



CITY OF OTSEGO

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Commissioner Withee offered Ordinance No. 164 and moved for its adoption, supported by Commissioner Milhiem.

**CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 164**

CITY COMMISSIONER ETHICAL CODE

CITY OF OTSEGO, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1. Preamble.

A. The citizens of Otsego are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity.

B. Furthermore, the effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

C. To this end, the Otsego City Commission adopts this Code of Ethics for Otsego City Commissioners to assure public confidence in the integrity of local government and its effective and fair operation.

Section 2. Code of Ethics.

A. Acts in the public interest. Recognizing that stewardship of the public interest must be their primary concern, City Commissioners will work for the common good of the people of Otsego and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Otsego City Commission.

B. Compliance with law. City Commissioners shall comply with the laws of the nation, the State of Michigan, and the City of Otsego in the performance of their public duties. These laws include, but are not limited to: the United States and Michigan constitutions; the City of Otsego Charter; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

C. Respect for process. City Commissioners shall perform their duties in accordance with the processes and rules of order established by the City Commission governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Commission by city staff.

D. Conduct of public meetings. City Commissioners shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

E. Communication. City Commissioners shall publicly share substantive information that is relevant to a matter under consideration by the City Commission, which they may have received from sources outside of the public decision-making process.

F. Full disclosure.

1. A City Commissioner in the performance of their public duties shall not act upon any matter in which they have a material financial interest, or where they have a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the City Commission on the official record. Such disclosure must be made before the time to perform their duty or concurrently with the performance of the duty.
2. The disclosure required by this subsection shall not supplant, but instead shall supplement, any disclosure of a personal, contractual, financial, business, employment or pecuniary interest required by state statute.

G. Gifts, favors, and loans.

1. A City Commissioner shall refrain from financial and business dealings that would tend to reflect adversely on the Commissioner's impartiality, interfere with the performance of their public duties or exploit their official position. A City Commissioner should not take any special advantage of services, goods or opportunity for personal gain that is not available to the public in general.
2. A City Commissioner and any family member claimed as a dependent of the Commissioner shall refrain from soliciting or accepting any gifts, loans or favors except that a Commissioner and a family member claimed as a dependent of the Commissioner may:
 - A. Accept a gift or honorarium, not exceeding a value of one hundred dollars (\$100.00), for services rendered in the performance of their public duties or other activity devoted to the improvement of cities, communities and the lives of citizens.
 - B. Accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; a loan in the regular course of business from a lending institution on the same terms as generally available to the public; and a scholarship, grant or fellowship awarded on the same terms as applied to other applicants.
 - C. Accept any other gift, favor or loan only if the donor is not a person or entity whose interests have come or are likely to come before the City Commission.
 - D. Solicit and accept campaign contributions.

H. Confidential information. City Commissioners shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose nor divulge to an unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

I. Interference with City activities. City Commissioners shall not interfere or interject with any of the operations or activities of the City. A City Commissioner should not conduct themselves in a manner in their official role as a City Commissioner or as a private resident that interferes with city operations including financially.

J. Use of public resources. Public resources, including city staff time, equipment, supplies, and facilities, not available to the public in general shall only be used for the benefit of the public and not for a City Commissioner's personal or private use.

K. Representation of private interests. In keeping with their role as stewards of the public interest, a City Commissioner shall not appear on behalf of the private interests of third parties, including their spouses and family members within the third degree of consanguinity to the City Commissioner or their spouse, before the City Commission or any board, committee, council or proceeding of the City.

L. Advocacy. City Commissioners shall represent the official policies or positions of the City Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Commissioners shall neither state nor imply that they represent the opinions or positions of the City Commission or the City of Otsego.

M. Policy role of members.

1. City Commissioners shall respect and adhere to the City Manager structure of Otsego City government as outlined by the city charter. In this structure, the City Commission determines the policies of the city with the advice, information, and analysis provided by the public, subordinate boards, committees and commissions, and city staff.
2. City Commissioners therefore shall not interfere with the administrative functions of the City or the professional duties of city staff; nor shall they impair the ability of staff to implement City Commission policy decisions.

N. Independence of boards and commissions. Because of the value of the independent advice of subordinate boards, committees, and commissions to the public decision-making process, members of the City Commission shall, except when the City Commissioner is a member of the public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.

O. Positive workplace environment.

1. City Commissioners shall support the maintenance of a positive and constructive workplace environment for city employees and for citizens and businesses dealing with the city. City Commissioners shall recognize their special role in dealings with city employees so as to in no way create the perception of inappropriate direction to staff nor, except for the purpose of inquiry, give specific orders to subordinates of the City Manager or City Attorney.
2. Because City Commissioners actions and comments contribute to the environment in which all city employees must work, in order to create and promote a positive work environment under no circumstances shall a City Commissioner, either in public or private, intimidate, humiliate, or otherwise abuse a city employee.
3. Any conversations between a City Commissioner and city employee shall be no different in nature than that of a city resident and city employee.

P. Compliance and enforcement.

1. This Code of Ethics for Otsego City Commissioners expresses standards of ethical conduct expected for members of the Otsego City Commission. City Commissioners themselves have the primary responsibility to assure that they understand and meet the ethical standards expressed in this code of ethics and that the public can continue to have full confidence in the integrity of government.
2. All City Commissioners shall have a responsibility to intervene when they learn of actions of another City Commissioner that appear to be in violation of the Code of Ethics. Upon acquiring reasonable suspicion of a violation of the Code of Ethics, the Mayor shall set, or any two Commissioners may require the setting of, a public hearing at a regular or special meeting of the City Commission to determine whether a violation of the Code of Ethics occurred and, if so, what sanctions shall be imposed for the violation.
3. The City Commission may impose sanctions on City Commissioners whose conduct does not comply with the City's ethical standards. Sanctions may include reprimand, formal censure, loss of committee assignment and/or restrictions on budget or travel.
4. A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a City Commission decision.

Q. Implementation.

1. As an expression of the standards of conduct for City Commissioners expected by the public, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when City Commissioners are thoroughly familiar with it and embrace its provisions.
2. For this reason, ethical standards shall be included in the regular orientations for newly elected or appointed City Commissioners. At the first regular meeting of the City Commission in December of each year, City Commissioners entering office shall sign a statement affirming that they have read and understand the Code of Ethics for Otsego City Commissioners.
3. In addition, the City Commission shall annually review the Code of Ethics for City of Otsego City Commissioners.

Section 3. Council Trustee Statement of Acknowledgment.

Model of Excellence
Otsego City Commission

Council Commissioner Statement

As a member of the Otsego City Commission, I agree to uphold the Code of Ethics adopted by the City Commission and conduct myself by the following model of excellence.

I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, city staff, and the public are free to express their ideas and work to their full potential;
- Demonstrate respect for the City Manager structure established in Otsego;
- Respect the dignity and privacy of individuals and organizations;
- Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;
- Conduct my public affairs with honesty, integrity, fairness and respect for others;

- Avoid and discourage conduct that is divisive or harmful to the best interests of Otsego; and
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.

I affirm that I have read and fully understand the Code of Ethics for Otsego City Commissioner

Signature

Date

Section 4. Effective Date. This ordinance shall take effect upon the latter of publication or the passage of twenty (20) days' time following its final adoption in accordance with the City Charter.

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, and Brent Milhiem.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Lauri Krueger.

ORDINANCE DECLARED ADOPTED.

Dated: July 1, 2019

Angela Cronen, City Clerk

CERTIFICATION

I, the undersigned duly appointed City Clerk of the City of Otsego, Allegan County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in The Union Enterprise, a newspaper of general circulation in the City on June 20, 2019 and July 5, 2019, and that such ordinance was entered with the Ordinance Book of the City on July 20, 2019.

Dated: July 1, 2019

Angela Cronen, City Clerk