other action or failure to act, which involves the use of discretionary authority.

Personal interest means an interest arising from immediate family relationships, business associations or financial interests.

Private gain means any interest or benefit, in any form, received by a City employee or official.

Probable Cause means sufficient and reliable information or facts or circumstances that would cause a Member of the Board of Ethics to reasonably believe that a violation of the Ethics Ordinance may have occurred.

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Social Media means any form of electronic communication, such as websites for social networking and blogging, through which users create online communities to share information, ideas, personal messages and other content such as videos.

Substantial shall mean considerable in quantity, size or worth.

Sec. 2-4. - Intention of Ethics Policy.

It is the intention of section 2-5 below that City officials and employees avoid any action, whether or not specifically prohibited by section 2-5, which might result in:

1. Using public employment or office for private gain;
2. Giving or accepting preferential treatment, including the use of City property or information, to or from any organization or person;
3. Losing complete independence or impartiality of action;
4. Making a City decision outside official channels; or
5. Affecting adversely the confidence of the public or the integrity of the City government.

This Ethics Policy is intended to be preventative and not punitive. It should not be construed to interfere with or abrogate in any way the provisions of any federal or state statutes, the City charter, the City ordinances, or any rights and/or remedies guaranteed under a collective bargaining agreement.

This declaration of policy is not intended to apply to contributions to political campaigns, which are governed by state law.

Sec. 2-5. - Promulgation.

(a) Conflict of interest—General.

1. No person holding any elective or appointive office under or employment with, the city government shall use, or attempt to use, his or her official position to secure, request, or unreasonably grant any special consideration, privilege, advantage, contract, or preferential treatment for himself, herself, or others, beyond that which is available to every other citizen.
2. No official or employee shall divulge to an unauthorized person, confidential information acquired by virtue of his or her position as an official or employee before a time that confidential information becomes public information. Furthermore, no official or employee may use confidential information, obtained by virtue of his or her position, for his or her own benefit or for the benefit of any other person or entity.
3. No official or employee of the City shall represent his or her personal opinion as that of the City. No Council member shall represent that he or she is authorized to speak for the entire Council unless he or she has express, written or on the record consent that they are so authorized.
- 4.. No official or employee of the City shall use or authorize personnel resources, property and funds under his or her official care and control other than in accordance with

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prescribed constitutional, statutory and regulatory procedures nor for personal gain or benefit.

5. No official or employee of the City shall directly or indirectly, make, solicit, or accept any gift or loan of money, goods, services or other thing of value for the benefit of any person or organization, other than the City, which tends to influence the manner in which the official or employee or any other official or employee performs his or her official duties.
6. No official or employee of the City shall accept illegal gratuities. Illegal gratuities do not include fees for speeches or published works on legislative subjects and, except in connection therewith reimbursement for expenses for actual expenditures for travel, and reasonable subsistence, for which no payment or reimbursement is made by the City, invitations to such events as ground breakings, grand openings, charitable or civic events, training or seminars, or inconsequential gifts from established friends.
7. It is recognized that residents may desire to support civic needs or wants, especially when budgets or other constraints prevent traditional sources of funding. In furtherance thereof, following review by the City Clerk:
 - (a) Council may authorize the acceptance of a donation or gift valued at more than \$1000 from, or facilitated by, a full or part-time resident of Grosse Pointe Shores into the general fund, or for a specific purchase or purpose.
 - (b) The Mayor, or the City Manager or, if applicable, an appropriate department head, may solicit a donation or gift from, or facilitated by, a full or part-time resident of Grosse Pointe Shores, for a specific purchase or purpose.

All offers and acceptances of donations or gifts valued at more than \$1000, whether solicited or unsolicited, shall be acknowledged on the record at the first Council meeting following the offer, and following the acceptance, of the donation or gift. A resident’s request for anonymity will be honored.

8. No official or employee of the City shall engage in a business transaction in which he or she may profit because of his or her official position or authority or benefit financially from confidential information that he or she has obtained or may obtain by reason of such position or authority.
9. No official or employee of the City shall engage in or accept employment or render services for any private or public interest when that employment or service is incompatible or in conflict with the discharge of his or her official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of his or her official duties.
10. This section shall not prohibit a part-time elected or appointed City official from engaging in private employment or business on his or her own time as a private citizen and where City business is not involved, subject to his or her disclosing such private employment or business on the public record for any matter on which he or she may be called upon to act in his or her official capacity. He or she shall refrain from voting upon or otherwise participating in debate on any such matter.
11. No official or employee of the City shall participate or vote, as an agent or representative of the City, in the negotiation or execution of contracts, granting of subsidies, fixing of rates,

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issuance of permits or certificates, or other regulation or supervision, relating to any business entity in which he or she has, directly or indirectly, a financial or personal interest.

12. Nepotism:

No person holding any elective or appointive office under or employment with, the city government shall cause the employment or any favorable employment action of an immediate family member. No person holding any elective or appointive office under or employment with, the city government shall participate in any employment decision about that family member. This section shall not prevent a city official or employee from preparing or approving a budget which includes compensation for an immediate family member, so long as that immediate family member receives the same treatment as others in his/her classification.

