

# Charter Township of Highland

## Code of Conduct

### 1. Purpose

It is the policy of the Charter Township of Highland, ("Highland Township or Township") that all officials and employees must avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and the integrity and impartiality of all officials and employees of the Township, it is necessary that adequate guidelines be provided for separating their roles as private citizens from their roles as public servants. Citizens are entitled to have complete confidence in the integrity of this government. Each official and employee must honor that trust by his/her own integrity and conduct in all official duties and actions.

### 2. Intention of the Code

It is the intention of this Code of Conduct that Township public servants avoid any action, whether or not specifically prohibited herein, which might result in, or create the appearance of:

- Using public employment or office for private gain,
- Giving or accepting preferential treatment to or from any organization or person,
- Losing impartiality of action,
- Making a Township decision, or giving the impression that a Township decision has been made, outside official channels,
- Affecting adversely the confidence of the public or integrity of the Township government, or
- Giving or accepting preferential treatment in the use of Township property.

This Code of Conduct is intended to be preventative. It should not be construed to interfere or abrogate in any way the provisions of any Michigan or Federal statutes or the Township Code of Ordinances. This Code of Conduct is not intended to prevent any public servant of the Township from receiving compensation for work performed on his or her own time as a private citizen and not involving Township business. This policy is not intended to apply to contributions to political campaigns which are governed by state law.

### 3. Definitions

3.1 "**Public servant**" means a person elected, appointed, or otherwise serving in any capacity with the Township in any position which is established by state law or an action of the Township Board which involves the exercise of a public power, trust or duty. The term includes any official or employee of the Township, whether or not they receive compensation, including people who serve on Township boards and commissions.

3.2 "**Decision or Decision making**" means exercising public power to adopt laws, regulations or standards, render quasi-judicial decisions, establish executive policy, or determine questions involving substantial discretion.

3.3 "**Substantial**" means anything of significant worth and importance, or of considerable value as distinguished from something with little value, social tokenism or merely nominal.

3.4 "**Compensation**" means any money, property, thing of value or benefit conferred upon or received by any person in return for services rendered or to be rendered to himself or another.

3.5 "**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.

3.6 "**Part-time**" means a public official or employee who is paid for working an average of 25 hours per week or less for the Township.

#### 4. **Code of Conduct:**

##### 4.1 **Gratuities**

4.1.1 No public servant of the Township shall solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can be incontrovertibly shown that the gift is intended to influence him or her in the performance of his or her official duties or is intended as a reward for any official action on their part.

4.1.2 It shall be presumed that a non-monetary gift having a value of less than fifty dollars (\$50.00) does not evidence a violation of the above paragraph. "Non-monetary gifts" do not include gift certificates, vouchers, or any other item which is readily used in place of cash.

##### 4.2 **Preferential Treatment**

4.2.1 No public servant of the Township shall use, or attempt to use, their official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or others.

4.2.2 In the event a Township public servant either is offered or receives preferential treatment for him or herself or others as a result of his or her status as a Township public servant without soliciting the same, the Township public servant shall immediately upon discovery of the preferential treatment:

- Either reject the offer of preferential treatment or return the full value of preferential treatment for the most recent transaction received before discovery, and
- Disclose the transaction or proposed transaction which would have constituted preferential treatment to the relevant controlling authority listed in Section 5 of this Code of Ethics.
- Upon completion of this process, it will be presumed that the Township public servant did not act in contravention of this Section of the Code of Conduct.

### **4.3 Use of Information**

Any public servant of Highland Township who acquires information in the course of their official duties, which information is not available to the general public, shall not purposefully use such information to further the private economic interests of him or herself or anyone else.

### **4.4 False Representation of Township Position**

- 4.4.1 No public servant of Highland Township shall falsely represent his or her personal opinion to be the official position or determination of the Township or the department, board of committee of which he or she is a public servant.
- 4.4.2 This section shall not apply to the professional opinions of Township public servants rendered while performing their duties, provided that such opinions are clearly identified as professional or personal opinions and not the opinion of the Township.

### **4.5 Outside Business Dealings**

- 4.5.1 No Township public servant shall engage in a business transaction in which he or she may profit because of his or her position or authority or benefit financially from confidential information which he or she has obtained or may obtain by reason of such position or authority.
- 4.5.2 No Township public servant 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 duties or when that employment may tend to impair his or her independence of judgment or action in the performance of his or her duties.
- 4.5.3 Except as provided in Section 5.2.7, a public servant shall participate in the negotiation or execution of contracts, granting subsidies, fixing rates, 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. This section shall not prohibit a part-time elected or appointed official from engaging in private employment or business on his or her own time as a private citizen and where Township 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, in accordance with Section 5.2.7 below. He or she shall refrain from voting upon or otherwise participate in debate on any such matter, except as otherwise provided by law.

### **4.6 Suppression of Public Information**

No Township public servant shall intentionally suppress any public Township report, document, or other information available to the general public because it might tend to affect unfavorably their private financial or political interests.

#### **4.7 Use of Township Property**

No Township public servant shall, directly or indirectly, make use of or permit others to make use of Township property of any kind for personal gain. Township public servants should protect and conserve all Township property including equipment and supplies entrusted or issued to them.

#### **4.8 Independence of Boards, Committees**

Because of the value of the independent advice of subordinate board, committees, councils and commissions to the public decision-making process, members of the Board of Trustees shall, except when the Board of Trustees member is a member of the committee, board, council, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing relevant information, shall not attempt to unduly influence the deliberations or outcomes of the proceedings.

