

Policy/Procedure: Ethical Standards of Conduct

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CITY OF SAUGATUCK

PART A – ETHICAL STANDARDS

1. The citizens of Saugatuck have entrusted our elected and appointed officials and employees with the good stewardship of their local government. In return, as we carry out our City responsibilities, we pledge to conduct ourselves so as always to justify and merit that trust.

2. Our City officials and employees shall act with fairness, integrity, impartiality and obedience to the law, as they carry out their City responsibilities.

3. We expect the highest ethical conduct as a matter of course, not merely because there are laws or rules mandating it. All citizens of the City are entitled to high ethical conduct in their local government, and Council members, appointed officials and City employees shall always act to honor that expectation.

4. Some examples of the high standards of ethical conduct we require of all elected and appointed officials and City employees are the following:

(a) We may not use our official positions to gain an advantage or preference that we would not otherwise be entitled to.

(b) We may not solicit or accept a gift of value offered or given for the purpose of influencing a vote, decision or other City action.

(c) We may not disclose public records or information that we receive in confidence in the performance of our City duties, except when authorized to do so and in compliance with the law.

(d) We may not vote upon or take other action with respect to a matter as to which we have a conflict of interest, as defined and determined by law. Council members and appointed officials shall disclose such conflicts, and act accordingly, in the manner required by law.

(e) We may not use City property for personal purposes except as authorized for such use on an incidental or emergency basis under current City policies or established practice.

(f) We may not use confidential City information or records for the purpose of personal financial advantage, whether in a business transaction or to enable others to profit or gain competitive advantage.

(g) We may not accept or engage in private employment that is in conflict with our official duties as a Council member, appointed official or City employee.

(h) We may not engage in other types of conduct in violation of the standards of this Policy.

5. This Policy is not intended to limit the normal and proper activities associated with the legislative responsibilities of Council members, the official duties of appointed officials and the job requirements of City employees. Rather, the Policy is adopted for the purpose of improving the governance of the City by emphasizing our long-standing commitment to high ethical standards by officials and employees, and determining the types of conduct that would not be consistent with those standards.

PART B – MEANS OF RESOLVING ETHICAL COMPLAINTS

1. While our officials and employees have always been prompt to correct actions which may fall short of the high ethical standards that the City expects, it is nevertheless important that there be procedures whereby citizens may raise concerns or take further action regarding conduct they believe to be in violation of this Policy.

2. We encourage persons who believe that a failure of ethical conduct has occurred, or may occur, to bring that belief to the attention of the Council member, appointed official or, in the case of a City employee, to the attention of the City Manager. In the ensuing exchange of views, correspondence or other contact, we believe that most such situations can be satisfactorily explained or resolved.

3. As to ethical concerns that may not be resolved by contact with the official or the City Manager, or in cases where a citizen may prefer not to contact the person involved, we believe that the matter may best be considered outside of City government. The City Council is a legislative body and is not vested with judicial powers. As officials chosen by political process, Council members should generally avoid serving in effect as judges of their own or other officials' conduct, except in cases where they are vested with that responsibility by law.

We encourage citizens who have concerns about serious unethical conduct to utilize procedures already available under Michigan law. There are several possible actions that citizens could take in this regard.

(a) *Reporting an Alleged Violation to a Supervisor or the Council.* Under the Public Officials and Employees Ethical Conduct Act, Act 196 of 1973, a City official or employee may report an alleged ethical violation to a supervisory person or to the Council; an employee reporting such an alleged violation is protected by the Act from dismissal or other reprisal.

(b) *Commencing a Lawsuit in the Circuit Court.* A citizen of the City may bring a civil action in the circuit court, alleging a violation of Act 196, and may request injunctive relief, actual damages or both, within the time limitation stated in the Act. If the

court renders a judgment in favor of the complainant, the court has authority to award the complainant all or part of the costs of the civil action, including reasonable attorney fees.

(c) *Reporting an Alleged Violation to the County Prosecutor.* A public official, including a Council member, appointed official or City employee, who violates Act 317 of 1968, the Public Servants' Conflict of Interest Act, is guilty of a misdemeanor under that Act. Accordingly, citizens who believe that such a violation has occurred are encouraged to bring the matter to the attention of the County Prosecuting Attorney, who has authority to prosecute misdemeanors and other criminal offenses.

(d) *Requesting the County Prosecutor to Commence a Lawsuit.* In the case of a violation of Act 566 of 1978, the Incompatibility of Public Offices Act, the County Prosecuting Attorney has authority under that Act to commence an action in the circuit court against the alleged violator, for injunctive relief or other appropriate remedy in the discretion of the circuit court. Accordingly, citizens who believe that a violation of the Act has occurred are encouraged to bring the matter to the attention of the County Prosecuting Attorney and request that the attorney take such action as may be warranted in the circumstances.

PART C

The Council may, from time to time, amend or supplement this policy.

The City Manager is directed to arrange for appropriate publicity concerning this policy, in order that citizens of the City may be more fully aware of the high ethical standards required in the course of City governance and the procedures available to citizens who believe that ethical violations have occurred.