

Ethics and Conflict of Interest Policy

1. **Approval.** The St. Joseph City Commission adopted this policy for immediate effect at its regular meeting on May 21, 2012.
2. **Purpose.** Citizens of the City of St. Joseph are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity. As such, members of the St. Joseph City Commission shall work at all times to advance the common interest of the public at large rather than their own interest.
3. **Act in the Public Interest.** Recognizing that acting in the public interest must be their primary concern; City Commissioners must work for the common good of the citizens of the City of St. Joseph and not for any private or personal interest. A Commissioner shall assure fair and equal treatment of all persons, claims and transactions coming before the City Commission, prepare for public issues coming before him/her, and attentively participate in discussion and business brought before the City Commission.
 - a. All City Commissioners will strive to maintain a high level of attendance for all regular and special meetings of the City Commission.
 - b. All City Commissioners shall vote on every matter unless a commissioner is absent or has a conflict of interest as determined under this policy.
4. **Conflict of Interest.** Each member of the City Commission shall avoid conflicts of interest and the appearance of a conflict of interest or other impropriety. As such, a City Commissioner shall refrain from participation in a matter arising from a personal or financial involvement or interest that would cause a reasonable person to believe that the public official cannot act in his/her official capacity without self-interest or bias.
 - a. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to issues:
 - i. Directly involving him/her.
 - ii. Involving property owned by him/her or which is adjacent to property owned by him/her.
 - iii. Involving a corporation, company, partnership, or any other entity in which he/she is a part owner, or any other relationship where he/she may stand to have a private gain or loss.
 - iv. That may result in an economic impact to him/her different from that of the public at large.
 - v. Concerning his/her relative of the third degree of consanguinity or affinity (including spouse, children, step-children, grandchildren, parents, brothers,

sisters, grandparents, parents' in-law, grandparents' in-law, etc.) or members of his/her household.

- vi. Concerning a person with whom he/she has such a close personal, business, or professional relationship that the City Commissioner is unable to have a fair and impartial opinion.
- vii. Where his/her employee or employer has a direct interest in the outcome, and the relationship is such that the Commissioner is unable, or appears unable, to have a fair and impartial opinion.

b. When a City Commissioner believes that he/she may have a conflict of interest, the Commissioner shall immediately notify the Mayor or the City Manager, who will consult with the City Attorney for further clarification. If a preliminary determination is made by the City Attorney that a conflict of interest exists, the Commissioner with the conflict shall do all of the following:

- I. Declare a conflict of interest exists and describe the nature of the conflict at the next meeting of the City Commission, before the proceeding related to the agenda item begins.
- II. Cease to participate in the proceeding before the City Commission which is related to the agenda item and leave the room during the proceedings, including discussion, deliberating and voting, until the agenda item is concluded.
- III. If there remains a question of whether a conflict of interest exists, the question shall be put before the City Commission, which shall determine whether a conflict of interest exists. A majority vote of the remaining members of the City Commission is required to find that no conflict exists. The remaining members of the City Commission shall vote on this question and determine if a conflict of interest exists, even if the number of commissioners present does not constitute a quorum.
- IV. If the City Charter requires that all five (5) City Commissioners vote on the matter at hand (as with the sale of vacant city property), the Commissioner with the conflict of interest will declare that a conflict exists, describe the nature of the conflict, and shall vote on the issue.

5. **Standards.** The following minimum standards shall apply to all City Commissioners in their service to the City of St. Joseph.

a. Compliance

- i. A Commissioner shall comply with all laws of the United States, the State of Michigan and the City of St. Joseph including charter provisions and ordinances.

- ii. A Commissioner shall comply with all rules, regulations, articles of incorporation, bylaws, procedures and policies applicable to the Commissioner's official service to the City of St. Joseph.
- b. Communication
 - i. A Commissioner shall respect the confidentiality of information concerning the property, personnel or affairs of the City. He/she shall neither disclose nor divulge to an unauthorized person confidential information acquired in the course of his/her 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 interest.
 - ii. A Commissioner shall publicly share substantive information that is relevant to a matter under consideration, which he/she may have received from sources outside the decision making process.
- c. Representation.
 - i. A Commissioner shall not represent his/her personal views as those of the City Commission.
 - ii. A Commissioner shall not make any statements or answer any questions on behalf of the City or the City Commission unless expressly authorized by the City Commission.
 - iii. A Commissioner shall act within the authority granted to a City Commissioner and shall respect the roles of other officials and bodies.
 - iv. A Commissioner shall not interfere with the City's administrative functions or the duties of City staff and shall not impair the City staff's ability to implement policy decisions made by any official body.
- d. City Resources. Except to the extent that they would be available to the other members of the public, a City Commissioner shall not use or attempt to use City personnel, resources, property, funds, or information for private gain.
- e. Gifts, Favors or Loans. Gifts shall not be accepted by a City Commissioner from anyone connected with any issue that has or is likely to come before the City Commission. As used here, gifts shall mean cash, any tangible item, or service, regardless of value; and any food item valued over \$25. Ordinary social hospitality is not considered a gift, favor or loan under this provision.