



**Charter Township of Clinton  
Board of Ethics**

**Operating Procedures/Bylaws**

**ARTICLE I - PURPOSE**

The purpose of these procedures is to establish a uniform set of guidelines for the Board of Ethics to follow as it fulfills its jurisdictional responsibilities over complaints as established by the Charter Township of Clinton *Ethics Policy*.

**ARTICLE II - RULES AND PROCEDURES**

**Section 1. Meeting Schedules and Agenda Preparation**

The board will meet when the board chairperson determines that there is business to conduct. Township staff will work with the chairperson to determine the proposed agenda for all meetings of the board. The decision of the chairperson to not hold a meeting may be reversed if two board members wish a meeting to be held.

Public notice requirements of the Open Meetings Act must be adhered to and the dates and times for meetings shall be posted at the Township offices.

The board shall meet and conduct all regular business and hearings at the Charter Township of Clinton offices, 40700 Romeo Plank Rd., Clinton Township, MI 48038. At the discretion of the chair, the board may convene at an alternative location with appropriate notice under the Open Meetings Act.

**Section 2. Conducting Meetings**

The chair or, in his/her absence, the senior member of the board shall preside at all meetings and hearings of the board. The presiding officer shall decide on all points of order or procedure, subject to rules contained herein, unless otherwise directed by the majority of the board members present.

The rules of parliamentary practice set forth in Robert's Rules of Order shall be used at all regular meetings.

### **Section 3. Quorum**

At all regular meetings and hearings of the board, the presence of two (2) members constitutes a quorum. No action can be taken on an agenda item unless a quorum is present.

### **Section 4. Voting, Abstention, and Recusal**

The affirmative vote of a majority of the whole board shall be required for any action to be rendered on all matters presented to the board.

Each board member present at a meeting of the board must vote on all matters put to a vote, unless the member abstains or recuses her-or himself from an agenda item.

A member wishing to abstain from a vote must state publicly the reason for abstention and leave the dais. The abstaining member must refrain from further discussion of the item and will not vote on the item.

A member who recuses as to a particular item is not present for purposes of determining the existence of a quorum.

Voting by proxy is prohibited.

### **Section 5. Public participation in Meetings**

Public participation at regular meetings, and complaint hearing meetings, is encouraged. All such comments will adhere to the “Policy for Public Comment Section of Board Meetings” included as Appendix A to these Operating Procedures/Bylaws. persons who wish to appear before the board shall sign up to speak at the beginning of the meeting. Each person may speak for three minutes.

### **Section 6. Meeting Minutes**

Board staff will draft minutes after every regular meeting and hearing subject to approval by majority vote of the board. The minutes must reflect meeting start and end time, board attendance (including the absence of any board member for any votes taken), and vote (if applicable) for each item considered.

### **Section 7. Legal Counsel**

Township general council is the Board of Ethics legal counsel. Any board member may consult informally with legal counsel on any matter related to board business.

## **Section 8. Board Spokesperson**

The spokesperson for the board is the chairperson of the board or designee as assigned by the chair.

## **Section 9. Term, Appointment and Removal of Chairperson**

The chairperson shall serve a two year term. The chairperson of the board is selected by a majority vote of the whole. The chairperson may be removed from that position by a majority vote of the whole.

## **ARTICLE III - COMPLAINTS**

### **Section 1. Definition**

A complaint is a written statement alleging a specific violation of the *Ethics Policy*. Any person may file a complaint. The complaint must be filed within one year of the time the person filing the complaint either knew, or in the exercise of reasonable care should have known, of the violation.

### **Section 2. Filing a Complaint**

Any individual may file a complaint alleging a violation of the *Ethics Policy* by submitting a complaint form to the board. The complaint form must be complete and include:

- The full name and address of the complainant.
- The full name and position held by the respondent.
- A concise statement of the facts, which clearly and accurately describe the allegations against the respondent. Whenever possible, the complainant shall identify the specific principle or section violated in the *Ethics Policy*.
- The complaint must be signed by the complainant.

A complaint form may be obtained by contacting the Township Board's Administrative Assistant. Complaint forms are also available online in the ethics portal section of the Township's website via the following link: <http://www.clintontownship.com/township-ethics-portal>.

Once the requestor has completed the complaint form, it should be filed in a sealed envelope marked "Ethics Complaint Form" and returned to the Administrative Assistant either hand-delivered or via first-class mail to the Administrative Assistant, Charter Township of Clinton, 40700 Romeo Plank Rd., Clinton Township, Michigan 48038. The complainant may also email the complaint to [ethics@clintontownship-mi.gov](mailto:ethics@clintontownship-mi.gov).

### **Section 3. Complaint Process**

- A. Upon receipt of a written complaint, the chairperson will determine if the complaint has been filed in the proper form. If the complaint has not been filed in the proper

form, it shall be returned to the complainant within five (5) business days of receipt with an explanation to the complainant as to why the complaint was not accepted.

