

# **Tuscarora Township**

## **3.0 Code of Ethics**

Township policy updated June 14, 2022

### **3.1 Public Servants.**

Township trustees, officials, employees and appointees are Public Servants. Public Servants shall avoid any action which might result in or create the appearance of using a public office, position or employment for private gain, giving improper preferential treatment to any person or organization, impeding government efficiency or economy, exhibiting a lack of independence or impartiality of action, making a government decision outside of official channels, or effecting adversely the confidence of the public and the integrity of the Township.

Public servants shall not request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large.

A. Pursuit of Public Interests. In treating their office as a public trust, public servants, whatever their role, should diligently and in good faith pursue the public interest to the best of their ability and subordinate self-interest to the public good.

B. Ensuring Public Respect. In treating their office as a public trust, public servants should act to ensure the reality and perception that government is conducted according to the highest principles of democracy with honesty, integrity and a concern for justice and is, therefore, worthy of respect, trust and support.

(1 ) Avoiding Impropriety. Public servants should maintain public trust in government by avoiding acts, which place personal or private interests above pursuit of the public interest.

(2) Avoiding Appearances of Impropriety. Public servants should avoid conduct, which tends to undermine public trust by creating in the minds of reasonable impartial observers the perception that government office has been used improperly.

(3) Honesty. Public servants should be scrupulously honest, avoiding any form of lying, deception, deviousness, hypocrisy, and cheating in their professional and personal lives.

(4) Integrity. A public servant should reflect personal integrity in all matters, placing principle over expediency and demonstrating courage of convictions.

### **3.2 Just and Equitable Treatment**

A. Offer or Acceptance of Gifts or Favors. No public servant, whether paid or unpaid, shall solicit or accept, or give anything of such value which could be interpreted to influence a vote, decision, or other exercise of official authority in any matter involving the Township and does not create the appearance that the public servant is using their position for personal gain.

B. Business Transactions. Engaging in a business transaction which may cause the public servant to derive a personal profit or gain directly or indirectly because of his or her official position is prohibited.

C. Bias or Favoritism. Public servants should exercise the powers and prerogatives of office fairly without prejudice or favoritism. It is improper to use public authority to reward relatives, friends, or political supporters or to hinder or punish enemies and opponents.

D. Personal Gain from the Performance of Public Duties. Public servants should not engage in any conduct, which could create in the mind of a reasonable observer the belief that persons will receive better or different service if they provide personal benefits or political support to a government official or employee.

### **3.3. Conflicts Of Interest**

In connection with any actual or potential conflict of interest, the following requirements are established by this policy:

A. Business Transactions. No public servant, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the Township, unless the person shall first make full public disclosure of the nature of such interest, and comply with the requirements of Contracts of Public Servants with Public Entities Act 317 of 1968, as amended, MCL 15.321 et seq.

B. Proposed Legislation or Pending Decisions. Any public servant of the Township who has an interest in any proposed legislation or decision pending before a body of which the public servant is a member, shall publicly disclose in the official records of the body, the nature and extent of such interest prior to any vote or official action on the matter. The member shall be excused from voting on the matter if excused by the unanimous consent of the other members present.

C. Perceived Conflicts of Interest. A public servant considered to have a conflict of interest shall publicly disclose the nature and extent of the potential conflict of interest on the official records of the body prior to any vote or official action on this matter. The member shall be excused from voting on the matter if excused by the unanimous consent of the other members present.

D. Dual Employment. No elected official or department head shall engage in employment with any other agency or department of the Township. No public servant shall render services for private interest when such employment or service conflicts with or is incompatible with the proper discharge of his or her duties.

E. Dual Representation. A public servant shall make full public disclosure of business involving the Township when attempting to use his or her official position to secure special privileges or exemptions for self or others and shall comply with paragraphs A and C above.

F. Familial Interest. Any public servant who has a family member possessing an interest in any proposed legislation or decision pending before a body of which the public servant is a member shall publicly disclose on the official records of the body, the nature and extent of such interest prior to any vote or official action on the matter. The member may be excused from voting on the matter if excused by the unanimous consent of the other members present.

G. Disclosure Statement. Each public servant shall annually sign a disclosure statement which will address conflicts of interest, actual and potential as described herein. The disclosure statement shall include the date, month and year, the name, address, and public position held by the public servant. The purpose of such statement will be to remind the public servants of those financial interests that might impair their judgment on behalf of the public; inform the public of those interests; and assist in instilling confidence in the actions of public servants.

H. Disclosure of Financial Conflicts of Interest. Public servants subject to disclosure of financial interest requirements should comply with both the letter and spirit of the regulations and not seek to circumvent them by evasion strategies or legalisms.

