

ARTICLE VI. - ETHICS

Sec. 2-117. - Definitions.

For the purpose of this article, certain terms, phrases, words and their derivations shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

City means the City of Eaton Rapids.

Employee means any person employed by the city who is not designated as an officer by the Charter or by ordinance.

Gifts means anything of value over one hundred dollars (\$100.00) given without a consideration or expectation of return.

Official includes, but shall not be limited to, the mayor, the members of council, the administrative officers named in the Charter, their deputies, and members of city boards.

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

Private interest means an advantage or increase in wealth, possessions, power or other benefits for an individual.

(Ord. No. 2001-1, 2-12-01)

Sec. 2-118. - Nondiscrimination.

In the exercise of its power or in the performance of its duties the city and all of its agencies shall ensure that no person or group engaged in conduct of official business or seeking to do business with the city is discriminated against because of race, creed, political orientation, color, national origin, marital status, gender, age, disability, religion, height, weight, and familial status.

(Ord. No. 2001-1, 2-12-01; Ord. No. 2015-7, 3-23-15)

Sec. 2-119. - Conflict of interest.

- (a) *Voting*. No member of the council may vote on any question upon which that member has a direct or indirect financial interest. Otherwise each member of the council shall vote on each question before the council for determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this

section at any council meeting, such question shall be voted on before the question to which it applies is voted upon, but the council members affected may not vote on such determination.

- (b) *Business dealings with the city.* All contracts and other dealings of public servants of the City of Eaton Rapids with the City of Eaton Rapids shall be in accordance with state law (1968 P.A. 317 as amended, MCL 15.321 through 15.329).

(Ord. No. 2001-1, 2-12-01)

Sec. 2-120. - Prohibitions.

- (a) *Discrimination.* No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, creed, political orientation, color, national origin, marital status, gender, age, disability, religion, height, weight, and familial status, or for any cause not reasonably related to the accomplishment of a legitimate governmental purpose.
- (b) *Preferential treatment.* A city official or employee shall not use his/her official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for himself/herself, a relative or any other person, persons or groups.
- (c) *Gifts/solicitation/bribery.* No city official or employee shall solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the city, which tends to influence the manner in which the city official or employee or another city official or employee performs their official duties.
- (d) *Confidentiality.* A city official or employee who acquires information in the course of his/her official duties, which by law or policy is confidential, shall not divulge that information to any unauthorized person nor use the information to further the private interest of the city official or employee or any third party.
- (e) *False statements/misrepresentation.* No city official or employee shall knowingly make any false statement, utterance, remark or other communication regarding any aspect relating to the official business of the City of Eaton Rapids. Additionally, a city official or employee shall not represent his or her personal opinion as that of the city or one of its agencies or departments.
- (f) *Use of city property.* No official or employee of the city shall request, use or permit the use of any publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or of any other person. This rule shall not be deemed to prevent any official or employee 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 stated public policy, for the use of officials and employees in the conduct of official business.

(Ord. No. 2001-1, 2-12-01; Ord. No. 2015-7, 3-23-15)

Sec. 2-121. - Filing complaints.

- (a) *Filing.* Any person believing there has been a violation of this policy may file a complaint with the city manager. In the event the complaint is against the city manager the complaint shall be filed with the city clerk. The complaint must:
- (1) Identify the person or persons who allegedly committed the violation;
 - (2) Provide a statement of the facts on which the complaint is based;
 - (3) To the extent possible, identify the ethics provision or provisions allegedly violated; and
 - (4) To the extent possible, identify the sources of evidence, if any, that the complainant recommends should be considered by the ethics advisory board.
- (b) *Confidentiality.* All information relating to the filling of a complaint and all information contained in a complaint shall be confidential.

(Ord. No. 2001-1, 2-12-01)

Sec. 2-122. - Ethics review panel.

- (a) *Ethics review panel.* All matters concerning the code of ethics set forth in this article may be directed to one of two following controlling authorities, depending upon the employment status of the city official or employee involved:
- (1) Elected and appointed officials of the city to the mayor, city manager and city attorney. In situations where the mayor, city manager or city attorney is either the accuser or accusee of an ethics violation, the mayor pro-tem will assume the panel position in place of the affected official.
 - (2) Employees, full- and part-time, of the city to the city manager and the city attorney.

(Ord. No. 2001-1, 2-12-01)

Sec. 2-123. - Sanctions.

- (a) *Sanctions.* The above-listed authorities, when requested, shall take appropriate action on the basis of consensus upon any complaint or request for information concerning the code of ethics of the city. The appropriate action to be taken in any individual case shall be at the discretion of the controlling authority involved, which may include but is not limited to any of the following:
- (1) Referral of the matter to a higher authority.

- (2) Recommend to the city council the appropriate disciplinary action. The recommended disciplinary action may include removal from office, appointed position or employment, in accordance with the city Charter, the city Code of Ordinances, the regulations or policies of the city or the requirements of any collectively bargained agreement.
- (3) Deeming that "no action" is justified.
- (4) Pursuing such other course of action which is reasonable, just and appropriate under the circumstances.

[(b) *Written request for guidance.*] The above listed controlling authorities may render written advisory opinions, when deemed appropriate, interpreting the code of ethics as set forth in this policy. Any city official/employee may seek guidance from the controlling authority upon written request on questions directly relating to the propriety of their conduct as officials and employees. Written requests and advisory opinions shall be confidential unless released by the requester.

(Ord. No. 2001-1, 2-12-01)

Secs. 2-124—2-126. - Reserved.