

**TOWNSHIP OF NORVELL
COUNTY OF JACKSON, STATE OF MICHIGAN
NORVELL TOWNSHIP ETHICS POLICY**

INTRODUCTION: Public Office is a public trust. Any democracy requires public confidence in the integrity of the government. Persons in public service must recognize that a moral commitment to do the right thing is necessary. Characteristics like honesty, loyalty, fairness, promise keeping, accountability, respect for others and integrity do not depend on one's situation. Such characteristics are expected by and of the Township Board of Trustees, employees and appointees at all times.

PURPOSE: The purpose of this Code of Ethics is to provide practical guidelines for ethical decision-making and to encourage ethical behavior from township representatives responsible to the citizens of Norvell Township. The Norvell Township Code of Ethics serves to emphasize the public has recourse through local ordinances, municipal, State and Federal laws for unethical actions of all township representatives whether they are appointed, elected, employed full or part-time. The decisions and actions of all township representatives (appointed, elected, full, or part-time) should be in the best interest of the township and be free from the influence of outside or conflicting interests. This policy is to encourage representatives to act in the best interest of Norvell Township and the citizens of Norvell Township and to avoid the appearance of impropriety.

SECTION I -- DEFINITIONS:

Whenever used in this Policy, the following terms shall have the following meaning:

- A. **CONTRACTOR** -- An individual, business, corporation or firm, other than an employee, who derives revenue or services from the Township of Norvell by providing goods or services to the Township. Contractors shall include, but not be limited to, the Township attorney, planning consultant, engineering consultant, assessor and/or other individuals retained by the Township to provide services.
- B. **CONFLICT OF INTEREST** -- Incompatibility between one's private interests and one's public or fiduciary duties, interest being one's pecuniary interest.
- C. **EMPLOYEE** -- All full and part-time persons, other than a contractor, who are compensated for their services by the Township.
- D. **CUSTOMER** -- An individual, corporation, or other business entity, who has submitted an application, sought approval, requested permits, is subject to review by a township board or commission, or otherwise seeks or requests services from the Township, including those typically provided by governmental entity or other services provided by the Township or its employees.
- E. **CONFIDENTIAL INFORMATION** -- Information which has been obtained in the course of service with the Township or in fulfilling the duties of one's office with the Township, such information being unknown or unavailable to members of the public generally and which

has been obtained on the basis of a promise of confidentiality which is required to be held confidential by law, or regulation, or which the employee or officer has been instructed is being held confidentially. It does not include information required to be disclosed by law.

- F. ELECTRONIC PROPERTY -- Any digital record, system or computer program or file that contains, or may produce, Township data.
- G. FINANCIAL INTEREST -- Any ownership, proprietorship or partnership interest, loan advance or financial arrangement in or with an organization, whether a corporation or otherwise doing business with the Township, including any employment, whether full or part-time.
- H. GIFT -- Means anything of value given without consideration or expectation of return.
- I. GOVERNMENTAL DECISION -- A determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, ordinance or measure on which a vote by the members of a legislative or governing body of the township is required and by which the township formulates or effectuates public policy. A governmental decision shall also include actions, approvals, or decisions made by governmental employees in the ordinary course of Township business such as issuing permits, approvals, or providing other services ordinarily offered by the Township or other governmental entities.
- J. IMMEDIATE FAMILY -- A spouse, child, step-child, adopted child, domestic partner, an individual or other persons in the same household or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code. An "immediate family member" also includes, the child's spouse, step-child's spouse, adopted child's spouse, parent, parent-in-law, step-parent, step-parent-in-law, brother, brother's spouse, step-brother, step-brother's spouse, sister, sister's spouse, step-sister, step-sister's spouse, grandchild, grandchild's spouse, grandparent, or grandparent-in-law.
- K. PUBLIC OFFICER An elected official of the township or a person appointed to a township board or commission.
- L. POLITICAL ACTIVITY -- Any elected official, commission member, committee member, appointed sub-committee member, employee, volunteer or political party involved in activity for the purpose of inducing or rewarding favorable action (or withholding of action) or the exercise of influence by such official, commission member, committee member, sub-committee member, employee, volunteer or political party representative in any commercial transaction or in any governmental matter.
- M. PUBLIC RECORD -- As defined in the Michigan Freedom of Information Act.
- N. TOWNSHIP -- The Township of Norvell, including its boards, commissions, departments and divisions.

- O. UNETHICAL CONDUCT -- A violation of the standards set forth in the Code of Ethics.
- P. PERSONAL GAIN OR BENEFIT — 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.

