

ORDINANCE NO. 469-22

**CITY OF LATHRUP VILLAGE OAKLAND COUNTY, MICHIGAN
AN ORDINANCE TO AMEND THE CITY OF LATHRUP VILLAGE CODE OF ORDINANCES
BY ADDING CHAPTER 4 - ETHICS**

THE CITY OF LATHRUP VILLAGE ORDAINS:

Section 1. Amendment.

Chapter 4, shall be added and shall read as follows:

Chapter 4 - ETHICS

Sec. 4-1. - Intent and purpose.

In an effort to maintain the public trust, the City Council of Lathrup Village hereby declares that all public officials and employees of the City of Lathrup Village shall avoid any conflict between their private interests and those of the general public they serve. All City officials and employees shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact. Furthermore, to enhance the faith of the citizens in the integrity and impartiality of the elected and appointed officials of the City of Lathrup Village, it is necessary to provide specific guidelines for dealing with conflicts of interest and the proper conduct of officials and employees. The City of Lathrup Village intends that its officials and employees will avoid any action which might result in or create the appearance of:

- (a) Using public office or employment for private gain;
- (b) Giving or accepting preferential treatment or monetary gain to or from any person or organization;
- (c) Impeding government efficiency or economy;
- (d) A lack of independence or impartiality of action;
- (e) Making an official decision outside of proper channels; or
- (f) Affecting adversely the confidence of the public in the integrity of the City of Lathrup Village.

Sec. 4-2. - Definitions.

Whenever these terms are used in this section, they shall have the following meaning:

- (a) "Compensation" is any money, property, thing of value or benefit received by any person in return for services rendered.

- (b) "Confidential information" means information that has been obtained in the course of holding public office or employment that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being M.C.L. 15.231

et seq., or pursuant to other law, regulation, policy or procedure recognized by law, and that the official or employee is not authorized to disclose, including written information, non-written information, and information obtained in the course of a lawful executive or closed session of Council.

- (c) "Conflict of interest" is either a personal interest or a duty or loyalty to a third party that competes with or is adverse to a City official's or employee's duty to the public interest in the exercise of official duties or official actions.
- (d) "Decision" means a determination, action, vote or other disposition upon a motion, proposal, recommendation, resolution or ordinance by members of the governing body; or a determination, action or other disposition taken by an elected official with the authority to do so.
- (e) "Official action" means a decision, recommendation, approval, disapproval or other action or failure to act which involves the use of discretionary authority.
- (f) "Private gain" means any benefit which is accepted or received by a public servant or is perceived by a reasonable person to be accepted or received by a public servant, as remuneration for the purpose of improperly influencing an official action in a specific manner or for refraining from the performance of an official action in a specific manner, or as inducement for the public servant to act in favor of some interest other than in the public interest. To clarify, unless the above standard is violated, the following types of benefits, monetary payments, or reimbursements, gifts, or awards may be received by the public servant: payment of salaries, authorized reimbursements, etc.
- (g) "City official" or "employee" means the elected members of the City Council, any member of any local government agency, board, commission, or other voting body that is established by the City Charter or by the Code, and any employee, or any individual who provides services to the local government within or outside of its offices or facilities.

Sec. 4-3. – Standards of Conduct.

- (a) Conflict of Interest. No City official or employee shall use, or attempt to use, his or her official position to secure, request or unreasonably grant any special consideration, privilege, exemption, advantage, contract or preferential treatment for himself, herself, or others, beyond that which is available to every other citizen.

- (b) Business Transactions. No City official or employee, on his or her own behalf or on behalf of another person, shall have any financial or other direct personal interest in any contractual or non-contractual business transaction with the City unless that official or employee shall first make full public disclosure of the nature of the interest prior to the approval of such transaction.
- (c) Confidential Information. City officials and employees shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose nor divulge to an unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
- (d) Personal Opinion. A City official or employee shall not represent his or her personal opinion as that of the City.
- (e) Appearance of Impropriety. An "appearance of impropriety" shall occur when an official or employee is involved in a decision concerning action of a City body which will affect an immediate family member, even if that official or employee derives no direct or indirect financial benefit from the action. An appearance of impropriety shall be fully disclosed on the official record to the City Council. After such disclosure, the official or employee may participate in the decision only if he or she has informed the City Council in advance that he or she will so participate.
- (f) Use of City Property and Resources. An official or employee shall not use, or permit others to use, any property owned by the City for profit or personal convenience or benefit, except:
 - (1) When available to the public generally, or to a class of residents, on the same terms and conditions;
 - (2) When permitted by policies approved by the City Council; or
 - (3) When, in the conduct of official business, used in a minor way for personal convenience.
- (g) Gifts, Favors and Loans. Except as permitted by this section, no City official or employee shall intentionally solicit or accept any gift from any prohibited source or any gift that is otherwise prohibited by law or ordinance. This subsection shall not apply to the following:
 - (1) Opportunities, benefits and services available on the same conditions as for the general public or to participants at any national, state or local conference or trade association meeting.

- (2) Anything for which the official or employee pays the fair market value.
 - (3) Any contribution that is lawfully made under the Campaign Finance Laws of the State of Michigan.
 - (4) A gift from a relative, meaning those people related to the individual by blood or marriage.
 - (5) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship.
 - (6) Food or refreshments not exceeding one hundred dollars (\$100.00) per person in value on a single calendar day; provided that the food or refreshments are: (i) consumed on the premises from which they were purchased or prepared; or (ii) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
 - (7) Food, refreshments, lodging, transportation and other benefits received in connection with business, employment or other activities that are not connected to the official duties or employment of an official or employee), if the benefits have not been offered or enhanced because of the official position or employment of the official or employee and are customarily provided to others in similar circumstances.
 - (8) Intra-governmental and inter-governmental gifts. For the purpose of this section, "intra-governmental gift" means any gift given to an official or employee from another official or employee of the City, and "intergovernmental gift" means any gift given to an official or employee by an official or employee of another governmental entity.
 - (9) Bequests, inheritances and other transfers at death.
 - (10) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than one hundred dollars (\$100.00).
- (h) Respect for Process. City officials and employees shall perform their duties in accordance with the Council Rules of Order and Procedure document established by City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions by City staff.
- (i) Conduct of Public Meetings. City officials and employees participating in public meetings shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making comments not

germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

- (j) Nothing in this section shall negate or lessen any other standard, prohibition, or ethics requirement imposed on any City official or employee by any other law, ordinance or legal requirement. City officials and employees shall comply with federal, state and local laws in the performance of their public duty.

Sec. 4-4. - DISCLOSURE.

Whenever a City official or employee is required to recuse himself or herself under the requirements of this chapter, he or she:

- (a) Shall immediately refrain from participating further in the matter;
- (b) Shall promptly inform his or her superior, if any; and
- (c) Shall promptly file with the City Clerk a signed statement disclosing the reason for the recusal. The Clerk shall send copies of the statement to all of the members of the City Council, and the statement shall be attached to the minutes of its next meeting.

Sec. 4-5. - COMPLIANCE AND ENFORCEMENT.

- (a) This Ethics Chapter for the City of Lathrup Village expresses standards of ethical conduct expected for the officials and employees of the City of Lathrup Village. City Council members themselves have the primary responsibility to assure that they understand and meet the ethical standards expressed in this code of ethics and that the public can continue to have full confidence in the integrity of government.
- (b) Complaints alleging a violation of this chapter by an employee shall be filed with the City Administrator. The City Administrator shall investigate the complaint to establish whether a violation of this section occurred and any appropriate sanction that should be imposed. In cases where an employee is a member of a union, compliance with applicable union policies and procedures shall occur.
- (c) Complaints alleging a violation of this section by any elected or appointed officials shall be filed with the City Administrator, who shall investigate the complaint. If the City Administrator has a reasonable belief that a violation of this section occurred, then he or she shall report the complaint and the initial investigation findings to the City Council.