- B. If the complaint has been filed in the proper form, the board will acknowledge, in writing, to the complainant and respondent receipt of the complaint.
- C. No later than seven (7) business days after a complaint is filed, the board shall set a date certain to conduct a hearing.
- D. At least twenty-eight (28) calendar days prior to the hearing date, the board shall send notice of such hearing accompanied by a concise statement of the alleged breach of the *Ethics Policy* to the person(s) requested to appear before them by certified mail/return receipt requested to addressee only.
- E. Any person requested to appear before a board hearing may request one extension for a period not to exceed twenty-eight (28) days. Extensions thereafter shall only be granted by the board under extreme circumstances.

#### **Section 4. Hearing Rules and Procedures**

##### **A. General Rules**

The complainant and respondent shall be notified of their rights in relation to the hearing. These rights include:

- a. The right to be present and to present evidence.
- b. The right to have witnesses present.
- c. The right to be represented by counsel at one's own expense.
- d. The right to be notified of the outcome of the hearing process and to be notified of the disposition of the complaint.

The board may invite additional parties to hearings. These parties will be restricted to individuals who have first-hand knowledge of the situations that led to the complaint. These individuals will incur all personal expenses and may refuse participation.

Failure of the complainant to appear or participate in the hearing may result in the dismissal of the complaint.

Any person requested to appear before a board hearing may be accompanied by an attorney at one's own expense.

##### **B. Order of Presentation**

Due process procedures will be followed in all hearings. These procedures will be:

- a. Opening statement by the chairperson to explain the reason for the hearing.
- b. The complaint will be read into the record.

- c. Testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excluded from the hearing except while testifying.
- d. The complainant and respondent will be given an opportunity to present evidence and testimony on their behalf and to call witnesses.
- e. The parties and their legal counsel will be afforded an opportunity to examine and cross-examine all witnesses and parties.
- f. Board members may ask questions at any time during the proceedings. The board may call as a witness any persons whose testimony is relevant.
- g. Each party may make a closing statement. If applicable, the complainant will make the first closing statement, and the respondent will make the final closing statement.
- h. Any party may submit briefs of the issues of fact and law involved in the hearing in such form and within such time as the chairperson may designate. The hearing record will officially close at the conclusion of closing statements or submissions of briefs, whichever occurs later.
- i. After adjournment, the board will deliberate and decide the case, and may seek advice of counsel.

### **C. Findings**

- a. Within thirty (30) days after the close of the hearing, the board shall prepare a written report.
- b. The report shall recommend, as appropriate, that the complaint be dismissed, or it will state either that a determination was reached that a violation of the *Ethics Policy* has occurred or that there were insufficient facts and that the Board of Ethics was unable to reach a final determination.
- c. The written report shall include a statement of the alleged violation(s), a summary of the case, findings of fact, a reconstruction of the process used by the board to handle the complaint, and rationale for the final conclusion.
- d. The board chairperson shall forward the written report to the Township Board of Trustees.

## **ARTICLE IV - ADVISORY OPINIONS**

### **Section 1. Definition**

An advisory opinion is a formal, written opinion, issued by the Board of Ethics that provides an interpretation of the *Ethics Policy*.

### **Section 2. Request for Advisory Opinion**

If a Township official questions whether a hypothetical activity, conduct, or action violates the *Ethics Policy*, that individual should contact the Administrative Assistant to receive a Request for Advisory Opinion Form. Forms are also available online in the ethics portal section of the Township's website via the following link:

<http://www.clintontownship.com/township-ethics-portal>.

Once the requestor has completed the Request for Advisory Opinion Form, it should be sealed in an envelope marked “Request for Advisory Opinion,” and filed with the Administrative Assistant either hand-delivered or via first-class mail to the Administrative Assistant, Charter Township of Clinton, 40700 Romeo Plank Rd., Clinton Township, Michigan 48038. The requestor may also email the request to [ethics@clintontownship-mi.gov](mailto:ethics@clintontownship-mi.gov).

The chair will review the request form to determine whether the required information has been provided and request the Administrative Assistant schedule the matter to be heard by the board.

### **Section 3. Process**

- A. Once the board determines it has sufficient information, a hearing will be scheduled. The requestor will attend the hearing to explain the facts surrounding the request and to answer questions from the board. The board may accept/hear information from any other source deemed by the board as relevant and necessary for deliberations.
- B. After deliberation, the board will provide an advisory opinion of the applicability of the provisions of the *Ethics Policy* to the Township Board of Trustees based on the facts provided by the requestor. Once the advisory opinion has been released to the Township Board, it shall be made available to the public via the Township ethics portal.

Adopted by Board of Ethics: October 2, 2019

Approved by Board of Trustees: