



## Township Policy and Procedure

### CLINTON TOWNSHIP ETHICS POLICY

Adopted: March 25, 2019

#### **I. OVERVIEW AND PURPOSE**

In order to maintain the public's respect, trust and confidence, all Charter Township of Clinton elected officials, appointed officials, employees and volunteers must use the powers and resources of their respective office only to advance the public interest, and not to obtain personal benefits or pursue private advantage incompatible with these interests. Public confidence in the integrity of government is essential and indispensable to the exercise of good government. Accordingly, Township officials shall conduct themselves in a manner that justifies the confidence placed in them by the residents of Clinton Township, at all times maintain their integrity and discharging their responsibilities ethically in the course of their duties with the Township.

Therefore, Township officials are expected to comply with all applicable laws governing their conduct. This *Ethics Policy* is intended to establish principles, expectations and ethical standards for Township official conduct and, to the extent possible, reduce the likelihood of vague or ambiguous principals or standard of conduct expected of Township officials.

#### **II. DEFINITIONS**

For purposes of this *Policy*, the following words shall have the meanings respectively ascribed to them by this section:

***“Appointed Official”*** means a person, other than an elected official or employee, who is appointed to a Township agency, municipal corporation, commission, board or other entity authorized to act on behalf of the Township or subset thereof.

***“Anything of value”*** includes anything of monetary value, including but not limited to, money, loans, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment.

**“Board” or “Board of Trustees”** shall mean the Board of Trustees of the Charter Township of Clinton.

**“Conflict of Interest”** includes the prohibited transactions and interests described in Section IV, the gifts prohibited under Section V, and any other personal or private transaction, interest, or relationship that, under the circumstances, creates an appearance of impropriety that could reasonably be expected to diminish public confidence in the independent and impartial administration of the Township in the best interests of the public.

**“Contribution”** is defined in MCL 169.2014.

**“Elected Official”** means any member of the Board of Trustees of the Charter Township of Clinton.

**“Employee”** means an individual who is hired by the Township to provide services on a continuing basis, whether full-time, part-time, temporary, intermittent, hourly, or via an employment contract.

**“Ethics Board” or “Board of Ethics”** shall mean the Board of Ethics of the Charter Township of Clinton consisting of three members appointed by the Board of Trustees.

**“Financial interest”** means ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received or is presently or in the future entitled to receive, more than \$100.00 per year, or its equivalent; ownership of five (5%) percent or more of any property or business; or holding a position in a for profit business such as an officer, director, trustee, partner, employee, or the like.

**“Gift”** means any rendering of value for which legal consideration of equal value is not given and received. The term “gift” also includes the rendering of a personal benefit or favor that results in an economic benefit or financial gain by a Township official, or a related party, that is not expressly permitted under applicable laws and this *Policy*.

**“Mass mailings”** means the posting of advertising or similar material to a lot of people at one time.

**“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.

**“Policy”** means this *Ethics Policy*.

**“Relative”** means a person who is related to a Township official as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

**“Service provider”** includes, but is not limited to, any person, corporation, or other party that is doing business with, regulated by, or has interests before the Board or the Township, including anyone who is known or should be known to be an agent or acting on behalf of such a party.

**“Township”** means the Charter Township of Clinton.

**“Township officials”** means collectively elected officials and appointed officials of the Charter Township of Clinton.

**“Volunteer”** means a person who freely and willingly undertakes a task or provides a service for the Township without remuneration.

### **III. GENERAL ETHICAL STANDARDS**

- A.** This *Ethics Policy* cannot address all of the circumstances in which Township officials could benefit themselves or parties of interest rather than the public good. This *Policy* must therefore consist of general principles that will provide officials with guidelines for managing the many complicated situations that arise in administering a municipal entity.
- B.** In situations where the law or this *Policy* are not clear, any doubt shall be resolved in a manner that abates or mitigates any actual conflict of interest and furthers the public’s sense of faith in the integrity of Township officials.
- C.** Township officials must be aware that the mere appearance of a conflict of interest, or conduct that may be legal but appears to conflict with the public’s interest, can erode confidence in the Township, and should be avoided.
- D.** Township officials must be honest in the exercise of their duties and must not take actions that will discredit the Township.

#### IV. CONFLICTS OF INTEREST

- A. A conflict of interest exists for a Township official or service provider whenever there exists a personal, private, commercial or financial interest that could reasonably be expected to diminish the Township official's or service provider's independence of judgment in the performance of the person's responsibilities and obligations to the Township.
- B. **Disclosure.** Township officials, service providers, and any other person(s) or organization(s) having fiduciary obligations to the Township must promptly disclose any actual or potential conflicts of interest in detail sufficient to be understood by the Board and by the public. Disclosure may be made orally during Board meetings or by submission of a written statement to the Township Supervisor, with a copy to all Board members. Disclosure shall be made immediately prior to the Board's consideration of a matter, and shall be reflected in the official record of the meeting. Members of the Board shall be accountable for recognizing a potential or actual conflict of interest and for disqualifying themselves from making, participating in, or attempting to influence Board decisions which may affect any of their financial interests. Such disclosure shall be set forth in the minutes of the meeting of the Board at which such transaction is considered. Recusal from acting on any matter in which an actual or potential conflict exists is required.