SECTION II -- STANDARDS OF ETHICAL CONDUCT

- A. A public officer, contractor, employee or volunteer shall not divulge to an unauthorized person, confidential information acquired in the course of employment prior to the time authorized for its release to the public.
- B. A public officer, contractor, employee or volunteer shall not represent his or her personal opinion as that of the township.
- C. All public officers, contractors, employees and volunteers shall refrain from intentionally using their respective township office or position for personal gain or benefit. A public officer, contractor or employee shall use township resources, property and funds under their official care and control in accordance with constitutional, statutory and regulatory procedures and not for personal gain or benefit.
- D. All public officers, contractors, employees, volunteers and organized groups of primarily Township employees shall comply with all of the following state acts:
 - (1) The Michigan Campaign Finance Act, Public Act 388 of 1976;
 - (2) The Incompatible Public Offices Act, Public Act 566 of 1978;
 - (3) The Local Governmental Fiscal Responsibility Act, Public Act 72 of 1990;
 - (4) The Management and Budget Act; Public Act 431 of 1984;
 - (5) The Bureau of Criminal Identification and Records Act, Public Act 289 of 1925; and
 - (6) The Michigan Penal Code, Act 328 of 1931.
- E. A public officer, contractor, employee or volunteer shall not engage in a business transaction in which the public officer, contractor, employee, volunteer or their immediate family member profit financially or otherwise from his or her official position or authority or benefit financially from confidential information which the public officer, contractor, employee or volunteer has obtained by reason of that position or authority.
- F. A public officer, contractor, employee or volunteer shall not engage in or accept employment or render services for a private or public interest when that employment or

service is incompatible or in conflict with the discharge of the officer's, contractor's or employee's official duties on behalf of the township or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.

- G. Any public officer, contractor, employee or volunteer shall not, with respect to transactions on behalf of the Township, participate in negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, approving of uses or other regulation or supervision relating to a business entity in which the public officer, contractor, employee or immediate family member has any financial interest.
- H. All public officers, contractors, employees, and volunteers are prohibited from using any Township resource, equipment, supplies, property or Township employee's compensated or volunteered on-the-job Township work time to participate in or be involved in any political activity, for or against, on behalf of or in opposition to any elected official, candidate, nominee, issue, campaign in violation of the Michigan Campaign Finance Act. This includes the use of all Township owned electronic property, pagers, cell phones, and computers.
- I. All public officers, contractors, employees, and volunteers shall not accept substantial gifts, gratuities, honoraria, or other things of value from any person or entity who is:
 - (1) Doing business or seeking to do business with the Township;
 - (2) Seeking official action from the Township;
 - (3) Has interests that could be substantially affected by the performance of the official duties of the public officers, contractors, employees, and volunteers.

Exemptions: The prohibition of this section does not apply to the following:

- (a) An award publicly presented to public officers, contractors, employees, and volunteers in recognition of public service;
- (b) Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials;
- (c) A gift received from an immediate family member of public officers, contractors, employees, and volunteers provided that the immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this prohibition;
- (d) Admission or registration fee, travel expense, entertainment, meals or refreshments that are furnished to the public officers, contractors, employees, and volunteers by the sponsor(s) of an event, appearance or ceremony, which is related to official Township business in connection with such an event, appearance or ceremony, to which one or more of the public are invited; or in connection with teaching, a speaking engagement, or the

provision of assistance to an organization or another government's entity as long as the Township does not compensate the public officers, contractors, employees and volunteers for admission or registration fees, travel expenses, entertainment, meals or refreshment for the same activity.

SECTION III -- DISCLOSURE AND VOTING

- A. A public officer shall disclose any contractual, financial, business, or employment interest he, she or immediate family member may have in the governmental decision and the disclosure will be made part of the public record of the official action on the governmental decision.
- B. If a conflict is disclosed, pursuant to section III(A) above, the public officer shall remove himself or herself from the meeting room and abstain from voting until the issue is resolved. This section shall not prevent a public officer from making or participating in making a governmental decision to the extent that the public officer's participation is required by law. Statements of disclosure or conflict shall not be used as a mechanism to prevent a governmental decision from being made.
- C. Any employee, contractor, public officer, customer or volunteer under contract to provide service to the Township shall disclose a financial interest of 1% or greater of present market value in another firm they know to be doing business with the Township. A disclosure form shall be filled in and signed by the individual with the financial interest. Any disclosures on the form(s) are not intended to prohibit the firm from providing services. The disclosures are intended to make the Township aware of any potential conflicts of interest.

