



## **Pontiac City Council Code of Ethics**

### **DISCLOSURE REQUIREMENTS**

#### **Disclosure of interests by City Council members.**

- (a) Except as otherwise provided by applicable law, a City Council member shall disclose:
- (1) Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before City Council;
  - (2) Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before or within any office, department or agency of the City; and
  - (3) Any interest that he or she, or an immediate family member has in real or personal property that is subject to a decision by the City regarding purchase, sale, lease, zoning, improvement, special designation tax assessment or abatement or a development agreement.
- (b) All disclosures that are required under Subsection (a) of this section shall be made, in writing, on a form that is created by the City Attorney and sworn to in the presence of a notary public.

#### **Disclosure of immediate family member's employment or application.**

- (a) Except as otherwise provided by applicable law, a City Council member shall disclose the identity of any immediate family member employed by the City or who is making an application to the City for employment.
- (b) All disclosures that are required under Subsection (a) of this section shall be made, in writing, on a form that is created by the City Attorney and sworn to in the presence of a notary public.

## **STANDARDS OF CONDUCT**

### **Willful or gross neglect of duties is prohibited.**

Except as otherwise provided by applicable law, a City Council member shall not willfully or grossly neglect the discharge of his or her duties.

### **Improper use or disclosure of confidential information prohibited.**

Except as otherwise provided by applicable law, a City Council member shall not knowingly use or disclose confidential information to third parties concerning the property, government or affairs of the City or any office, department or agency thereof, which is not available to members of the public and gained by reason of his or her official duties.

### **Improper use of City property prohibited.**

A City Council member shall not knowingly use City property except in accordance with City policies and procedures. Public resources or assets that are not offered to the general public are not to be used by the City Council member or anyone else for private purposes.

### **Incompatible employment or rendering services prohibited.**

A City Council member shall not engage in or accept employment, or render services, for a private or public interest where such employment or service is in conflict or incompatible with the proper discharge of the City Council member's official duties for the City, or where such employment or service is reasonably expected to impair the public servant's independence of judgment or action in the performance of his or her official duties for the City.

### **Self-interested regulation and participation prohibited.**

A City Council member shall not hold a substantial financial interest, i.e., any stake, including stockholder, partner, joint venture, creditor, guarantor or director, in a firm which provides services or supplies, materials or equipment to the City, excluding holding an interest in a firm providing services or supplies, materials, or equipment to the city where, after reporting the conflict, 1) the contract for services or supplies, materials, or equipment is awarded pursuant to sealed bids, 2) the City Council member is not involved, directly or indirectly, with making the decision on the award of the contract or with the city department for which the contract relates, and 3) the City Council determines, after reviewing the circumstances, that the award of the contract would be in the best interests of the city.

### **Solicitation or acceptance of loan or payment prohibited.**

A City Council member shall not solicit or accept a loan or payment from an individual who is providing service to, or receiving tax abatements, credits or exemptions from the City.

**City Council member are prohibited from unduly influencing decisions to fill any position in**

**City government with immediate family members.**

A City Council member shall not unduly influence any decision to fill a position in City government.

A City Council member shall not cause the employment or any favorable employment action of an immediate family member, or participate in any employment decision about such family member.

**Prohibition on gifts and gratuities; exceptions.**

(a) A City Council member shall not accept gifts, gratuities, honoraria, or other things of value from any person or company doing business or seeking to do business with the City, is seeking official action from the City, has interests that could be substantially affected by the performance of the public servant's official duties, or is registered as a lobbyist under applicable laws.

(b) The prohibition in Subsection (a) of this section shall not apply:

(1) To an award publicly presented to a City Council member by an individual, governmental body or non-governmental entity or organization in recognition of public service;

(2) To complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials;

(3) To a gift received from a City Council member's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this article;

(4) Gifts of nominal value, under \$20, such a shirt, hat, or coffee mug, for a City Council member.

(5) To admission fees, or registrations fees, or meals, for a City Council member:

(i) By the sponsor(s) of an event, appearance or ceremony, which is related to official City business in connection with such an event, appearance or ceremony and to which one (1) or more of the public are invited; or

(ii) In connection with teaching, a speaking engagement, or the provision of assistance to an organization or another governmental entity as long as the City does not compensate the City Council member for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity.

**One year post-employment prohibition.**

(a) For one (1) year after serving with the City, a City Council member shall not lobby or appear before the City Council or any City department, agency, board, commission or body, or receive compensation for any services in connection with any matter in which he or she was directly concerned, personally participated, actively considered or acquired knowledge while serving on the City Council.

(b) For a period of one (1) year after employment with the City, a City Council member shall not accept employment with any person or company that did business with the City during the former Council member's tenure if that Council member was in any way involved in the award or management of that contract or the employment would require the sharing of confidential information.

**Prohibition on campaign activities using City personal or property, or during working hours.**

A City Council member shall not use any City resources or property for his or her own political benefit or for the political benefit of any other person seeking elective office, provided that the foregoing shall not prohibit the use of property or facilities available to the general public on an equal basis for due consideration paid.

**Public information**

A City Council member shall not use information protected from disclosure by the Michigan Freedom of Information Act which she or he has obtained by reason of such position or authority. A public servant shall not suppress or refuse to provide city reports or other information which is publicly available.

A City Council member shall not suppress any public city report, document, or information available to the general public because it might tend to adversely affect unfavorably their private financial or political interest.

**Improper use of position**

A City Council member shall not take any action or create the appearance of making a government decision outside official channels.

A City Council member shall not take any action or create the appearance of impeding government efficiency or economy.

A City Council member shall not use his or her public office and employment for personal or financial gain, or use or attempt to use his official or her official position to secure special privileges or exemptions for himself or herself, or others, except as provided by law.

A City Council member shall not make or participate in making a decision in his or her capacity serving on the City Council knowing that the decision will provide him or her, a member of his or her immediate family, or a business with which he or she is associated, a financial benefit of more than an incidental nature which is distinguishable from the benefits to the City Council member as a member of the public or as a member of a broad segment of the public.

A City Council member shall not interfere with the ordinary course of law enforcement within the city, and shall not suggest or request special favors or consideration or disposition of any law

enforcement person of the city, including the city manager, public safety officers, ordinance officers, city attorney or administrative staff, concerning any city law enforcement matter including, but not limited to, parking tickets, traffic tickets, ordinance tickets, or the enforcement of city codes.

A City Council member shall not make a loan of public funds, grant a subsidy, fix a rate, issue a license, permit or certificate, participate in the negotiation or execution of contracts or otherwise regulate, supervise or participate in a decision that pertains to an entity in which the public servant, or a member of his or her immediate family, has an ownership or financial or personal interest.

A City Council member shall not solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or any solicitation or proposal thereof.

A City Council member shall not accept any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith as an inducement for the award of a contract or order.

A City Council member shall not retain a person to solicit or secure a contract with the local government upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for the retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

A City Council member shall not be a party, directly or indirectly, to any contract with the city except for the renewal or negotiation of an employment or independent contractor contract with a city officer or employee, or a collective bargaining agreement or contracts with any bona fide union.

Adopted: February 1, 2022

## Resolution of the Pontiac City Council



22-36            **Resolution on Approval of Pontiac City Council Code of Ethics.** Moved by Councilperson Parker and second by Councilperson Goodman.

WHEREAS, the Pontiac City Council takes our roles and responsibility in serving the City and our residents very seriously; and,

WHEREAS, as public servants the members of the City Council seek to ensure that governmental decisions are made in the public's best interest; and,

WHEREAS, the City Council aims to prevent our members from making City governing decisions that would impact our personal or financial interests;

NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council hereby adopts this Pontiac City Council Code of Ethics;

BE IT FURTHER RESOLVED members of the City Council commit to adhering to this Code of Ethics as we carry out the duties of our positions;

BE IT FURTHER RESOLVED this City Council recognizes that adherence to state law is also required and that this Code of Ethics shall be construed in conformity with state law, including state law regulating the conflicts of interest pertaining to public contracts involving public servants under the Michigan Contracts of Public Servants with Public Entities Act, MCL 14.310 et. seq. and contributions to political campaign organizations under the Michigan Campaign Finance Act, MCL 169.201 et seq. and all additional applicable state law;

BE IT FURTHER RESOLVED the City Council supports the future consideration of an Ethics Policy for all City officials and staff to further ensure that all City governing decisions are made in the public's best interest.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

**Resolution Passed**

I, Garland S. Doyle, Interim City Clerk of the City of Pontiac, hereby certify that the above Resolution is a true and accurate copy of the Resolution passed by the City Council of the City of Pontiac on February 1, 2022.

  
GARLAND S. DOYLE, Interim City Clerk