

ORDINANCE NO. _____-22

**CITY OF LATHRUP VILLAGE
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE CITY OF LATHRUP VILLAGE CODE OF
ORDINANCES BY ADDING CHAPTER 4 - ETHICS**

THE CITY OF LATHRUP VILLAGE ORDAINS:

Section 1. Amendment.

Chapter 4, shall be added and shall read as follows:

Chapter 4 - ETHICS

Sec. 4-1. - Intent and purpose.

In an effort to maintain the public trust, the City Council of Lathrup Village hereby declares that all public officials and employees of the City of Lathrup Village shall avoid any conflict between their private interests and those of the general public they serve. All City officials and employees 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 elected and appointed officials of the City of Lathrup Village, it is necessary to provide specific guidelines for dealing with conflicts of interest and the proper conduct of officials and employees. The City of Lathrup Village intends that its officials and employees will avoid any action which might result in or create the appearance of:

- (a) Using public office or employment for private gain;
- (b) Giving or accepting preferential treatment or monetary gain to or from any person or organization;
- (c) Impeding government efficiency or economy;
- (d) A lack of independence or impartiality of action;
- (e) Making an official decision outside of proper channels; or
- (f) Affecting adversely the confidence of the public in the integrity of the City of Lathrup Village.

Sec. 4-2. - Definitions.

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

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

(b) “Confidential information” means information that has been obtained in the course of holding public office or employment that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being M.C.L. 15.231 et seq., or pursuant to other law, regulation, policy or procedure recognized by law, and that the official or employee 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.

(c) “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 City official's or employee's duty to the public interest in the exercise of official duties or official actions.

(d) “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.

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

(f) “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. To clarify, unless the above standard is violated, the following types of benefits, monetary payments, or reimbursements, gifts, or awards may be received by the public servant: payment of salaries, authorized reimbursements, etc.

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

Sec. 4-3. – Standards of Conduct.

(a) Conflict of Interest. No City official or employee 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.

(b) Business Transactions. No City official or employee, 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 City unless that official or employee shall first make full public disclosure of the nature of the interest prior to the approval of such transaction.

(c) Confidential Information. City 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.

(d) Personal Opinion. A City official or employee shall not represent his or her personal opinion as that of the City.

(e) Appearance of Impropriety. An "appearance of impropriety" shall occur when an official or employee is involved in a decision concerning action of a City body which will affect an immediate family member, even if that official or employee derives no direct or indirect financial benefit from the action. An appearance of impropriety shall be fully disclosed on the official record to the City Council. After such disclosure, the official or employee may participate in the decision only if he or she has informed the City Council in advance that he or she will so participate.

(f) Use of City Property and Resources. An official or employee shall not use, or permit others to use, any property owned by the City for profit or personal convenience or benefit, except:

- (1) When available to the public generally, or to a class of residents, on the same terms and conditions;
- (2) When permitted by policies approved by the City Council; or
- (3) When, in the conduct of official business, used in a minor way for personal convenience.

(g) Gifts, Favors and Loans. Except as permitted by this section, no City official or employee 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:

- (1) 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.
- (2) Anything for which the official or employee pays the fair market value.
- (3) Any contribution that is lawfully made under the Campaign Finance Laws of the State of Michigan.
- (4) A gift from a relative, meaning those people related to the individual by blood or marriage.
- (5) 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 or employment of the recipient and not because of the personal friendship.
- (6) Food or refreshments not exceeding one hundred dollars (\$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.
- (7) Food, refreshments, lodging, transportation and other benefits received in connection with business, employment or other activities that are not connected to the official duties or employment of an official or employee; if the benefits have not been offered or enhanced because of the official position or employment of the official or employee and are customarily provided to others in similar circumstances.
- (8) Intra-governmental and inter-governmental gifts. For the purpose of this section, "intra-governmental gift" means any gift given to an official or employee from another official or employee of the City, and "intergovernmental gift" means any gift given to an official or employee by an official or employee of another governmental entity.
- (9) Bequests, inheritances and other transfers at death.
- (10) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than one hundred dollars (\$100.00).