SECTION IV -- VIOLATIONS OF THE ETHICS POLICY

- A. Except as it pertains to elected officials, (see section IV(F)) significant, repeated or intentional violations of the Policy may be grounds for disciplinary action up to and including removal and/or discharge, where applicable, adapted to the circumstances of the particular violation(s) and having as a primary objective furtherance of the Township's interest in preventing violations and making clear that violations are neither tolerated nor condoned. Violations of the Norvell Township Ethics Policy by Township employees shall be dealt with through the Township Board.
- B. Except as it pertains to elected officials, (see section IV(F)) disciplinary action may be taken not only against individuals who authorize or participate directly in a violation of the Policy, but also against:
 - (1) Any public officer, employee, contractor or volunteer who knowingly fails to report a violation of this Policy; and/or
 - (2) Any public officer, employee, contractor or volunteer who deliberately withholds relevant and material information concerning a violation of this Policy.
- C. Where a public officer, employee, contractor, or volunteer is accused of violating the Policy, and the individual has relied in good faith on the advice of Township legal counsel

after full disclosure of the material facts, no disciplinary action shall be taken against the public officer, employee, contractor, or volunteer under this Policy.

- D. Except as it pertains to elected officials, (see section IV(F)) and subject to Section IV(H), all violations will be enforced through the appropriate due process afforded the public officer through the Township code, State and Federal law, the professional services contract or employment contract.
- E. As to allegations of criminal conduct against an elected official the matter shall be referred to the Michigan State Police, the U.S. Postmaster General, the Michigan Attorney General, the County Sheriff, the FBI or other appropriate enforcement agency for investigation and/or prosecution.
- F. This policy recognizes the peculiarities of sanctioning or removing a duly elected official under state law. Election to public office includes protections not afforded other officials, employees, contractors, volunteers or groups. The following are some examples of specific state law provisions enacted by the legislature to ensure that the will of the voters in electing public officials is given necessary priority while at the same time establishing the processes for dealing with removal from office for elected officials found to have committed malfeasance, misfeasance, willful neglect of duty, extortion, habitual drunkenness, and/or conviction of a felony:
 - (1) The State Constitution, Article VII, Section 33, Removal of Elected Officials;
 - (2) The State Constitution, Article XI, Section 7, Impeachment of Civil Officers;
 - (3) The Michigan Election Law, Public Act 1 16 of 1954; and
 - (4) All Acts referred to in section II(D) of this policy.
- G. An elected official's salary cannot be reduced during his or her term in office under Section 95(7) of the Revised Statutes of 1846, MCL 41.95(7).
- H. This policy also recognizes due process protections afforded to certain board and commission members under State Law. The following are examples that provide for a specific hearing process or otherwise, prior to the removal of certain appointed board or commission members.
 - (1) A member of the Zoning Board of Appeals may only be removed pursuant to the requirements of Section 601 (d) of the Michigan Zoning Enabling Act, Public Act 1 10 of 2006. (MCL 125.36013(9))
 - (2) A member of the Planning Commission may only be removed pursuant to the requirements of Section 1 5(9) of the Michigan Planning Enabling Act, Public Act 33 of 2008. (MCL 125.3815(9))

- I. Effective Date. This Ethics Policy is adopted by Norvell Township Board of Trustees and shall become effective immediately.

SECTION V -- INTENTION OF THE ETHICS POLICY

It is the overall intention of this Policy that representatives of the Township whether they are appointed, elected, employed full or part-time, avoid any action, where or not specifically prohibited by this Policy which might result in, or create the appearance of:

- (1) Using public employment or office for improper personal gain;
- (2) Giving or accepting preferential treatment to or from any person;
- (3) Impeding Township efficiency;
- (4) Losing independence or impartiality of action; or
- (5) Affecting adversely the confidence of the public in integrity of the Township government.

This Policy expressly does not prevent any representative of the Township whether they are appointed, elected, employed full or part-time from receiving compensation for work performed on his or her own time as a private citizen which does not involve Township business. This Policy does not prohibit receipt of contributions to political campaigns which are governed by state and federal law.

MEMBERS PRESENT: E. Johnson, Sauers, Barnett, Dame, P. Johnson

MEMBERS ABSENT: None

MEMBERS VOTING IN FAVOR: E. Johnson, Sauers, Barnett, P. Johnson

MEMBERS VOTING AGAINST: Dame