### **3.4 Formulation of Public Policy**

Persons with the responsibility for making public policy and laws should place the public interest over all other considerations.

A. Organizational vs. Personal Loyalties. Public servants with supervisory authority should safeguard and protect the public interest, the reputation of government and the integrity and efficiency of their department, even at the cost of injuring a superior, colleague or friend.

B. Supervisor's Duty. In order to encourage a broad sense of responsibility for both the results and methods of government action, supervisors should develop a working environment that fosters constructive criticism and creative problem solving.

### **3.5 Compliance**

A. State Acts. All public servants together with contractors, employees, volunteers and organized groups of primarily Township employees shall comply with all of the following state acts:

- (1) The Michigan Campaign Finance Act, Public Act 388 of 1976; and
- (2) The Incompatible Public Offices Act, Public Act 566 of 1978; and
- (3) The Local Government Fiscal Responsibility Act, Public Act 72 of 1990; and
- (4) The Management and Budget Act; Public Act 431 of 1984; and
- (5) The Bureau of Criminal Identification and Records Act, Public Act 289 of 1925; and
- (6) The Michigan Penal Code, Act 328 of 1931.

B. Public Recourse. The public has recourse through local ordinances, municipal, state, and federal laws for unethical actions of all Township representatives.

C. Employee Acknowledgment of Provisions. Each public servant has a responsibility to ensure that they understand and meet the ethical standards expressed in this policy. This policy shall be included in the regular orientations for all new public servants. A statement affirming that each new and current public servant has read and understands this policy shall be signed by all public servants.

### **3.6 Violations**

A. Except as it pertains to elected officials, significant, repeated, or intentional ethics violations may be grounds for disciplinary action up to and including removal and/or discharge, where applicable, adapted to the circumstances of the particular violation(s) and having as a primary objective furtherance of the Township's interest in preventing violations and making clear that violations are neither tolerated nor condoned.

B. Except as it pertains to elected officials, disciplinary action may be taken not only against individuals who authorize or participate directly in ethics violations, but also against:

- (1) Any public servant who knowingly fails to report an ethics violation; and
- (2) Any public servant who deliberately withholds relevant and material information concerning an ethics violation.

C. Where a public servant is accused of violating the policy, and the individual has relied in good faith on the advice of Township legal counsel after full disclosure of the material facts, no disciplinary action shall be taken against the public servant under this policy.

D. Except as it pertains to elected officials, and subject to Section IV, H, all violations will be enforced through the appropriate due process afforded the public servant through the

Township Code, the applicable collective bargaining agreement, professional services, contract, employment contract or grievance process.

E. As to allegations of criminal conduct against an elected official, the Police Department shall refer the matter to the Michigan State Police, the U.S. Postmaster General, the Michigan Attorney General, the Cheboygan County Sheriff, the FBI or other appropriate enforcement agency for investigation/prosecution.

F. This policy recognizes the peculiarities of sanctioning or removing a duly elected official under Michigan law. Election to public office includes protections not afforded other public servants. The following are some examples of specific state law provisions enacted by the legislature to ensure that the will of the voters in electing public officials is given necessary priority while at the same establishing the processes for dealing with removal from office for elected officials found to have committed malfeasance, misfeasance, willful neglect of duty, extortion, habitual drunkenness, and/or conviction of a felony:

- (1) The State Constitution, Article VII, Section 33, Removal of Elected Officials; and
- (2) The State Constitution, Article X], Section 7, Impeachment of Civil Officers; and
- (3) The Michigan Election Law, Public Act 1 16 of 1954; and
- (4) All Acts referred to in Section V of this policy.

G. An elected official's salary cannot be reduced during his or her term in office under Section 95(7) of the Revised Statutes of 1846, MCL 41.95(7).

H. This policy also recognizes due process protections afforded to certain board and commission members under state law. The following are examples that provide for a specific hearing process or otherwise, prior to the removal of certain appointed board or commission members.

- (1) A member appointed to the Downtown Development Authority Board may only be removed pursuant to the requirements of Section 4(4) of the Downtown Development Authority Act, Public Act 197 of 1975; and
- (2) A member of the Planning Commission may only be removed pursuant to the requirements of Section 15(9) of the Michigan Planning Enabling Act, Public Act 33 of 2008.

This policy applies to all categories of Township employment except for temporary election workers.

### **Approval**

The policies included in this manual were approved as official policy of Tuscarora Township. All township officials and personnel are bound by these policies, and any deviation from established policy is prohibited. This policy supersedes all previous policies, implied or written.