In addition to the disclosures required above, each Township official shall disclose his or her and any related party's financial interest in any business proposing to engage in a transaction with the Township in writing to the IT department for placement on the Ethic's page of the Township's website prior to any official act by the Board or Township official on such transaction.

- C. **Duty to Cure.** Township officials who have a duty to disclose a conflict of interest also have a duty to cure the conflict, if the conflict is their own and a cure is deemed required prior to any action by the Board. A person normally cures a conflict of interest by promptly eliminating it. Persons who cannot or do not wish to eliminate the conflict must terminate their relationship with the Township as soon as is reasonably possible. However, if the conflict of interest involves a Township official who may prudently withdraw from action on a particular matter in which a conflict exists, he or she may cure the conflict in that manner provided that:

1. The person may be and is effectively separated from influencing the action taken;
2. The action may properly be taken by others; and
3. The nature of the conflict is not such that the person must regularly and consistently withdraw from decisions which are normally his or her responsibility with respect to the Township. Board members must disclose any conflicts regarding matters which are before the Board, leave the room during any relevant deliberations, and not vote on the matter.

## V. GENERAL STANDARDS OF CONDUCT

A Township Official shall act in the public interest and work for the common good of the Charter Township of Clinton and all Township residents, businesses, and visitors.

- A. **Independence.** A Township Official shall be independent, impartial, unbiased, and fair in exercising judgment and decision making.
- B. **Favoritism and Discrimination.** A Township Official shall not show favoritism or discriminate on the basis of race, color, gender, gender identity, religion, marital status, national origin, age, disability, height or weight, or sexual orientation.
- C. **Personal Interests.** A Township Official shall not subordinate the interests of the Township to the Township Official's personal interests.
  1. If not expressly prohibited herein, a Township Official may conduct himself or herself in any manner otherwise allowed by law.
  2. Prohibited Conduct. A Township Official shall not:
    - a. Use his or her position, title, office, or otherwise act to further the business interests, partisan political interests, personal interests, or to realize private gain for themselves or a relative;
    - b. Use or direct any others to act as his or her proxy to advance business interests, partisan political interests, personal interests,

or to realize private gain for themselves or a relative;

- c. Use any of the following to further his or her business interests, partisan political interests, personal interests, or to realize private gain for themselves or a relative:
  - (1) Township owned vehicles;
  - (2) Township land, buildings, facilities, or other property;
  - (3) Township offices, office machines, computers, supplies, communications devices and systems, or mail systems;
  - (4) Township Officials, employees, personnel, vendors, or contractors during ordinary Township work hours, 8:30 a.m. to 4:30 p.m.

**D. Political Activities.**

- 1. Permissible political activities: acting in his or her private personal capacity, a Township Official may exercise his or her rights to political speech and expression and participate in the political process without restriction or limitation.
- 2. A Township elected official shall not solicit or accept political campaign contributions in violation of Michigan Campaign Finance Law.
- 3. Prohibited political activities. Township Officials shall not:
  - a. Personally use or solicit, encourage, enable, or otherwise allow others to use any of the following in pursuit of political campaign contributions or campaign activities on behalf of him or herself, a relative, or any other person, party, proposal, or ballot initiative:
    - (1) Township owned vehicles;
    - (2) Township offices, office machines, computers,

supplies, communication devices and systems, or mail systems;

- (3) Township Officials, employees, personnel, vendors, or contractors during ordinary Township work hours.

**b.** Solicit political campaign contributions or pursue political campaign activities on behalf of him or herself, a relative, or any other person, party, proposal, or ballot initiative:

- (1) While he or she is engaged in the performance of his or her official duties;
- (2) On Township property during ordinary Township work hours, 8:30 a.m. to 4:30 p.m.;
- (3) Using Township facilities, property, business machines, communications devices or systems, resources, assets, or personnel regardless of whether subordinate or otherwise;
- (4) From any subordinate Township Official or employee serving under his or her supervision, authority, direction, or control.
- (5) A Township Official can avoid violation of subsection (b) if:
  - i. The solicitation includes an express disclaimer stating that it was not intended to be sent to such persons; or
  - ii. The Public Servant takes actions to correct the mailing list to avoid recurrence of such solicitation.

