

CITY OF ALPENA

COUNCIL POLICY STATEMENT

General Subject:	ETHICAL STANDARDS OF CONDUCT FOR ELECTED OFFICIALS	Policy No.	<u>50</u>
		Date Issued	<u>12/04/2007</u>
Specific Subject:	COUNCIL ETHICS POLICY	Effective Date	<u>12/04/2007</u>

Copies to: City Council, City Manager, City Clerk/Treasurer/Finance Director, City Attorney, File

Section 1) Purpose and Intent

It is the intent of this Policy that a Councilmember shall avoid any action which might result in or create the appearance of:

- 1) using public office for private gain;
- 2) giving improper preferential treatment to any person or organization;
- 3) impeding government efficiency or economy;
- 4) a lack of independence or impartiality of action;
- 5) making a government decision outside of official channels;
- 6) affecting adversely the confidence of the public in the integrity of the City.

It is not the intent of this Policy to in any way limit the right or ability of any City Councilmember to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a special benefit to that person, relieve the Councilmember of a particular duty, or treat that person differently than other similarly situated City residents.

Section 2) Fair and Equal Treatment

No Councilmember shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All Councilmembers shall treat all citizens of the City with courtesy, impartiality, fairness and equality under the law.

Section 3) Use of Public Property

No Councilmember shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, money, labor or service for the personal convenience or the private advantage of self or of any other person. This requirement shall not be deemed to prevent any Councilmember from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, money, labor or service which is made available by general practice to the public at large, or which is provided, as a matter of public policy for the use of the Councilmembers in the conduct of official business, as approved consideration for their services to the City.

Section 4) Matters Requiring Disclosure of Conflicts of Interest, Actual and Potential

The following disclosure requirements are established to avoid both actual and potential conflict between the private self-interest and the public interest of Councilmembers:

- 1) Self Interest: No Councilmember, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the City, unless the person shall first make full public disclosure of the nature of such interest.
- 2) Disclosure and Disqualification: Whether the performance of official duties shall require a Councilmember to deliberate and vote on any matter involving his or her financial or personal interest, that person shall publicly disclose the nature and extent of such interest and is disqualified from participating in the deliberations and voting on the matter.
- 3) Dual Employment: No Councilmember shall engage in employment with, or render services for, any person or entity which has business transactions with any public body of the City, without first making full public disclosure of the nature and extent of the employment or services.
- 4) Dual Representation: A Councilmember shall make full public disclosure of business involving the City when attempting to use his or her official position to secure special privileges or exemptions for self or others.

Section 5) Prohibited Conduct

All Councilmembers are prohibited from engaging in the following conduct:

- 1) divulging confidential information to any person not authorized to obtain such information;
- 2) benefiting financially from confidential information;
- 3) representing his or her individual opinion as that of the City or the Council as a whole;
- 4) misusing City personnel, resources, property, funds or assets for personal gain;
- 5) soliciting or accepting a gift or loan of money, goods, services or other things of value which tend to influence the manner in which the Councilmember performs his or her official duties;
- 6) engaging in a business transaction which may cause the Councilmember to derive a personal profit or gain directly or indirectly as a result of his or her official position;
- 7) engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment;
- 8) participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity in which he or she has a substantial interest; however, this provision shall not apply in the following circumstances:
 - (a) Contracting with the City where
 1. the contract is awarded pursuant to sealed bids;
 2. the Councilmember is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract; and
 3. the City Council, after reviewing the circumstances, determines the award of the contract would be in the best interest of the City.

Section 6) Public Disclosure, Contents

Whenever a public disclosure is required by this policy, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the Clerk/Treasurer, in both of which cases it shall be made a part of the record of a regular City Council meeting, and in either event shall include:

- 1) The identity of all persons involved in the interest.
- 2) The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with the provisions of this policy must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.

Section 7) Duties of the Clerk/Treasurer

The Clerk/Treasurer shall examine all disclosure statements filed pursuant to this policy and report irregularities immediately to the person filing the statement, to the City Manager and the City Attorney. Acceptance of a statement by the Clerk/Treasurer shall not constitute approval of the statement. The Clerk/Treasurer shall maintain a current list of all disclosure statements required to be available for public disclosure. The Clerk/Treasurer shall preserve all the disclosure statements for at least three (3) years after the date on which they are filed. The Clerk/Treasurer shall make available to the public all statements that are required to be available during regular business hours.

Section 8) Request for Opinion from the City Attorney

Any Councilmember may request that the City Attorney provide an advisory opinion interpreting the effect or application of this policy generally, or on questions directly relating to the propriety of their conduct in a particular situation.

Section 9) Delivery of Copies of Ethics Code to Councilmembers

The Clerk/Treasurer shall deliver a copy of this policy to each Councilmember as soon as practicable after the enactment of this policy, and to each new Councilmember after taking office. The Clerk/Treasurer shall also request that each such person sign and return an acknowledgement of receipt of a copy of this policy.

Section 10) Controlling Authority

Requests to investigate or take action to enforce the Ethical Standards of Conduct regarding elected officials or candidates for elective or appointive office shall go to the Mayor, City Council and City Attorney. Should the request involve a member of the City Council, that member shall not be a part of the controlling authority.

Section 11) Violation of this Policy

The Alpena City Council shall have the authority to issue an oral or written warning or reprimand to one of its members for violations of the ethical standards of this Policy. This policy is intended to establish standards governing conduct in dealings with the City. Violations of the Ethics Policy, per se, shall not make the violator subject to fine or imprisonment.