### **5. Conflict of Interest**

No public official shall vote on any issue in which he or she may reasonably be considered to have a conflict of interest. A conflict shall at the minimum include the following:

- 5.1.1 Deliberating on, voting on, or reviewing a matter concerning land owned by the member or adjacent to land owned by the member.
- 5.2.2 Deliberating on, voting on, or reviewing a matter concerning a spouse, child, parent or member of the public servant's household.
- 5.2.3 Deliberating on, voting on, or reviewing a case where the public servant's employer or employee is an applicant or has a direct interest in the outcome.
- 5.2.4 Deliberating on, voting on, or reviewing a matter where the action may result in a financial or personal benefit to the public servant.
- 5.2.5 Being a party, directly or indirectly, to any contract between him or herself and the public body of which her or she is an officer or employee.
- 5.2.6 Directly or indirectly solicit any contract between the Township and (i) himself or herself; (ii) any firm (meaning a co-partnership or other unincorporated association) of which he or she is a partner, member or employee; (iii) any private corporation in which he or she is a stockholder owning more than 1% of the total outstanding stock of any class where such stock is not listed on a stock exchange or stock with a present total market value in excess of \$100,000.00 where such stock is listed on a stock exchange or of which he or she is a director, officer or employee; or (iv) any trust of which he or she is a beneficiary or trustee; nor shall he or she take any part in the negotiations for such a contract or the renegotiation thereof or amendment thereto or in the approval thereof; nor shall he or she represent either party in the transaction.

5.2.7 Sections 5.2.5 and 5.2.6 do not apply to a part-time public servant provided the public servant discloses their financial interest in writing to the presiding officer of the board, committee or council at least 7 days before the meeting where a vote on the matter will take place. The public servant must also disclose the financial interest during a public meeting at least 7 days before the vote will take place, if the public servant will benefit in an amount more than \$5,000.

The contract may only be approved if at least 2/3 of the full membership of the approving body vote in open session without the vote of the public servant making the disclosure.

The public servant must disclose the following information which must be included in the minutes: (i) the name of each party involved in the contract, (ii) the terms of the contract, including duration, financial consideration, facilities or services included in the contract, (iii) the nature and degree of Township employees involved in fulfilling the contract and (iv) the nature of the financial interest.

5.2.8 If the part-time public servant's vote is required by law to constitute a quorum, the part-time public servant may participate in the vote if the public servant will have a direct financial benefit of \$250.00 or less and less than 5% of the contract value. The public servant must sign a sworn affidavit of this limited financial benefit, which shall be part of the record of the meeting.

## **6. Duty to Disclose**

If a member of the Township Board of Trustees has a conflict of interest, they shall request the Board vote unanimously to excuse him/her from voting on the matter. Unless the Board of Trustees concludes, upon a majority vote of the remaining members, that the member's participation does not constitute a conflict of interest and that his or her participation and vote will not be affected by his or her interest, the member shall leave his or her seat at the dais or meeting table and shall abstain from discussion and voting on the matter. A member shall not appear before the Board as an advocate in relation to any matter in which he or she has abstained for reasons of conflict of interest.

If a public servant could reasonably be considered to have a conflict of interest pertaining to a matter that is to be addressed or considered by a Township board, council, committee other than the Board of Trustees, before participating in any discussion or casting a vote on such a matter, the member shall disclose the conflict of interest to the board/council, committee and shall abstain from voting, leave their seat on the dais or voting area and not participate in the discussion of the matter.

## **7. Violation Enforcement and Penalties**

### **7.1 Controlling Authorities**

Conflicts of interest concerning a township official or employee and a public contract are governed by MCL 15.321 through 15.330. Conflicts of interest regarding public contracts must be rectified through the statutory procedures and not through the Township Conflict of Interest and Code of Ethics.

All other matters concerning the Code of Conduct shall be directed to one of the two following controlling authorities depending upon the employment status of the public servant involved and the nature of the action requested:

- Matters involving elected and appointed officials of the Township should be directed to the Supervisor, Township Board and Township Attorney.
- Matters involving appointed employees, full- and part-time, of the Township should be directed to the Township Supervisor, Human Resources Director and Township Labor Attorney.

## **7.2 Violations concerning Township Board of Trustee actions**

All Township Board members have a responsibility to act when they learn of actions of another Board member that appear to be in violation of this Code of Conduct. Upon being notified of a reasonable suspicion of a violation of the Code of Conduct and the unwillingness of a member to appropriately address the situation as determined by the Supervisor, the Supervisor shall set, or any three Board members may require, a public hearing during a regular or special meeting of the Board of Trustees to determine whether a violation of the Code of Conduct has occurred and if so, what sanctions may be imposed.

## **7.3 Penalties for violation**

Upon determination that there has been a violation, the Controlling Authority has the sole authority to set a penalty which is rationally related to the violation. The Controlling Authority may, but is not limited to, use any of the following as penalties:

- 7.3.1 Private Reprimand of the violator through mail or by private meeting.
- 7.3.2 Public Reprimand with a detailed description of the offense and code provision violated.
- 7.3.3 Temporary Suspension from Office or Duties, but in no case more than six months.\*
- 7.3.4 Removal from Office/Termination of Employment.\*

\* Provisions marked with an asterisk shall not be applicable to elected officials.

## **7.4 Status of violations, Implementation**

- 7.4.1 Violations of this Code of Conduct shall not be considered the basis for challenging the validity of a Board of Trustees decision.
- 7.4.2 Members of the Board of Trustees are expected to be familiar with this Code of Conduct. All new members of the Board of Trustees shall be provided with a copy of the Code of Conduct and shall acknowledge its receipt.
- 7.4.3 This Code of Conduct shall be reviewed every four (4) years.