**E. Gifts.**

1. A Township Official Shall Not:

Solicit or accept a gift, favor, special privilege, or special discounted price on goods or services either directly or indirectly, on behalf of him or herself or a relative from employees of organizations that contract to provide goods and services to the Township for compensation.

2. A Township Official may however:
  - a. Accept ordinary social hospitality of a value not exceeding \$50.00;
  - b. Accept a gift, bequest, favor, or loan from a relative, or friend so long as:
    - (1) The relative, family member related to the Township Official by blood or marriage, or friend is not also a service provider; or
    - (2) The relative, family member related to the Township Official by blood or marriage, or friend is not acting as the proxy or intermediary on behalf of a service provider.
  - c. Accept a loan in the ordinary course of personal business from a public lending institution on the same terms available to the general public;
  - d. Accept a scholarship, grant, or fellowship awarded on the same terms available to the general public;
  - e. Accept an award, honor, or citation which acknowledges service or achievement and which has no cash or financial value;
  - f. Accept complimentary copies of trade publications related to the Township Official's official duties.
  - g. Accept food or refreshments made available at events, meetings, seminars, or occasions related to the Township Official's official duties, provided, however:



- (2) Offered in conjunction with teaching, speaking engagements, or service as a director, officer, board member, or committee member of an organization governmental entity unrelated to the Township; and

  - i. The Township does not reimburse, compensate, or pay the Township Official or such admission or registration fees, travel expenses, entertainment, lodging, meals, or refreshments, and
  - ii. The free or discounted admission or registration fees, travel expenses, entertainment, lodging, meals, or refreshments are customarily provided to others under the same circumstances.
  
- j. Accept free admission to a charitable or non-profit event or fund-raiser where:

  - (1) The Township Official attends as a Township representative, or
  - (2) Officials of other local governments are provided free admission because of their official status.
  
- k. Accept free admission to events honoring another Township Official or governmental official where:

  - (1) The Township Official attends as a Township representative, or
  - (2) Officials of other local governments are provided free admission because of their official status.
  
- l. Accept a gift from another Township Official or from a federal, state, local, or school district board, commission, elected official, appointee, or employee provided, however, the value of the gift does not exceed \$25.00

- m. Accept any goods or services for which he or she pays fair market value.

**F. Privileged and Confidential Information.** A Township Official shall not knowingly and intentionally:

1. Disclose bids, bid submissions, and bid related documents which divulge bids submitted prior to the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline in for submission of bids or proposals has expired.
2. Disclose another individual's personal information where disclosure would constitute an unwarranted invasion of that individual's privacy.
3. Allow, enable, authorize or otherwise permit members of the public to access, read, download, copy, or otherwise possess Township information, files, or data collections exempt from disclosure from the Freedom of Information Act, unless otherwise authorized;
4. Allow, enable, authorize or otherwise permit members of the public to log onto or otherwise gain access to restricted Township computers, tablets, email systems, or communications devices;

**VI. PROHIBITED CONDUCT & DISCLOSURES**

- A. Confidential/Sensitive Information.** No Township official shall obtain or use for personal reasons or for private gain any confidential information acquired as a result of his or her position as a Township official.

A Township official shall not use information to which he or she has access by reason of his or her office to acquire, or aid another to acquire, a pecuniary interest in any property, transaction or enterprise that may be affected by the information; speculate, or aid another to speculate, on the information; or coerce another to suppress or fail to report that information to a law enforcement agency.

- B. Outside Employment and Other Outside Activity.** Township officials may not engage in any outside employment or other activity that is not compatible with the full and proper discharge of their duties and responsibilities with the

Township. Activities or actions that are not compatible with Township duties include, but are not limited to, the following:

1. Engaging in any outside employment, private business activity, or other interest which may interfere with the official's ability to perform his or her duties as a Board member, or which may impair the efficient operation of the Township;
2. Accepting employment or rendering services in exchange for pay regarding Township policies, rules or matters of Township business, except if the employment or services are in the course of public employment;
3. Ordering, directing or requesting Township officials to perform during regular working hours any personal services not related to official Township functions or activities;
4. Engaging in any outside employment, private business activity, or interest, which permits a Township official or others to capitalize on his or her official title or position; and
5. Serving in a representative capacity or as an agent, consultant, expert witness or attorney for any outside entity involving any matter before the Board or matter that involves the Township.

**C. Hiring Of Relatives.** On the basis of objective qualifications, the Board is not prohibited from hiring or retaining the relative of a Township official; however, it will be incumbent upon the Township official to disclose such a relationship to the Township by completing a Relative Disclosure form for any current relatives employed by the Township and for any prospective employees during the evaluation and selection process. Such forms will be made available to all Board members, appointing agencies, and made publicly available on the Ethics Webpage prior to Board appointments.

**D. Township Official Mandatory Disclosures.**

1. All Township Officials shall file a personal disclosure statement in the form and manner prescribed by the Township through its Human Resources Department.