Complaints alleging a violation of this section against the City Administrator shall be filed with the City Attorney, who shall investigate the complaint. If the City Attorney has a reasonable belief that a violation of this section has occurred, then he/she shall report the complaint and the initial findings to the City Council.

- (d) In addition to receiving complaints from the City Administrator, all City Council members shall have a responsibility to intervene when they learn of actions of another City Council member or other City official that appear to be in violation of the Ethics Ordinance. City Council members shall immediately report such actions and apparent violations to the City Administrator who shall investigate the complaint. If the City Administrator has a reasonable belief that a violation of this section occurred, then he or she shall report the complaint and the initial investigation findings to the City Council.
- (e) Upon acquiring reasonable suspicion of a violation of the Ethics Ordinance, by complaint or otherwise, the City Mayor shall set, or any two council members may require the setting of, a public hearing at a regular or special meeting of the City Council to determine whether a violation of the Ethics Ordinance occurred. The public hearing shall be conducted before a seven (7) member Ethics Board which shall render a decision in the matter. Each Council member shall recommend one qualified elector for appointment to the Ethics Board. Each member serving on the Ethics Board shall serve for the length of the term of the Council member that recommended him or her. The City Administrator and City Attorney shall be additional members of the Ethics Board. Such appointments shall then be approved by a majority vote of City Council. In complaints alleging a violation of this chapter by a member of the Council, that member shall not take part in any proceedings related to the complaint as a City Council member.
- (f) The City Council may impose sanctions on City officials whose conduct does not comply with the City's ethical standards as determined by the Ethics Board. A violation of this chapter by any City official may result in sanctions including, but not limited to, reprimand, formal censure, loss of committee assignment, and restrictions on budget or travel. This section shall not conflict with any City Charter provisions concerning misconduct in office and associated penalties, including removal of any officer of the city from office, as set forth in Sections 17.8 and 5.4 of the City Charter. In the event of any such conflict, the provisions of the City of Lathrup Village Charter shall supersede the provisions of this Chapter.

Sec. 4-6 - IMPLEMENTATION.

As an expression of the standards of conduct for City officials and employees expected by the public, this code of ethics is intended to be both responsive to complaints and self-enforcing. It therefore becomes most effective when City officials and employees are thoroughly familiar with it and embrace its provisions. Therefore, ethical standards shall be included in the regular orientations for newly elected, appointed or hired City officials and employees. In addition, the City Council shall annually review the code of ethics for the City of Lathrup Village.

Section 2. Repealer.

This Ordinance hereby repeals any ordinances in conflict herewith. Section 3. Savings Clause.

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 5. Publication and Effective Date.

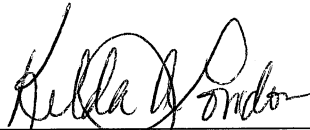
This ordinance shall be effective 10 days after publication. The City Clerk is hereby ordered and directed to cause this ordinance or a summary of this ordinance to be published in the manner required by law.

Section 6. Adoption.

That this ordinance was duly adopted by the City of Lathrup Village City Council at its regular meeting called and held on November 28, 2022 and was ordered given publication in the manner required by law.

This ordinance shall be effective December 8, 2022. The City Clerk is hereby ordered and directed to cause this ordinance or a summary of this ordinance to be published in the manner required by law.

CITY OF LATHRUP VILLAGE



Kelda London, City Clerk

Date of Introduction:	October 17,2022
Date of Adoption:	November 28, 2022
Date of Publication	December 1, 2022
Notice of Adoption:	December 1,2022
Effective Date:	December 8, 2022

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the City of Lathrup Village held on the 28th day of November, 2022.