

VILLAGE OF HOLLY

ORDINANCE NO. 472

An ordinance to amend Chapter 31 of the Code of Ordinances by adding thereto new Sections 31.65 through 31.72 concerning a Code of Ethics.

THE VILLAGE OF HOLLY ORDAINS:

Section 1. Amendment of Chapter 31 of the Code of Ordinances.

The Village hereby amends Chapter 31 of the Code of Ordinances by adding thereto the following sections concerning a Code of Ethics:

Code of Ethics

31.65 Scope and Applicability.

The following sections apply to the elected positions of Village Council and all other boards, commissions and committee members appointed by Village Council. All full-time and part-time employees, including the Village Manager and Village Clerk/Treasurer, are subject to the Personnel Ethics Policy and other procedures as dictated by the Village of Holly Personnel Manual, department rules & regulations and applicable collective bargaining agreements.

31.66 Intent and purpose.

In an effort to maintain the public trust, the Village of Holly hereby declares that all Council/Board/Committee members of the Village of Holly shall avoid any conflict between their private interests and those of the general public they serve. All Village officials shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact. Furthermore, to enhance the faith of the citizens in the integrity and impartiality of the Council/Board/Commission members of the Village of Holly, it is necessary to provide specific guidelines for dealing with conflicts of interest and the proper conduct of officials and appointees. The Village of Holly intends that its Council/Board/Commission members will avoid any action which might result in or create the appearance of:

- (1) Using public office for private gain
- (2) Giving or accepting preferential treatment or monetary gain to or from any person or organization
- (3) Impeding government efficiency or economy
- (4) A lack of independence or impartiality of action
- (5) Making an official decision outside of proper channels
- (6) Affecting adversely the confidence of the public in the integrity of the Village of Holly.

31.67 Definitions.

Whenever these terms are used in this chapter they shall have the following meaning:

Compensation is any money, property, thing of value or benefit received by any person in return for services rendered.

Confidential Information means information that has been obtained in the course of holding public office that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being MCL 15.231 et seq., or pursuant to other law, regulation, policy or procedure recognized by law, and that the official is not authorized to disclose, including written information, non-written information, and information obtained in the course of a lawful executive or closed session of Council.

Conflict of interest is either a personal interest or a duty or loyalty to a third party that competes with or is adverse to a Village Council/Board/Commission members duty to the public interest in the exercise of official duties or official actions.

Decision means a determination, action, vote or other disposition upon a motion, proposal, recommendation, resolution or ordinance by members of the governing body; or a determination, action or other disposition taken by an elected official with the authority to do so.

Official action means a decision, recommendation, approval, disapproval or other action or failure to act which involves the use of discretionary authority.

Private gain means any benefit which is accepted or received by a public servant, or is perceived by a reasonable person to be accepted or received by a public servant, as remuneration for the purpose of improperly influencing an official action in a specific manner or for refraining from the performance of an official action in a specific manner, or as inducement for the public servant to act in favor of some interest other than in the public interest.

Village official or appointee means the elected members of the Village Council, any member of any local government agency, board, commission, or other voting body that is established by the Village Charter or by the Code, and any individual who provides services to the local government within or outside of its offices or facilities.

31.68 Standards of conduct.

- (1) **Conflict of interest.** No Village official or appointee shall use, or attempt to use, his or her official position to secure, request or unreasonably grant any special consideration, privilege, exemption, advantage, contract, or preferential treatment for himself, herself, or others, beyond that which is available to every other citizen.
- (2) **Business transactions.** No Village official or appointee, on his or her own behalf or on behalf of another person, shall have any financial or other direct personal interest in any contractual or non-contractual business transaction with the Village unless that official shall first make full public disclosure of the nature of the interest prior to the approval of such transaction.
- (3) **Confidential information.** Village officials and appointees shall respect the confidentiality of information concerning the property, personnel or affairs of the Village. 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.
- (4) **Personal opinion.** A Village official or appointee shall not represent his or her personal opinion as that of the Village.
- (5) **Appearance of impropriety.** An "appearance of impropriety" shall occur when an official or appointee is involved in a decision concerning action of a Village body which will affect an immediate family member, even if that official or appointee derives no direct or indirect financial benefit from the action. An appearance of impropriety shall be fully disclosed on the official record to the Village Council. After such disclosure, the official or appointee may participate in the decision only if he or she has informed the Village Council in advance that he or she will so participate.
- (6) **Use of Village property and resources.** An official or appointee shall not use, or permit others to use, any property owned by the Village for profit or personal convenience or benefit, except:
 - a. When available to the public generally, or to a class of residents, on the same terms and conditions.
 - b. When permitted by policies approved by the Village Council.
 - c. When, in the conduct of official business, used in a minor way for personal convenience.
- (7) **Gifts, favors and loans.** Except as permitted by this section, no Village official or appointee shall intentionally solicit or accept any gift from any

prohibited source or any gift that is otherwise prohibited by law or ordinance. This subsection shall not apply to the following:

- a. Opportunities, benefits and services available on the same conditions as for the general public or to participants at any national, state or local conference or trade association meeting.
- b. Anything for which the official or appointee pays the fair market value.
- c. Any contribution that is lawfully made under the Campaign Finance Laws of the State of Michigan.
- d. A gift from a relative, meaning those people related to the individual by blood or marriage.
- e. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position of the recipient and not because of the personal friendship.
- f. Food or refreshments not exceeding \$100.00 per person in value on a single calendar day; provided that the food or refreshments are: (i) consumed on the premises from which they were purchased or prepared; or (ii) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- g. Food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer), if the benefits have not been offered or enhanced because of the official position of the officer and are customarily provided to others in similar circumstances.
- h. Intra-governmental and inter-governmental gifts. For the purpose of this section, "intra-governmental gift" means any gift given to an official or appointee from another official or appointee of the Village, and "intergovernmental gift" means any gift given to an official or appointee by an officer or employee of another governmental entity.
- i. Bequests, inheritances and other transfers at death.
- j. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

(8) **Compliance with law.** Nothing in this section shall negate or lessen any other standard, prohibition, or ethics requirement imposed on any Village official or appointee by any other law, ordinance or legal requirement. Village officials and appointees shall comply with federal, state and local laws in the performance of their public duties.

- (9) **Respect for process.** Village officials and appointees shall perform their duties in accordance with the processes and rules of order established by Village Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions by Village staff.

31.69 Conduct of public meetings.

Village officials and appointees participating in public meetings 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 germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

31.70 Disclosure.

Whenever a Village official or appointee is required to recuse himself or herself under this chapter, he or she:

- (1) Shall immediately refrain from participating further in the matter;
- (2) Shall promptly inform his or her superior, if any; and
- (3) Shall promptly file with the Village Clerk a signed statement disclosing the reason for the recusal. The Clerk shall send copies of the statement to all of the members of the Village Council, and the statement shall be attached to the minutes of its next meeting.

31.71 Village Council Member and Commission Member Responsibility.

In addition to receiving complaints from the Village Clerk, all Village Council members shall have a responsibility to intervene when they learn of actions of another Village Council member or other Village officer that appear to be in violation of the code of ethics.

31.72 Compliance and enforcement.

- (1) This Code of Ethics for the Village of Holly expresses standards of ethical conduct expected for the officials and appointees of the Village of Holly. Village Council members and appointees 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.

- (2) Complaints alleging a violation of this section shall be filed with the Village Manager. The Village Manager, or his/her designee, shall investigate the complaint to establish whether a violation of this section occurred. After investigation, then he or she shall report the complaint and the initial investigation findings to the Ethics Committee. After review, the Ethics Committee will forward the investigation, along with a recommendation of validity, to the Village Council. In the case that a member of Council is the focus of the complaint, the Manager may refer the matter to the Village Attorney or appropriate entity for investigation.
- (3) Upon acquiring reasonable suspicion of a violation of the code of ethics, by referral of the Ethics Committee, the Village Council president shall set, or any three Council members may require the setting of, a public hearing at a regular or special meeting of the Village Council to determine whether a violation of the code of ethics occurred and, if so, what sanctions shall be imposed for the violation. In complaints alleging a violation of this section by a member of the Village Council, that member shall not take part in any proceedings related to the complaint as a Village Council member.
- (4) The Village Council may impose sanctions on Village officers whose conduct does not comply with the Village's ethical standards. A violation of this section by any Village officer shall be deemed misconduct in office. Sanctions may include reprimand, formal censure, loss of committee assignment, restrictions on budget or travel. If Council believes removal from office is appropriate, the Village Attorney shall work in conjunction with the State of Michigan for proper review. Upon removal of a member of Council from office, Council shall appoint a successor in the manner described in the Village Charter for appointments.
- (5) As an expression of the standards of conduct for Village officials and appointees expected by the public, this code of ethics is intended to be both responsive to complaints and self-enforcing. It therefore becomes most effective when Village officials and appointees are thoroughly familiar with it and embrace its provisions. Therefore, ethical standards shall be included in the regular orientations for newly elected or appointed Village officers. In addition, the Ethics Committee shall annually review the code of ethics for the Village of Holly.

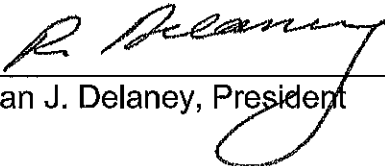
Section 3. Effective Date.

This Ordinance shall become effective immediately upon publication.

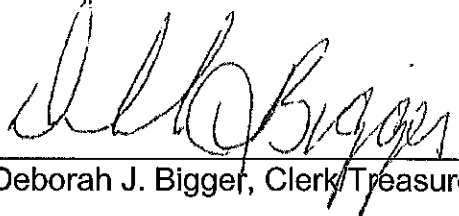
At a regular meeting of the Village of Holly Council adoption of the foregoing ordinance was moved by Brandon and supported by Kier.

Voting for: Kier, Perkins, Brandon, Harrington, Kinnamon, Delaney
Voting against: None
Absent: Musgrave

The Village President declared the ordinance adopted.



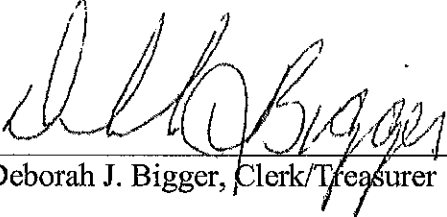
Ryan J. Delaney, President



Deborah J. Bigger, Clerk/Treasurer

Certification

The foregoing is a true copy of Ordinance No. 472 which was enacted by the Village Council of the Village of Holly at a regular meeting held on April 11, 2023.



Deborah J. Bigger, Clerk/Treasurer