13. No Council Member shall appear before the City boards or commissions on behalf of another, but may appear as any other citizen has a right to on their own behalf.

14. No Council Member shall encroach on administrative responsibilities nor give orders or directives, expressly or implicitly, to staff publicly or privately or through third parties. The City Council provides direction to the City Manager, who then provides direction to the staff.

15. No Council Member shall request any City employee to participate, or abstain from participating, in any political activity, including the making of campaign contributions.

16. Council Members must vote on all matters brought before him or her unless they must abstain due to a conflict of interest or if they have been excused from voting for just cause by a majority vote of the remainder of the Council. A Council Member shall not vote on any matter concerning the Council Member’s own conduct including those of excusal and discipline.

17. It is recognized that various boards and committees are part of the plan of government for the City. As such, it is further recognized that by virtue of the various requirements for membership of the board, a member may be placed in the position of participating in a decision that may directly or indirectly affect his or her financial interests. Therefore, those members of the various boards and committees in the City, as they may be established from time to time, may participate in such decisions provided that they act:

- (a) In furtherance of the public good;
- (b) In compliance of the public good;
- (c) In a manner consistent with any subsection of this Ethics Policy.

18. Determination of conflict of interest. A conflict of interest exists if:

- (a) The City official or employee has any financial interest, beyond ownership of his or her place of residence, in the outcome of a matter currently before that City official or employee, or is associated as owner, partner, officer, employee, broker or stockholder in an enterprise that will be affected by the outcome of such matter, and such interest is adverse to the public interest in the proper performance of said official's or employee's governmental duties, or;
- (b) The City official or employee has reason to believe or expect that he or she will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity.

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- (c) The public official has any other prohibited interest as defined by state statutes relating to conflicts of interest.
 - (d) A City Council Member is a member of a board of directors of an organization that has a financial or other direct interest in the outcome of a matter currently before the City Council, that will be affected by the outcome of such matter, and such interest is adverse to the public interest in the proper performance of said Council Members governmental duties.
19. Subsequent conflict of interest. No official or employee of the City, or immediate family member of an official or employee, shall acquire any financial interest in or accept any employment concerning any project which has been granted approval by the City or any Council, board, department or employee thereof within 30 days of the official's or employee's participation in any manner in considering or recommending the approval or disapproval of said project.
20. Responsibility to disclose. It shall be the responsibility of the official or employee to disclose the full nature and extent of his or her financial interest in a matter before him or her. No official or employee of the City shall participate, as an agent or representative of the City, in approving, disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which he or she has a financial interest. The official or employee shall, in such circumstances, recuse himself or herself from the matter before him or her.
21. Disclosure of conflict of interest and disqualification.
- (a) Any City official or employee who has a conflict of interest, as defined herein, in any matter before the City shall disclose such fact on the appropriate record of the City prior to discussion or action thereon and shall refrain from participating in any discussion, voting or action thereon, as follows, provided that such exceptions shall be observed as are permitted by law:
 - 1. A Council Member shall disclose any conflict of interest on the record of the City Council;
 - 2. A member of any City board, Council or committee shall disclose any conflict of interest on the records of said board, Council or committee;
 - 3. A City employee who has a financial or other interest in a matter before the City Council or any City board, commission or committee and who participates in discussion with, or gives an official opinion to the City Council, or to such other City board, commission or committee relating to such matter, shall disclose on the records of the City Council or such other City board, commission or committee, as the case may be, any conflict of interest.
 - (b) Otherwise, any appointed City official or employee shall address such a disclosure to the supervisory head of his or her department, and any elected City official shall address such a disclosure to the City Clerk.
 - (c) If a City official or employee who has, or discloses on the appropriate records, a conflict of interest, as defined herein, in any matter before the body, but who refuses to refrain from discussion, deliberation or voting thereon, the presiding officer of the body shall immediately make a motion for the matter to be laid on the table pending a determination of the City Clerk as to whether the City official or employee must refrain

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from discussion, deliberation, action or voting on the matter. Following issuance of findings and an advisory opinion by the City Clerk and Council action on the advisory opinion, the main motion that had been laid on the table, the body may adopt a motion to take the matter from the table and proceed in accordance with the Council action.

- (d) Within 14 calendar days prior to election, new employment, new appointment; or any change in the facts set forth in the individual’s previously filed disclosure statement; and thereafter on or about the individual’s anniversary of position, each City official or employee shall file with the City clerk a disclosure statement. The City Clerk shall provide each City official, employee and appointee with the required disclosure statement within 14 days prior to his or her election, employment or appointment. The disclosure statement applies all city employees including part-time and temporary employees of the City. Completed Disclosure Forms shall be forwarded to the City Clerk.

Sec. 2-6. – Social Media

(a) Social Media – Mandate, Attributions & Disclaimers

1. City officials and employees shall comply with all the requirements set forth within “Sec. 2-6. Social Media.”
2. Attribution means the ascribing of a post or the site to a particular author, poster or site owner using that author, poster or site owner’s legal name and title. Disclaimer means language identifying the site as a non-governmental account that does not represent the official policies or positions of the City. Attributions and disclaimers must be prominent, written in a font that is easily legible and in a color that contrasts with the background.

(b) Social Media - General

1. **“Official” social media.** These sites are sanctioned by the City Manager, the City Communications Committee Chair, and the City Parks Director, and may display all official City insignias, including the City seal and may have links to City departments. These sites may include a listing of, and contact information for, City officials, personnel, committees and boards. These sites may also post Information or announcements of City events or meetings concurrent or following formal published notice available to all residents. These sites are to be strictly apolitical; they may not include any ballot, political or other endorsements or links to such content. These sites may or may not be supported by City personnel and/or governmental financial resources. These sites and content are subject to the full access (password) and approval of the City Manager. These sites must be open to all viewers.
2. **“Public Office” social media.** These are sites created and/or maintained by elected officials and managerial personnel (“site owner”) for the sole purpose of communicating with

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residents as an extension of their office. They may post links to City email addresses. These sites may post information and content such as expanding on publicly available information, public service announcements and acknowledgement of public service by City personnel, residents or other entities. These sites shall not be supported by City personnel and/or governmental financial resources. These sites may be modified on City computers or mobile devices only by the site owner. The site owner is prohibited from using City personnel to administer, maintain, modify content or troubleshoot these sites. These sites and content are subject to the full access (password) and approval of the City Manager. These sites must contain appropriate attribution and disclaimer language on the main page. These sites must be open to all viewers.

3. **“Political/Campaign” social media.** These are sites created and/or maintained by elected officials and candidates for office and contain content regarding City business, ballot initiatives, political and electioneering activities or opinions. These sites may post civil commentary, whether positive or critical, concerning other politicians or their policies. These sites may post links to campaign donation sites, sample ballots, candidate sites and similar content. These sites may not use or link to a City email address. These sites cannot be maintained or accessed with City computers or mobile devices. They may not take on the character of an official City website or page, such as including the City seal or links to the City website, or City services. These sites must contain appropriate attribution and disclaimer language on the main page. These sites must be open to all viewers.
4. **“Private” social media.** These are sites created and/or maintained by elected officials or employees for posting private content. These sites cannot be maintained or accessed with City resources. These sites may not use or post links to a City email address. These sites may block or delete comments of followers.

Sec. 2-7. - Violation, enforcement and advisory opinions.

1. Complaints will initially be confidentially reviewed by the City Clerk to determine whether probable cause exists to warrant further proceedings concerning the Complaint.
2. Findings and Advisory opinions. All findings and advisory opinions so issued shall be confidentially communicated to the City Council or City Manager or City Department Head for action.
 - i. If it becomes necessary to seek the removal of a City official after receiving the City Clerk’s findings and advisory opinion, the City shall follow the requirements for censure or removal of a public official in accordance with the City charter.
 - ii. The City Manager shall be responsible for imposing any sanction or discipline for a violation of this Ethics Policy on any employee of the City.

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**GROSSE POINTE SHORES
CONFLICTS OF INTEREST**

ANNUAL DISCLOSURE STATEMENT

1. Are you an owner, shareholder, director, trustee, officer, partner, employee or agent of any corporation with which Grosse Pointe Shores has business dealings?

YES NO

If the answer to the foregoing question is YES, please list the names of such corporations, the office held and the approximate dollar amount of business involved with Grosse Pointe Shores in the past 12 months.

2. Do you, or does any member of your family (spouse, parent, sibling, child, or any person related by blood or marriage), have a financial interest in, or receive any remuneration or income from, any business organizations with which Grosse Pointe Shores has business dealings?

YES NO

If the answer to the foregoing question is YES, please supply the following information:

- A. Names of the business organization in which such interest is held and the person(s) by whom such interest is held:

- B. Nature and amount of each financial interest, remuneration, in income:

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3. Did you, or any member of your family (spouse, parent, sibling, child, or any person related by blood or marriage), receive, in the past twelve months, any gifts or loans, with the exception of financial institutions or mortgage companies, from any source from which Grosse Pointe Shores buys goods or services or with which Grosse Pointe Shores has significant business dealings?

YES NO

If the answer to the foregoing question is YES, list such gifts or loans as follows:

<u>Name of Source</u>	<u>Item</u>	<u>Approximate Value</u>
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4. The following are other matters not listed in one of the categories above, but which in the interest of avoiding both actual impropriety and the appearance of impropriety, I feel it appropriate to disclose:

NONE

I hereby certify that the information set above is true and complete to the best of my knowledge. I agree to report promptly to the City Council any other conflict of interest situation of which I may become aware, subsequent to the date of this Disclosure Statement.

Name (please print)

Grosse Pointe Shores Affiliation

Signature

Date

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