

## **PUBLIC POLICY**

The City of Rockford's public office and employees are held through a public trust, and are to protect, advance and promote the public's needs. Any actions made by civil servants through official conduct for personal gain is a violation of the public's trust. Therefore, it is hereby declared to be the policy of the City that all public officials and employees must avoid conflicts between their private interests and those of the general public whom they serve. To enhance and retain the faith of the people in the integrity and impartiality of all public officials and employees of the city, rules must be provided for separating their roles as private citizens from their roles as public servants. The City of Rockford's Charter, Council Rules of Procedure, and the following Code of Ethical Standards should be known, reviewed regularly and referenced upon questions to limit liability and maintain integrity. Each individual official, employee, or advisor of government must continually work to earn and honor the public's trust by acting with integrity in all official duties and action.

## **DEFINITIONS**

**City:** Refers to the City of Rockford.

**City Employee:** An employee of the City of Rockford, whether part-time or full-time that is hired to provide services on a continuing basis. Elected officials, members of boards and commissions, the City Attorney, volunteers, individuals appointed to service without pay, and consultants and counselors providing temporary professional services are not considered to be City employees.

**City Officer / Official:** An elected or appointed, non-employee member of the governmental body of Rockford, city board or commission.

**Civil Servant:** An administrative employee of a government department.

**Compensation:** Any money, thing of value or other compensatory or pecuniary benefit received or to be received in return for services rendered or to be rendered.

**Council:** The City Council of the City of Rockford.

**Decision Making:** Exercising public power to adopt ordinances, regulations or standards, render decisions, establish policy, or render a governmental decision.

**Elected Official:** Mayor or Council Member chosen by eligible voters of the City.

**Gift:** Monetary, item or favor given without recompense.

**Governmental Body:** The authority, department, commission, committee, council, board, bureau, division of office, legislative body, or appointed officer of the City.

**Official Conduct:** Action or inaction by an officer or employee acting on behalf of the City.

**Official Duty / Official Action:** A decision, action, recommendation, approval, disapproval or other action or failure to action which involves the use of power, trust, decision making, or authority or with moral turpitude.

**Potential Conflict of Interest:** A situation whereby the interest of the City and the interest of another party will, may, or might become in conflict in the ordinary course of events.

**Relative:** A person who is related to an official or employee as spouse, or any of the following whether by blood, adoption, or marriage: parent, child, sibling, aunt or uncle, niece or nephew, grandparent, grandchild.

**Solicit:** To ask, seek, or entice another to do something.

## **INTENT / PRURPOSE**

It is the intent of this policy that public officials and employees, whether or not specifically prohibited by this policy, shall avoid any action which might result in or create the appearance of:

- (1) Using public employment or office for his or her private gain;
- (2) Giving or accepting preferential treatment to or from any person;
- (3) Impeding city efficiency or economy;
- (4) Losing independence or impartiality of action;
- (5) Making a city decision outside official channels; or
- (6) Affecting adversely the confidence of the public or integrity of the city government.

This policy is intended to be preventative and punitive. It should not be construed to impede or abrogate in any way with the provisions of any Michigan Statutes, the City Charter, the Code of Ordinances, rules or regulations, or any collectively bargained agreement. Additionally, it is not intended to prevent any City official or employee from exercising their discretion in legitimate policy decisions, or from receiving compensation for work performed on their own time as a private citizen not involving the City or its business.

## **STANDARDS OF CONDUCT**

### **(a.) Division of Government Duties:**

No official or employee shall overstep the divisions of government, as defined in Section Six (6) of the Rockford City Charter:

*“Operation of the city government shall be divided into two (2) broad general divisions, policy forming and administrative. It shall be the duty of the City Council to pass such legislation and formulate such policies as are necessary to the operation of the City government; and to hire a City manager who shall carry out such policies, and, in general, be charged with and responsible for all administrative duties. It shall be the duty of every member of the Council and every candidate for a seat on the Council to preserve this distinction between policy forming and administrative functions of the City government.”*

Section Six (6), subsection two (2) continues:

*“Except for purposes of inquiry, the council and its members shall deal with the administrative service for which the manager is responsible solely through the manager, and neither the council nor any member thereof shall have authority to or shall give orders to any subordinate employee of the city, either publicly or privately...”*

### **(b.) Gift, Compensation, or Economic Interest:**

No City official or employee shall solicit, accept or receive, directly, or indirectly, any gift, compensation or anything of an economic interest (whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form), under any circumstance in which it can be reasonably considered that any of the foregoing is intended to influence his or her performance of their official duties or is

intended to be a reward for any official action. Any expenditure on individual Council members or Council as a whole shall be included in the annual budget and approved in advance.

**(c.) Preferential Treatment:**

No City official or employee shall use, or attempt to use, their position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves, a relative or any other person.

**(d.) Full Disclosure:**

No City official or employee shall participate, as an agent or representative of the City, in approving, disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which he or she or a relative has a direct or indirect economic interest without disclosing the full nature and extent of the interest. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the City official or employee is a member of a decision-making or advising body, they must make disclosure to other members of the body on the official record. Otherwise, a disclosure will be appropriately addressed by an appointed official or employee to the City Manager or by an elected official to the general public; in the case of the City Manager and the City Attorney, they shall make such a disclosure to the mayor.

No City official or employee or relative shall engage in any business transaction whereby the official or employee or relative may benefit financially from confidential information which the official or employee has obtained or may obtain by reason of that position or authority.

**(e.) Doing Business with the City:**

No City official, employee or relative shall engage in any business with the City, directly or indirectly, without filing a complete written disclosure statement for each business activity having an economic interest to any of the foregoing. Such a disclosure shall be made on an annual basis or prior to any decision-making not previously disclosed by an annual disclosure.

**(f.) Use of City Property:**

No City official or employee shall, directly or indirectly, use or permit a relative or other persons to use City property of any kind for his or her private economic interest of that of a relative or other person. City official or employees shall strive to protect and conserve all City property including equipment and supplies entrusted or issued to them.

**(g.) Use of Information:**

- a. No City official or employee who acquires information in the course of their official duties, which information by law or policy is not available at the time to the general public, shall use such information to further the private economic interests of themselves, a relative or any other person.

- b. No City official or employee shall obtain or use City records, documents, communications, or others written or electronic records of the City of those under the control of the City to further the private interest of themselves or anyone else.
- c. No City official or employee of the City shall use their position to obtain information or records, which information or records by law or policy is not available at the time to the general public without requesting such information or records through the methods granted by the Freedom of Information Act.

## **INTEGRITY AND REPUTATION**

Preserving the integrity of the City of Rockford is important to all officials and employees of the City. Fairness, honesty, impartiality, and sincerity, are achieved by observing an overriding set of ethical standards. Integrity is also preserved by recognizing, at times, complaints of questionable actions of City officials and employees and others needed to be handled with the same fairness, honesty, impartiality and sincerity. A City's reputation and its overall success are securely linked, as its reputation depends on how people perceive the city. The public must have confidence that the City will act with integrity, regardless of the issue or set of circumstances. To protect the City's integrity and the public's trust, the City may have to take official action to enforce and punish violations of the Ethical Standards of Conduct. In the case of ethical violation or complaints, officials and staff should reference the rules of procedures for guidance and structural process.

## **VIOLATION, ENFORCEMENT AND ADVISORY OPTIONS**

### **(a.) Controlling Authorities**

All matters concerning the order of business and Ethical Standards of Conduct and order of business shall be directed to one of the two controlling authorities depending upon employment status of the City official or employee involved. As stated in Section 6 and 6.2 of the City of Rockford's Charter, and again in Section 8 of the City Council's Rules of Procedures, there are two general divisions in Rockford's government: the City Council, and administration.

1. Issues, complaints, or requests for investigation concerning an elected or appointed official of the city shall be directed to the Mayor, City Manager, and City Attorney. In matters concerning the Mayor, City Manager, or City Attorney, the Mayor Pro-tem will assume the controlling authority position in place of the affected official.
2. Issues, complaints, or requests for investigation concerning City employees, full-time and part-time, shall be directed to the City Manager as he/she is responsible for administrative staff.

### **(b.) Whistle-Blower Protection**

The State's provisions of the Whistle-Blower's Protection Act MCL 15.361 et seq., are intended to apply to employees who report a violation or suspected violation of this document. The City 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 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 employee knows that the report is false, or because an employee is requested by the City, or any agency or officer thereof, to participate in an investigation, hearing or inquiry held by the city, agency or official.

**(c.) Authority to Render Advisory Opinions**

The authorities, as listed above, may seek or issue written advisory opinions, when appropriate, interpreting the Ethical Standards of Conduct. Any City official or employee may seek guidance from the controlling authority upon written request on questions directly relating to the propriety of their conduct as officials and employees. Each written request and advisory opinion shall be confidential unless stated otherwise. Advisory is subject to the following:

1. Requests for opinions shall be in writing
2. Advisory opinions may include guidance to any employee or official on questions as to:
  - i. Where an identifiable conflict exists between the subjects personal interest or obligations and their official duties.
  - ii. Whether the subjects participation in their official capacity would involve discretionary judgment with a significant effect on the disposition of the matter in conflict.
  - iii. What degree the subjects personal interest exceeds that of other persons who belong to the same economic group or general class.
  - iv. What effect the subjects participation would have on the confidence of the people in the impartiality of their city officials and employees.
  - v. Whether a disclosure of the subjects personal interest would be advisable and, if so, how such disclosure should be made in order to safeguard the public interest.
  - vi. Whether it would operate in the best interest of the city for the subject to withdraw or abstain from participation or to direct or pursue another course of action in the matter.

**(d.) Authority to Punish Violations**

The authorities, as listed above, when requested, shall take appropriate action to resolve any issues, complaints, or requests for investigation related to the Ethical Standards of Conduct. The appropriate action to be taken in any individual case shall be at the discretion of the controlling authority involved, which may include but is not limited to any of the follow:

1. Referral of the matter to a higher authority.
2. Pursuing further investigation by the controlling authority.
3. Deeming no action to be required
4. Pursuing such other course of action which is reasonable, just and appropriate under the circumstances.
5. Recommending appropriate disciplinary action, including removal from office, appointed position or employment, in accordance with the city Charter,

the City Code of Ordinances, the regulations or policies of the City or the requirements of any collectively bargained agreement.

**NOTE:** The provisions and prohibitions set forth in this document are subject to the applicable provisions and procedures of the State Statute entitled “Contracts of Public Servants with Public Entities,” being MCL 15.321 et seq. This document may be amended from time to time. In the event of a conflict between this document and the State Statute in any particular case, the State Statute shall prevail.