- 2.** The Township Official's disclosure statement shall reflect:
  - a.** The Township Official's name, title, and position;
  - b.** All current employers other than the Township;
  - c.** All entities for which the Township Official serves as an officer, director, member, or partner and receives compensation;
  - d.** All entities in which the Township Official owns 10% or more of the stock unless the stock is publicly traded and was acquired through a public exchange or is held by shares in a publicly traded mutual fund;
  - e.** All entities in which the Township Official owns a 10% or greater ownership interest; and;
  - f.** All entities in which the Township Official holds an ownership interest of \$50,000 or more.
  - g.** All properties owned and located within the Township and/or land owned contiguous to the Township.
- 3.** Current Township officials shall file his or her personal disclosure statement within 30 days of this policy being adopted.
- 4.** A Township official shall file an updated personal disclosure statement:
  - a.** Annually to the Township's Human Resources Department; or
  - b.** Within 30 days of any material change in the information reflected on his or her most recent personal disclosure statement.

## VII. ENFORCEMENT AND IMPLEMENTATION

- A. Board of Ethics.** A Board of Ethics is created consisting of three members, who will provide advisory opinions and recommendations to the Board of Trustees when there is a complaint as to the applicability of a provision of this code to a particular situation.
1. The initial members of the Board of Ethics shall be appointed for one, two and three year terms of office, respectively, beginning on a date established by the Board, and thereafter, shall be appointed to three year terms.
  2. The Board of Ethics shall be made up of residents of the Township, who have legal, administrative or other desirable qualifications, and shall serve without compensation. Members shall not be elected officials, persons appointed to elective office, full time appointed officials, Township employees, nor shall they currently be serving on any Township committee or commission. The Board shall select its own chairperson and establish procedures it deems necessary and appropriate to perform functions as set forth in this subsection subject to approval by the Township Board.
  3. When there is a question or complaint as to the applicability of any provision of this *Ethics Policy* to a particular situation, that question or complaint shall be directed to the Board of Ethics. It shall then be the function of the Board of Ethics to conduct hearings and/or issue an advisory opinion as applicable.
  4. The Board of Ethics shall, within 7 days after any matter is brought to its attention, set a date certain for hearing.
  5. The Board of Ethics shall, at least 28 days before the hearing date, send notice of such hearing accompanied by a concise statement of the alleged breach of this *Ethics Policy* to the person(s) requested to appear before them by certified mail/return receipt requested to addressee only.
  6. Any person requested to appear before a Board of Ethics hearing may request one extension for a period not to exceed 28 days. Extensions thereafter shall only be granted by the Board of Ethics under extreme circumstances.
  7. Any person requested to appear before a Board of Ethics hearing may be accompanied by their attorney.
  8. All hearings shall be subject to the Open Meetings Act.

9. All findings of Board of Ethics hearings shall be in writing, be sent to the Board of Trustees Members, and kept as a permanent record subject to the Open Meetings Act and Freedom of Information Act by the Township Clerk.
10. Advisory opinions may also be issued which shall be in written form, transmitted to the Board of Trustees, and kept by the Township Clerk as a record of the Township subject to the requirements of the Open Meetings Act and Freedom of Information Act.
11. The Administrative Assistant to the Board of Trustees shall provide clerical support to the Board of Ethics.

**Controlling Authority.** All matters concerning suspected violations of this *Ethics Policy* by elected or appointed officials shall be directed to the Board of Ethics.

**B. Whistle Blower Protection.** The State of Michigan's provision of the Whistle-Blower's Protection Act (MCL 15.361 et seq.) is intended to apply to employees who report a violation or suspected violation of this *Policy*. The Township shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee, or a person acting on behalf of the employee, reports or is about to report, or is perceived to have reported or be about to report, verbally or in writing, a violation or suspected violation of this *Policy*, unless the Township official knows that the report is false, or because a Township is requested to participate in an investigation, hearing or inquiry held by the Township.

**C. Ethics Webpage and Content.** There shall be an ethics information portal on the Township's web page to include the following information:

1. The Township *Ethics Policy*.
2. The Township Purchasing and Bid Policies and Procedures.
3. An updated list of Township Vendors.
4. An archive, including the filed Township financial disclosure forms by elected officials as required by this *Ethics Policy*.
5. A blank financial disclosure form.
6. A complaint form developed by the Board of Ethics within sixty (60) days of appointment to the Board.

**D. Training Requirements.** All Township officials shall be properly trained in the application of this *Ethics Policy*. It shall be the responsibility of the Human Resources Director to develop the training materials and assure training of elected and appointed officials every two (2) years or within 60 days of appointment.

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Adopted by the Clinton Township Board of Trustees: March 25, 2019

Revised: