

CITY OF NORTHVILLE
RESOLUTION

STANDARDS OF CONDUCT AND ETHICS

WHEREAS, the City Charter provides that an elective or appointive officer, including the members of boards and commissions, shall be removed from office by the City Council if, after a hearing, said officer is found guilty of an act of misconduct in office; and

WHEREAS, the City Charter gives the City Manager the authority to discharge a City employee for just cause, including an act of misconduct in office;

NOW THEREFORE BE IT RESOLVED, that the City Council hereby adopts the following Standards of Conduct and Ethics:

I. DEFINITIONS:

- (a) "Officer" means an elective City officer, a member of a board or commission appointed by the City, or an administrative City officer as provided in the City Charter.
- (b) "Employee" means any person employed by the City who is not an Officer of the City as defined above.
- (c) "Family member" means a spouse or the following relatives, and the spouses of such relatives: child, grandchild, parent, grandparent, brother, sister, half-brother and half-sister, and including relationships arising from adoption.
- (d) "Financial interest" in a contract, action or decision means that the officer or employee
 - 1. is employed by or has a contract with the company or person involved; or
 - 2. is owner of at least ten percent (10%) of the company involved; or
 - 3. will receive a financial or other material benefit from such contract, action or decision which is greater than that which will be received by a substantial part of the public in general; or
 - 4. has a family member who has a financial interest in such contract, action or decision.
- (e) "Personal interest" in a contract, action or decision means that the officer or employee, or a family member of such officer or employee, will be affected either positively or negatively by such contract, action or decision to an extent which is materially different than the effect on a substantial part of the public in

general. The sole fact that an officer or employee, or a family member of such officer or employee, resides in a district, notification area or other geographical area related to an issue shall not be deemed to be personal interest.

(f) "Misconduct" shall mean a violation of the Standards set forth in Part II, or the failure to properly advise the appropriate supervisor or board or commission of a potential financial or personal interest, as set forth in Part III.

II. STANDARDS:

(a) A City officer or employee shall not divulge to an unauthorized person, confidential information acquired in the course of his or her duties in advance of the time prescribed for its authorized release to the public.

(b) A City officer or employee shall not represent his or her personal opinion as that of an agency.

(c) A City officer or employee shall use personnel resources, property, and funds under the officer or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.

(d) A City officer or employee shall not 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 public officer or employee or another public officer or employee performs official duties.

(e) A City officer or employee shall not engage in a business transaction in which the public officer or employee may profit from his or her official position or authority or benefit financially from confidential information which the public officer or employee has obtained or may obtain by reason of that position or authority. Instruction which is not done during regularly-scheduled working hours except for annual leave or vacation time shall not be considered a business transaction pursuant to this subsection if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with his or her course of employment with the City.

(f) A City officer or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair his or her independence of judgement or action in the performance of official duties.

(g) A City officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity or

person in which the public officer or employee has a financial or personal interest.

III. PROCEDURE WHEN A CONFLICT MAY EXIST

(a) Whenever a City employee has a financial or personal interest in a contract, action or decision, he shall so advise his supervisor, and shall refrain from participation to whatever extent is necessary to avoid a conflict of interest. If the City employee is an administrative officer, said officer shall advise the City Manager of such financial or personal interest, and if the City employee is the City Manager, he shall advise the City Council. If the supervisor (or City Manager or City Council) determines that the Employee does not have a conflict of interest in the matter at issue, then the Employee shall not be subject to a charge of misconduct on the basis of the facts which he made known to the supervisor (or City Manager or City Council).

(b) Whenever a member of a City board or commission has a financial or personal interest in a contract, action or decision, he shall so advise his board or commission, and request to abstain from voting on such contract, action or decision. If the board or commission concurs with the member that he has a financial or personal interest in the matter being considered, then the board or commission shall vote to allow the member to abstain. If the board or commission determines that the member does not have a conflict of interest, and therefore shall not be permitted to abstain, then the member shall not be subject to a charge of misconduct on the basis of the facts which he made known to the board or commission.

BE IT RESOLVED FURTHER, that the City Council hereby determines that a violation of the Standards provided herein constitutes misconduct of office, and shall be subject to action by the City Council or the City Manager as provided in the City Charter; and

BE IT RESOLVED FURTHER, that the City Manager is hereby authorized and directed to administer these Standards as they may apply to City administrative officers and employees; and

BE IT RESOLVED FURTHER, that it is the intent of the City Council that these Standards serve as a code of ethics for City officers and employees, and that no contract with respect to which a City officer or employee shall act in violation hereof, shall be deemed to be void or voidable on that basis alone.