


# CITY COMMISSION POLICY

<b>GRAND RAPIDS</b>  <b>MICHIGAN</b>	<b>NUMBER:</b> 100-06	<b>HISTORY</b>	
		<b>FILE #</b>	<b>DATE</b>
	<b>DATE:</b> Dec 13, 2016	Dec 13, 2016	
	<b>FILE NUMBER:</b> 100-06		
	<b>DEPARTMENT:</b> Executive		

**SUBJECT:** CITY OF GRAND RAPIDS CONFLICTS OF INTEREST & ETHICAL STANDARDS OF CONDUCT POLICY FOR ELECTED AND APPOINTED OFFICIALS

**PURPOSE:** To help Elected and Appointed City Officials avoid action that may result in, or create the appearance of:

1. Using public office for private gain.
2. Giving improper preferential treatment to any person or organization.
3. Impeding government efficiency or economy.
4. A lack of independence or impartiality of action.
5. Making a government decision outside of official channels.
6. Affecting adversely the confidence of the public in the integrity of the City.

**BACKGROUND:**

It is not the intent of this Policy to in any way limit the right or ability of any Elected or Appointed City Official to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a special benefit to that person, relieve the Elected or Appointed City Official of a particular duty, or treat that person differently than other similarly situated City residents.

**POLICY:**

1. Fair and Equal Treatment

No Elected or Appointed City Official shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general

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practice to grant or make available to the public at large. All Elected and Appointed City Officials shall treat all citizens of the City with courtesy, impartiality, fairness and equality under the law.

## 2. Use of Public Property

No Elected or Appointed City Official shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, money, labor or service for the personal convenience or the private advantage of self or any other person or entity including his or her employer. This requirement shall not be deemed to prevent any Elected or Appointed City Official from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice to the public at large, or which is provided, as a matter of public policy for the use of the Elected and Appointed City Officials in the conduct of official business, as approved consideration for their services to the City.

## 3. Matters Requiring Disclosure of Conflicts of Interest, Actual and Potential

The following disclosure requirements are established to avoid both actual and potential conflict between the private self-interest and the public interest of Elected and Appointed City Officials:

- A. Self Interest: No Elected or Appointed City Official, 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 City, unless the person shall first make full disclosure of the nature of such interest.
- B. Rule of Necessity: When the performance of official duties shall require, pursuant to the Rule of Necessity\*, an Elected or Appointed City Official to deliberate and vote on any matter involving his or her financial or personal interest or that of his or her employer, that person shall publicly disclose the nature and extent of such interest.
- C. Dual Employment: No Elected or Appointed City Official shall engage in employment with, or render services for, any person or entity which has business transactions with any public body of the City, without first making full disclosure of the nature and extent of the employment or services.

\*The Rule of Necessity applies only in situations where the conflict is acknowledged, and there is no possibility of waiting for a quorum without conflicts to decide the issue at a later date because the matter is an emergency. This doctrine may not be invoked when a non-conflicted quorum is present.

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- D. When a conflict of interest is determined to exist following disclosure, an Elected or Appointed Official shall be disqualified from participating in the deliberations and voting on the matter.

#### 4. Prohibited Conduct & Conflicts of Interest

All Elected and Appointed City Officials are prohibited from engaging in the following conduct:

- A. Divulging confidential information to any person not authorized to obtain such information.
- B. Benefiting financially from confidential information.
- C. Representing his or her individual opinion as that of the City or the Commission as a whole.
- D. Misusing City personnel, resources, property, funds or assets for personal gain or private employment purposes.
- E. Soliciting or accepting a gift or loan of money, goods, services or other things of value which tend to influence the manner in which the Elected or Appointed City Official performs his or her official duties.
- F. Engaging in a business transaction which may cause the Elected or Appointed City Official or his or her employer to derive a personal profit or gain or benefit directly or indirectly as a result of his or her official position.
- G. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment.
- H. Participating in policy making, the result of which potentially benefits him or her or his or her employer.
- I. Participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity or non-profit in which he or she has a substantial interest unless:
  - (a) The contract is awarded pursuant to sealed bids, and;
  - (b) The Elected or Appointed City Official is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract, and;
  - (c) The City Commission, after reviewing the circumstances, determines the award of the contact would be in the best interest of the City.

#### 5. Disclosure, Contents

Whenever a disclosure is required by this policy, it shall be made in a writing filed with the City Attorney on the form attached as Attachment A, entitled Conflict of Interest and Potential Conflict of Interest Disclosure Statement. Each Elected and Appointed Official will be required to sign the Conflict of Interest and Potential Conflict Of Interest Disclosure Statement upon assuming office, or for current Elected and Appointed Officials, as soon as this Policy is in effect, as well as annually. A copy of

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the Conflict of Interest and Potential Conflict Of Interest Disclosure Statement shall be sent to all Elected and Appointed City Officials no less than annually. In all cases, disclosures shall include:

- A. The identity of all persons involved in the interest. This includes family members, organizations in which Elected and Appointed City Officials or family members are officers, directors, or either directly or indirectly, stockholders or partners, and trusts and estates in which Elected and Appointed Officials or family members have a beneficial interest, or for which they act in a fiduciary capacity. Family members include spouses, parents, brothers, sisters, children, nieces, nephews, spouses of brothers, sisters, and children, and spouses' parents, brothers, and sisters.
- B. The source and amount of income or benefit, direct or indirectly derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with the provisions of this policy must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.
- C. If it is determined that a conflict exists, the affected Elected or Appointed City Official shall disclose the conflict on the record at an Open Meeting, shall recuse himself or herself from participating in the discussion and vote relating to the issue, and shall leave the room while the discussion and vote take place.

## 6. Duties of the City Attorney:

The City Attorney shall examine all disclosure statements filed pursuant to this policy and report to the City Manager any concerns or irregularities that may, in the judgment of the City Attorney require further review. Acceptance of a disclosure statement by the City Attorney shall not constitute approval of the statement.

## 7. Request for Opinion from the City Attorney

Any Elected or Appointed City Official may request that the City Attorney provide an advisory privileged legal opinion addressed to the entire City Commission interpreting the effect or application of this Policy generally, on conflicts or potential conflicts, disclosed or undisclosed, or on questions directly relating to the propriety of their conduct or the conduct or possible conflicts of another Elected or Appointed City Official in a particular situation. The City Attorney may also identify and make a determination relating to a conflict, disclosed or undisclosed, on his or her own initiative. If the City Attorney is the Appointed City Official with the alleged conflict, outside legal counsel shall render the determination.

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## 8. Policy Enforcement

Following the issuance of an opinion pursuant to section 7, any request seeking enforcement of this Policy shall be presented to the City Commission and City Attorney. The City Commission shall have the authority to render a final decision, including but not limited to censure of the Official found to be in violation of this policy.

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## Attachment A

### CONFLICT OF INTEREST AND POTENTIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT

I have read and understand this Conflict of Interest Statement. There are no present or potential conflicts of interest other than those listed below. I have and will continue to observe the Conflicts of Interest & Ethical Standards Policy. If in the future, circumstances warrant a disclosure of a conflict of interest or potential conflict of interest situation, I will submit an amended Statement within 10 days of my knowledge of the situation.

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Signature

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Date

**DISCLOSURES:** Please provide a brief explanation of any conflicts, and potential conflicts, and list all boards and commissions you are involved with or upon which you serve, as well as the names of all current employers, business interests including business ownership interests, and business ventures.