~~(h) — Respect for Process.~~ City officials and employees shall perform their duties in accordance with the ~~processes and rules of order~~ Council Rules of Order and Procedure established by City Council governing

the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions by City staff.

(j)(h) Conduct of Public Meetings. City officials and employees 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. Council shall make every effort to ask staff clarifying questions regarding items in the meeting packet prior to public meetings.

(j)(i) Nothing in this section shall negate or lessen any other standard, prohibition, or ethics requirement imposed on any City official or employee by any other law, ordinance or legal requirement. City officials and employees shall comply with federal, state and local laws in the performance of their public duty.

Sec. 4-4. - DISCLOSURE.

Whenever a City official or employee is required to recuse himself or herself under the requirements of this chapter, he or she:

- (a) Shall immediately refrain from participating further in the matter;
- (b) Shall promptly inform his or her superior, if any; and
- (c) Shall promptly file with the City 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 City Council, and the statement shall be attached to the minutes of its next meeting.

Sec. 4-5. - COMPLIANCE AND ENFORCEMENT.

(a) This Ethics Chapter for the City of Lathrup Village expresses standards of ethical conduct expected for the officials and employees of the City of Lathrup Village. City Council members 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.

(b) Complaints alleging a violation of this chapter by an employee shall be filed with the City Administrator. The City Administrator shall investigate the complaint to establish whether a violation of this section occurred and any appropriate sanction that should be imposed. In cases where an employee is a member of a union, compliance with applicable union policies and procedures shall occur.

(c) Complaints alleging a violation of this section by any elected or appointed officials shall be filed with the City Administrator, who shall investigate the complaint. If the City Administrator has a reasonable belief that a violation of this section occurred, then he or she shall report the complaint and the initial investigation findings to the City Council.

(d) In addition to receiving complaints from the City Administrator, all City Council members shall have a responsibility to intervene when they learn of actions of another City Council member or other City official that appear to be in violation of the Ethics Ordinance. City Council members shall immediately report such actions and apparent violations to the City ~~A~~Administrator who shall investigate the complaint. If the City Administrator has a reasonable belief that a violation of this section occurred, then he or she shall report the complaint and the initial investigation findings to the City Council.

(e) Upon acquiring reasonable suspicion of a violation of the Ethics Ordinance, by complaint or otherwise, the City Mayor shall set, or any two council members may require the setting of, a public hearing at a regular or special meeting of the City Council to determine whether a violation of the Ethics Ordinance occurred. The public hearing shall be conducted before a ~~3-7~~ member Ethics Board which shall render a decision in the matter. ~~The Each Council member shall recommend one qualified elector for appointment to the Ethics Board. Each member serving on the Ethics Board shall serve for the length of the term of the Council member that recommended him or her. The City Administrator and City Attorney shall be additional members of the Ethics Board. Mayor shall appoint the Board members, who shall be qualified electors of the City, after submission and consideration of applications.~~ Such appointments shall then be approved by a majority vote of City Council. In complaints alleging a violation of this chapter by a member of the Council, that member shall not take part in any proceedings related to the complaint as a City Council member.

(f) The City Council may impose sanctions on City officials whose conduct does not comply with the City's ethical standards as determined by the Ethics Board. A violation of this chapter by any City official may result in sanctions including, but not limited to, reprimand, formal censure, loss of committee assignment, and restrictions on budget or travel. This section shall not conflict with any City Charter provisions concerning misconduct in office and associated penalties, including removal of any officer of the city from office, as set forth in Sections 17.8 and 5.4 of the City Charter. In the event of any such conflict, the provisions of the City of Lathrup Village Charter shall supersede the provisions of this Chapter.

~~(f)~~(g) Any Council member or City Official under criminal investigation shall be placed on leave until the investigation is completed or dismissed.

Sec. 4-6 - IMPLEMENTATION.

As an expression of the standards of conduct for City officials and employees 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 City officials and employees are thoroughly familiar with it and embrace its provisions. Therefore, ethical standards shall be included in the regular orientations for newly elected, appointed or hired City officials and employees. In addition, the City Council shall

annually review the code of ethics for the City of Lathrup Village.

Section 2. Repealer.

This Ordinance hereby repeals any ordinances in conflict herewith.

Section 3. Savings Clause.

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 5. Publication and Effective Date.

This ordinance shall be effective 10 days after publication. The City Clerk is hereby ordered and directed to cause this ordinance or a summary of this ordinance to be published in the manner required by law.

Section 6. Adoption.

That this ordinance was duly adopted by the City of Lathrup Village City Council at its regular meeting called and held on _____, 2022 and was ordered given publication in the manner required by law.

This ordinance shall be effective _____. The City Clerk is hereby ordered and directed to cause this ordinance or a summary of this ordinance to be published in the manner required by law.

CITY OF LATHRUP VILLAGE

, City Clerk

Date of Introduction:	2022
Date of Adoption:	2022
Date of Publication	2022
Notice of Adoption:	2022

Effective Date: 2022

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the City of Lathrup Village held on the day of , 2022.

STANDING RESOLUTION NO. 22-_____

RE: COUNCIL RULES OF ORDER AND PROCEDURE

The Lathrup Village City Council meeting is dedicated to the premise that government has a responsibility to the residents of the City and to the media to conduct a well-organized and objective meeting and an obligation to keep them informed. Council meetings should be attractive, interesting and understandable to all in attendance with as much opportunity for audience participation as is possible. Accordingly, the following Rules of Order and Procedure are adopted:

1. Regular Council Meetings

The Council shall set a regular schedule for its meeting dates (February through January of the following year) as a part of the agenda at its organizational meeting (first meeting in January). The place and time of the meeting shall be decided by the Mayor and shall be included in the agenda calling for the meeting.

2. Special Meetings

According to Section 6.2 of the Charter, special meetings shall be called by the Clerk on the written request of the Mayor, the City Administrator or any two members of the Council on at least 24 hours written notice to each member of the Council, e-mail notice is sufficient; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

The City Clerk will also make a diligent effort to notify each member of the Council in person of each special session. At such a meeting only the matters in the notice shall be acted upon.

3. Recessed Meetings

Any session of the Council may be continued to another day but no such continuation shall be for a longer period than until the next regular meeting thereafter.

4. Study Meetings

A study meeting may be convened on call by the Mayor or by two or more members of the Council. All members of the Council must be notified of the time and place of the meeting as in Rule # 2. Attendance at study meetings and notices calling such meetings shall be in harmony with the provisions of the Michigan Open Meetings Act.

The call for the meeting may also invite such people as may be required for consultation and advice with respect to the matters under discussion. At a study meeting no formal votes may be taken on any matter under discussion nor shall any Council members enter into a commitment with another respecting a vote to be taken subsequently at a public meeting of the Council. All study meetings shall be called by the Mayor at regular Council meetings.

A brief confirmation of the time and date may be held at the meeting and all study meetings will be attempted to be held on Monday nights between regular Council dates.

5. Council Meeting Agenda

The agenda for all council and study meetings shall be prepared by the Mayor and/or Mayor Pro Tem with the assistance of the City Administrator. The City Clerk shall furnish a copy to each member of the Council, the City Administrator, the City Attorney, and all other citizens who are involved in the

meeting such as the Chairperson of Advisory Committees or other functions, on the Thursday evening of the week preceding the meeting. All reports, communications, ordinances, resolutions, contract documents or other materials to be submitted to the Council shall be delivered to the members of the Council, the City Administrator, and the City Attorney by the City Clerk as early as possible but no later than Thursday evening.

6. Official Reports

Wherever possible, reports by the City Administrator, City Attorney, Police Department, City Clerk, Advisory Boards and Committees will be made in writing to the Council, submitted prior to the meeting and listed on the agenda. Under such procedure, discussion at an open council meeting will be limited to general questions from the audience or the Council on the subject matter of these reports. Concluding action may be taken at this time. Items requiring action by request of the City Administrator or City Attorney will be listed as regular agenda items and, unless conditions make it impossible, will be submitted to members of the Council with the agenda for the meeting. Copies of other reports will be distributed to the Council for their information.

7. Correspondence

The City Administrator and the Mayor are delegated the responsibility of handling all correspondence. Under this system only those correspondence which necessarily requires Council decision on policy will be brought before the council meeting. Copies of other correspondence may be distributed to the Council for their information.

Correspondence received by all Council Members via email which require council decision on Policy shall be acknowledged and responded to by the Mayor within a reasonable time frame; the correspondence shall then be transmitted to the City Administrator for inclusion on the agenda of the next regular meeting.

Correspondence received by individual Council Members via email which require council decision on Policy shall be forwarded to the Mayor for acknowledgement and response within a reasonable time frame; the correspondence shall then be transmitted to the City Administrator for inclusion on the agenda of the next regular meeting.

Correspondence received by all Council Members via email which does not require council decision on Policy shall be acknowledged and responded to by the Mayor within a reasonable time frame; the correspondence shall then be transmitted to the City Administrator for follow-up and if necessary, action.

Correspondence received by individual Council Members via email which does not require council decision on Policy shall be acknowledged and responded to within a reasonable time frame; the correspondence shall then be transmitted to the City Administrator for follow-up and if necessary, action.

Correspondence from any Council Member to the City Administrator shall also cc the Mayor as part of that communication.

8. Attendance at Conferences

The selection of the City's representative at conferences and meetings with outside organizations and officials, where official designation is required, is delegated to the Mayor, with concurrence of Council if substantial expense is involved.

Newly elected officials shall be required to attend the 'Newly Electeds' training offered through the Michigan Municipal League within the first six (6) months of being sworn in.

9. Presiding Officer

The Mayor shall take the chair at the time appointed for the Council to meet and call the members to order. The Role will be noted by the Mayor and recorded by the Clerk for the minutes. The Mayor Pro Tern shall take the chair as presiding officer in the absence of the Mayor.

10. Temporary Chairperson

In case of absence of the Mayor and Mayor Pro-tern, the Clerk shall call the Council to order and call the roll. If a quorum is found to be present, the Clerk shall appoint a Chairperson to act until the Mayor or Mayor Pro Tem appears.

11. Council Privileges

The presiding officer may move, second, and debate from the chair, subject only to such limitations on debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council member by reason of his/her acting as the presiding officer.

12. Decorum and Order

Meetings are to be formal with the enforcement of stringent rules for debate which will control the expenditure of valuable time. The presiding officer shall preserve decorum and decide all questions of order, subject to formal appeal to the Council as a whole.

Every person desiring to speak shall address the chair and shall wait to be recognized by the chair. They shall then confine himself/herself to the question under debate. Every Council member desiring to question the administrative staff shall address their questions to the City Administrator, who may either answer the inquiries or designate some member of staff for that purpose. A Council member, once recognized, shall not be interrupted while speaking unless a point of order is raised.

13. Quorum

The majority of the Council members elected shall constitute a quorum. In the case that a lesser number than a quorum shall convene at a regular or special meeting, the majority of the members present may send for any of all absent members by agreement. In the event a quorum cannot be obtained, the meeting must be adjourned. It is the duty of each Council member to notify the Mayor or Administrator if he/she cannot attend any Council meeting a minimum of 2 hours prior to the start of the meeting. A Council member who has provided timely notice shall be excused from attendance. A Council member that fails to provide timely notification shall not be excused. Any member of Council that fails to provide timely notice of absence may, at the next regular meeting, present an explanation of absence and if warranted may have their absence excused.

14. City Administrator

The City Administrator shall attend all meetings of the Council unless excused by the Mayor. He/she shall keep the Council fully advised as to the needs of the City and make recommendations to the Council; they may take part in discussions on all matters concerning the welfare of the City and shall have a seat but no vote in the council meetings.

15. City Clerk

The City Clerk shall be the Clerk for the City Council and shall attend all regular and special Council meetings unless excused by the Administrator, wherein the Administrator shall provide for the recording of minutes. The Clerk shall be responsible for keeping the minutes of the meetings and shall perform such other duties in the meeting as may be in order. Within one week after the meeting, the Clerk shall make available upon request a copy of the minutes of the preceding meeting. Each member shall be furnished a copy of the preceding meeting minutes no later than the next regular meeting.

16. City Attorney

The City Attorney shall attend all regular and special meetings of the Council unless excused by the Mayor. Any member of the Council may at any time call upon the City Attorney for an oral or written opinion concerning routine questions of law with respect to the City which do not require extensive research.

17. Right of Appeal

Any Council member may appeal to the full Council from a ruling of the Presiding Officer. If the appeal is seconded, the Presiding Officer shall immediately put the question of sustaining the decision of the chair to a vote.

18. Voting

Every Council member present when an ordinance or resolution is put to a vote shall vote, whether "yes" or "no", on a question during roll call. The only exception to this requirement for voting shall be in the case of a conflict of interest which shall preclude a Council member from voting.

19. Personal Privilege

The right of a Council member to address the Council on a question of personal privilege in cases where his integrity or motives are questioned, shall be given preference over other discussions. Any member shall have the right to express dissent against any ordinance or resolution of the Council and have the reason therefore entered upon the official minutes, and whenever possible shall present to the City Clerk his expression in written form for the official records.

20. Code of Ethics

City Council members occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion both as to the legality and to the propriety of such transactions. Council members shall not have a pecuniary interest either directly or indirectly in contracts of any character with the City, unless fully and publicly dis-closed to the full Council and handled in accordance with proper legal procedures.

Council members shall conduct themselves so as to bring credit upon the City as a whole and so as to set an example of good ethical conduct for all citizens of the community. Council members shall bear in mind their responsibility to the entire electorate, shall refrain from actions benefiting special interest groups at the expense of the City as a whole, and shall do everything in their power to ensure equal and impartial law enforcement throughout the City at large.

Council members shall conduct themselves in accordance with City Charter and all ordinances of the City.

21. Order of Business

The business of all regular meetings of the Council shall be generally transacted in the following order at the discretion of the Mayor:

1. Call to Order
2. Roll Call of Council
3. Pledge of Allegiance

4. Approval of Agenda
5. Presentations
6. Public Comment for Agenda Items
7. Consent Agenda
 - a. Approval of Minutes
 - b. Approval of Disbursement Reports
 - c. Acceptance of Departmental Reports
 - d. Routine and non-controversial action request
8. Petitions
9. Public Hearings
10. Action Request
11. City Administrator's Report
12. City Attorney's Report
13. Reports of Boards, Commissions and Committees
14. New Business
15. Old Business
16. Correspondence
17. Public Comment
18. Mayor and Council Comments
19. Adjournment

22. Parliamentary Procedure

The conduct of Council meetings shall be in accordance with the manual on parliamentary procedures entitled "Roberts Rules of Order".

23. Permission to Address Council/ Public Comment Procedure

Persons other than members of the Council and City Officials shall be permitted to address the Council upon recognition by the presiding officer by introducing the subject upon which they desire to speak and stating their name. The presiding officer may limit participation by the general public to designated times-during the meeting.

24. State or Federal Cooperation - Procedure

All proposals for projects which contemplate cooperation with, or financial participation by, the State or Federal government, shall be transmitted to Council by the City Administrator. If a City Board or Commission desires to propose such a project, the proposal shall first be filed with the City Administrator. All proposals shall be in approved form and accompanied by proper plans and specifications conforming to the requirements of respective State or Federal governments. If the Council approves the proposal, it shall by resolution authorize the City Administrator to make an application to the proper authority.

25. Suspension of Rules

Any provisions of these rules not governed by the Charter or Code may be temporarily suspended at any meeting of the Council by the Presiding Officer unless objected to by any Council member. Such objection must then be sustained by majority vote of the Council.

The vote on any such suspension shall be taken by "yeas" and "nays" and entered upon the records.

26. To Amend Rules

These rules may be amended, or new rules adopted by a majority vote of all members of the Council. Any such alterations of or amendments to, shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order of new business. This requirement shall be waived only by unanimous consent, with a recorded vote of all members.

Adopted

Replaces CO 79-7122, CO 80-62, CO 82-273a, 85-117a