

**CITY OF LUNA PIER
ORDINANCE # 206
ETHICAL STANDARDS OF CONDUCT**

CODE OF ORDINANCES, FOR THE CITY OF LUNA PIER ESTABLISHING A CODE OF ETHICAL STANDARDS OF CONDUCT FOR PUBLIC OFFICIALS AND EMPLOYEES OF THE CITY OF LUNA PIER THAT IS APPLICABLE TO PERSONS IN MUNICIPAL SERVICE WHETHER COMPENSATED OR NOT AND WHETHER ELECTED, APPOINTED OR HIRED AND TO PRESCRIBE A PROCESS TO ADDRESS VIOLATIONS.

CODE OF ETHICS FOR THE CITY OF LUNA PIER CANDIDATES, OFFICERS, OFFICIALS AND EMPLOYEES

(A) Preamble

The citizens of Luna Pier are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity.

Furthermore, the effective functioning of democratic government requires that public candidates, officers, officials and employees comply with both the letter and spirit of the laws and policies affecting the operations of government; public candidates, officers, officials and employees be independent, impartial and fair in their judgment and actions; public candidates, officers, officials and employees be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City of Luna Pier adopts this Code of Ethics for Luna Pier to assure public confidence in the integrity of local government and its effective and fair operation.

(B) Code of Ethics

(1) Acts in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, candidates, officers, officials and employees will work for the common good of the people of Luna Pier and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions concerning City operations.

(2) Compliance with Law

Candidates, officers, officials and employees shall comply with the laws of the nation, the State of Michigan, and the City of Luna Pier in the performance of their public duties. These laws include, but are not limited to: the United States and Michigan constitutions; the City of Luna Pier Charter; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

(3) Respect for Process

The City expects its candidates, officers, officials and employees to be honest, to tell the truth, and “play by the rules”.

(4) Conduct of Public Meetings

City candidates, officers and officials 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 relevant to the business of the body, or otherwise interfering with the orderly conduct of meetings.

(5) Communication

City candidates, officers and officials shall publicly share substantive information that is relevant to a matter under consideration by the City Council, which they may have received from sources outside of the public decision-making process.

(6) Full Disclosure

A City candidates, officers, officials and employees in the performance of their public duties shall not act upon any matter in which they have a material financial interest, or where they have a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the members of the City Council on the official record. Such disclosure must be made before the time to perform their duty or concurrently with the performance of the duty.

The disclosure required by this subsection shall not supplant, but instead shall supplement, any disclosure of a personal, contractual, financial, business, employment or pecuniary interest required by state statute.

(7) Gifts, Favors, and Loans

City candidates, officers, officials and employees should refrain from financial and business dealings that would tend to reflect adversely on the City's impartiality interfere with the performance of their public duties or exploit their official position. City candidates, officers, officials and employees should not take any special advantage of services, goods or opportunity for personal gain that is not available to the public in general.

City candidates, officers, officials and employees shall refrain from soliciting or accepting any gifts, loans or favors except:

i) Accept a minor gift such as meals, awards, pens, pencils and other token items valued at \$25 or less, for services rendered in the performance of their public duties or other activity devoted to the improvement of cities, communities and the lives of citizens, with no return promise made by the recipient.

ii) Accept regular compensation

iii) Solicit and accept campaign contributions according to campaign rules and regulations.

(8) Confidential Information

City candidates, officers, 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.

(9) Use of Public Resources

Public resources, including City staff time, equipment, supplies, and facilities, not available to the public in general shall only be used for the benefit of the public and not for a City candidate, officer, official or employee's personal or private use.

(10) Representation of Private Interests

In keeping with their role as stewards of the public interest, a City candidate, officer, official or employee shall not appear on behalf of the private interests of third parties, before the City Commission or any board, committee, commission or proceeding of the City as they may unduly influence the Council, committee or proceeding.

(11) Advocacy

City candidates, officers, officials and employees shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City candidates, officers, officials and employees shall explicitly state they do not represent their body or the City of Luna Pier, nor will they allow the inference that they do.

(12) Policy Role of Members

City candidates, officers, officials and employees shall respect and adhere to the structure of Luna Pier city government as outlined by the City of Luna Pier Charter.

City candidates, officers, officials and employees therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement City Council policy decisions.

(13) Independence of Boards and Commissions

Because of the value of the independent advice of subordinate boards, committees, and commissions to the public decision-making process, candidates, officers and officials shall, except when the a member of the public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.

(14) Positive Workplace Environment

City candidates, officers and officials shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. City candidates, officers and officials shall recognize their special role in dealings with City employees so as to in no way create the perception of inappropriate direction to staff nor, except for the purpose of inquiry, give specific orders to subordinates of the City Administrator.

Because City candidates, officers and officials actions and comments contribute to the environment in which all City employees must work, in order to create and promote a positive work environment under no circumstances shall a City candidates, officers and officials, either in public or private, intimidate, humiliate, or otherwise abuse a City employee.

(15) Compliance and Enforcement

This Code of Ethics for the City of Luna Pier expresses standards of ethical conduct expected for candidates, officers, officials and employees. City candidates, officers, officials and employees 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.

All candidates, officers, officials and employees shall have a responsibility to intervene when actions of another City candidate, officer, official or employee appear to be in violation of the Code of Ethics are brought to their attention.

A public officer or employee who reports or is about to report unethical conduct is not subject to any of the following sanctions because they reported or were about to report unethical conduct:

- a) Dismissal from employment or office
- b) Withholding of salary increases that are ordinarily forthcoming to the employee
- c) Withholding of promotions that is ordinarily forthcoming to the employee
- d) Demotion in employment status
- e) Transfer of employment location

If any of the above sanctions are imposed the supervisory authority before hand must establish by a preponderance of evidence that the sanction to be imposed is not done because the public officer or employee reported or intended to report unethical conduct.

Upon acquiring reasonable suspicion of a violation of the Code of Ethics, the accusation shall be directed to one of two controlling authorities depending upon employment status of the person or group involved.

1) Requests to investigate or take action to enforce the Ethical Standards of Conduct regarding elected and appointed City officers and officials or candidates for elective or appointive office shall go to the Mayor, City Council and City Attorney.

a) Should the request involve a member of the City council, that member shall not be a part of the controlling authority.

2) Requests to investigate or take action to enforce the Ethical Standards of Conduct regarding employees of the City shall go to the City Administrator and City Attorney.

a) Should the request involve the City Administrator or the City Attorney, the Mayor shall name a replacement to serve on the controlling authority for that request.

A violation of this code of ethics shall not be considered a basis for challenging the validity of a City Council decision

The above listed authorities shall take action after a full investigation has taken place using a process of progressive steps including, but not limited to the following:

a) No action required

b) Guidance

c) Written reprimand

d) Issue a citation punished by a fine of not more than \$500.00 or by a sentence of not more than 90 days in jail, or both at the discretion of the court.

e) Termination of an employee's position (employees only)

f) Public reprimand of elected officials (elected officials only)

(16) Implementation

As an expression of the standards of conduct for City candidates, officers, officials and employees expected by the public, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when City candidates, officers, officials and employees are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates, officers, officials and employees. City candidates, officers, officials and employees entering office or employment shall sign a statement affirming that they have read and understand The Code of Ethics for the City of Luna Pier.

In addition, the City shall annually review The Code of Ethics for the City of Luna Pier for all candidates, officers, officials and employees.

EFFECTIVE DATE.

This Ordinance shall become effective twenty (20) days after final passage and publication.

I hereby certify that this ordinance was passed at a regular meeting of the City Council of the City of Luna Pier, Luna Pier, Michigan held on the 23rd day of July, 2009.

P. Michelle Cureton, City Clerk

1st Reading: July 9, 2009
2nd Reading: July 23, 2009
Adoption: July 23, 2009
Published: July 28, 2009
Effective Date: August 18, 2009

Statement of Acknowledgement

Model of Excellence City of Luna Pier

Candidate, Officer, Official and Employee **STATEMENT**

As a candidates, officers, officials or employees the City of Luna Pier, I agree to uphold the Code of Ethics adopted by the City Council and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff, and the public are free to express their ideas and work to their full potential;
- Respect the dignity and privacy of individuals and organizations;
- Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;
- Conduct my public affairs with honesty, integrity, fairness, and respect for others;
- Avoid and discourage conduct that is divisive or harmful to the best interests of the City of Luna Pier
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.

I affirm that I have read and fully understand the Code of Ethics for the City of Luna Pier.

Date _____

Signature _____

Printed Name _____

Office or Position _____