



## CLINTON TOWNSHIP ETHICS POLICY

### I. OVERVIEW AND PURPOSE

In order to maintain the public’s respect, trust and confidence, all Charter Township of Clinton “elected officials and appointed officials” (hereinafter “Township Officials”), employees and volunteers must use the powers and resources of their respective office only to advance the public interest, and not to obtain personal benefits or pursue private advantage incompatible with these interests. Public confidence in the integrity of government is essential and indispensable to the exercise of good government. Accordingly, all Township Officials, employees and volunteers shall conduct themselves in a manner that justifies the confidence placed in them by the residents of Clinton Township, at all times maintain their integrity and discharging their responsibilities ethically in the course of their duties with the Township.

Therefore, all Township Officials, employees and volunteers are expected to comply with all applicable laws governing their conduct. This *Ethics Policy* (hereinafter “*Policy*”) is intended to establish principles, expectations and ethical standards for all Township Officials, employees and volunteers conduct and, to the extent possible, reduce the likelihood of vague or ambiguous principals or standard of conduct expected of all Township Officials, employees and volunteers.

### II. DEFINITIONS

For purposes of this *Policy*, the following words shall have the meanings respectively ascribed to them by this section:

“***Appointed Official***” means a person, other than an elected official or employee, who is appointed to a Township agency, municipal corporation, commission, board or other entity authorized to act on behalf of the Township or subset thereof.

“***Anything of value***” includes anything of monetary value, including but not limited to, money, loans, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment.

“***Board***” or “***Board of Trustees***” shall mean the Board of Trustees of the Charter Township of Clinton.

“***Conflict of Interest***” includes the prohibited transactions and interests described in Section IV, the gifts prohibited under Section V, and any other personal or private transaction, interest, or relationship that, under the circumstances, creates an appearance of impropriety that could

reasonably be expected to diminish public confidence in the independent and impartial administration of the Township in the best interests of the public.

**“Contribution”** is defined in MCLA 169.204.

**“Elected Official”** means any member of the Board of Trustees of the Charter Township of Clinton.

**“Employee”** means an individual who is hired by the Township as a full-time, permanent part-time, or seasonal employee, which includes: temporary, part-time, and seasonal workers, such as by illustration: temporary summer employees hired by the Department of Public Services, Parks and Recreation and election workers hired by the Clerk.

**“Ethics Board”** or **“Board of Ethics”** shall mean the Board of Ethics of the Charter Township of Clinton consisting of three members appointed by the Board of Trustees.

**“Financial interest”** means ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received or is presently or in the future entitled to receive, more than \$100.00 per year, other than expense reimbursement, or its equivalent; ownership of five (5%) percent or more of any property or business; or holding a position in a for profit business such as an officer, director, trustee, partner, employee, or the like.

**“Gift”** means any rendering of value for which legal consideration of equal value is not given and received. The term “gift” also includes the rendering of a personal benefit or favor that results in an economic benefit or financial gain by a Township Official, or a related party, that is not expressly permitted under applicable laws and this *Policy*.

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

**“Policy”** means this *Ethics Policy*.

**“Relative”** means a person who is related to a Township Official as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

**“Service provider”** includes, but is not limited to, any person, corporation, or other party that is doing business with, regulated by, or has interests before the Board or the Township, including anyone who is known or should be known to be an agent or acting on behalf of such a party who within a budget year has submitted charges of over \$10,000.

**“Township”** means the Charter Township of Clinton.

“*Township Officials*” means collectively elected officials and appointed officials of the Charter Township of Clinton.

“*Volunteer*” means a person who freely and willingly undertakes a task or provides a service for the Township without remuneration.

### III. GENERAL ETHICAL STANDARDS

- A. This *Policy* cannot address all of the circumstances in which Township Officials and employees could benefit themselves or parties of interest rather than the public good. This *Policy* must therefore consist of general principles that will provide Township Officials with guidelines for managing the many complicated situations that arise in administering a municipal entity.
- B. In situations where the law or this *Policy* are not clear, any doubt shall be resolved in a manner that abates or mitigates any actual conflict of interest and furthers the public’s sense of faith in the integrity of Township Officials and employees.
- C. Township Officials and employees must be aware that the mere appearance of a conflict of interest or conduct that may be legal but appears to conflict with the public’s interest, can erode confidence in the Township, and should be avoided.
- D. Township Officials must be honest in the exercise of their duties and must not take actions that will discredit the Township.

### IV. CONFLICTS OF INTEREST

- A. **Conflicts of Interest.** A conflict of interest exists for a Township Official, employee or service provider whenever there exists a personal, private, commercial or financial interest that could reasonably be expected to diminish their independence of judgment in the performance of the person’s responsibilities and obligations to the Township.
- B. **Disclosure.**
  - 1. **Township Officials.** Township Officials shall be accountable for recognizing a potential or actual conflict of interest and must promptly disclose it in detail sufficient to be understood by the body to which the Township Official belongs and by the public, and timely offering to disqualify themselves from making, participating in, or attempting to influence decisions by the body to which the Township Official belongs.
    - a. Disclosure must be made orally during meetings of the body to which the Township Official belongs, or by submission of a

written statement to the Community Relations and Media Services Department, with a copy provided forthwith to all-members of the body to which the Township Official belongs.

- b. Disclosure shall be made prior to the consideration of a matter by the body to which the Township Official belongs, and shall be reflected in the official record of the meeting. Such disclosure shall be set forth in the minutes of the meeting of the body to which the Township Official belongs at which such transaction is considered.
  - c. Township Officials must identify any gifts or political contributions provided by any party or their agents or representatives submitting a request for action by the body to which the Township Official belongs prior to their appearance before the body to which the Township Official belongs for consideration of such item. Examples would be service providers seeking approval of a professional contract such as attorneys or engineers, persons or entities applying for rezoning, site plan approval or special land use approval.
  - d. Township Officials may rely upon the website of Macomb County listing political donations as a resource for disclosing any donations from party or their agents or representatives appearing before the body to which the Township Official belongs, appearing on their behalf before the body to which the Township Official belongs.
  - e. In addition to the disclosures required above, each Township Official shall disclose their and any related party's financial interest in any business proposing to engage in a transaction seeking action by the body to which the Township Official belongs on an agenda item with the Township to the Township Communication Relations and Media Services Department, with a copy provided forthwith to all Board Members prior to any consideration by the Board or Township Officials on such matter seeking Board action.
2. **Employees.** Employees must promptly disclose any actual or potential conflicts of interest in detail sufficient to be understood by the Township Board and by the public. Disclosures shall be made within a reasonable time after becoming apparent. Disclosures shall be made to the Department Head who in turn shall promptly disclose to the Township Board.
  3. **Service Providers.** Service Providers must promptly disclose any actual or potential conflicts of interest in detail sufficient to be understood by the

Township Board and by the public. Disclosures shall be made as soon as reasonably practicable and in all instances prior to any action occurring before the Township Board. Disclosures shall be made to the Communication Relations and Media Services Department who in turn shall forthwith disclose to all Township Board Members. Service Providers shall disclose any past, current or proposed business interest with Township Officials and employees.

**C. Duty to Cure.**

1. A person who has a duty to disclose a conflict of interest has a duty to cure a conflict of interest. A person normally cures a conflict of interest by promptly eliminating it. This can be accomplished by withdrawing or attempting to withdraw from action on a matter that might be influenced by the conflict, provided that:
  - a. The person may be and is effectively separated from influencing the action taken; and
  - b. The action may properly be taken by others; and
  - c. The nature of the conflict is not such that the person must regularly and consistently withdraw from decisions which are normally their responsibility
2. Persons who cannot or do not wish to eliminate the conflict must terminate their relationship with the Township as soon as is reasonably possible.
3. **Township Officials.** Township Officials can cure a conflict of interest by prudently withdrawing from action or requesting to withdraw from action and separating themselves from influencing decision making on the matter in which a conflict exists, by:
  - a. requesting an abstention from voting on the matter, ~~or~~ and
  - b. choosing either of the following:
    - i. not to deliberate in any way on the matter, or attempt to influence the outcome in any way, or
    - ii. leaving the room during deliberations, and any vote on the matter.
4. **Employees.** Employees who disclose a conflict of interest to their Department Head should be:
  - a. temporarily removed from action or decision-making on a matter, and

- b. Department Heads should seek guidance from the Township Human Resources Director.

**V. GENERAL STANDARDS OF CONDUCT**

Township Officials and employees shall act in the public interest and work for the common good of the Charter Township of Clinton and all Township residents, businesses, and visitors.

- A. Independence.** Township Officials and employees shall be independent, impartial, unbiased, and fair in exercising judgment and decision making.
- B. Favoritism and Discrimination.** Township Officials and employees shall not show favoritism or discriminate on the basis of race, color, gender, gender identity, religion, marital status, national origin, age, disability, height or weight, or sexual orientation.
- C. Personal Interests.** Township Officials and employees shall not subordinate the interests of the Township to the Township Official's personal interests.
  - 1.** If not expressly prohibited herein, Township Officials and employees may conduct themselves in any manner otherwise allowed by law.
  - 2. Prohibited Conduct.** Township Officials and employees shall not:
    - a.** Use their position, title, office, or otherwise act to further the business interests, partisan political interests, personal interests, or to realize private gain for themselves or a relative.
    - b.** Use or direct any others to act as his or her proxy to advance business interests, partisan political interests, personal interests, or to realize private gain for themselves or a relative.
    - c.** Use any of the following to further their business interests, partisan political interests, personal interests, or to realize private gain for themselves or a relative:
      - (1)** Township owned vehicles;
      - (2)** Township land, buildings, facilities, or other property;
      - (3)** Township offices, office machines, computers, supplies, communications devices and systems, or mail systems;

- (4) Township Officials, employees, personnel, vendors, or contractors during ordinary Township work hours, 8:30 a.m. to 4:30 p.m.

**D. Political Activities.**

1. **Permissible Political Activities.** Township Officials and employees acting in their private personal capacity may exercise their rights to political speech and expression and participate in the political process without restriction or limitation. Nothing within this *Policy* shall be construed to restrict employees' rights pursuant to State law or rights pursuant to the collective bargaining process with regard to organizing and union activities.
  
2. **Prohibited Political Activities.** Township Officials and employees shall not:
  - a. Solicit or accept political campaign contributions in violation of Michigan Campaign Finance Law.
  
  - b. Personally use, solicit, encourage, enable, or otherwise allow others to use any of the following in pursuit of political campaign contributions or campaign activities on behalf of themselves, a relative, or any other person, party, proposal, or ballot initiative:
    - (1) Township owned vehicles;
  
    - (2) Township Officials, employees, personnel or service providers during Ordinary Township work hours.
  
    - (3) While they are engaged in the performance of their official duties, use Township facilities, property, business machines, communications devices or systems, resources, assets, or personnel regardless of whether subordinate or otherwise;
  
    - (4) Township service providers;
  
  - c. Township Officials and employees can avoid violation of subsection (b)(4) if:
    - (1) The solicitation includes an express disclaimer stating that it was not intended to be sent to such persons; and
  
    - (2) The public servant takes actions to correct the mailing list to avoid recurrence of such solicitation.

- d.** Where a Township Official has both violated D(2), and been notified of such violation, any reoccurring same offense as determined by the Ethics Board within the same election cycle shall require the Township Official at the next regular scheduled Township Board Meeting, to publicly apologize and furnish an explanation, including measures to be undertaken by the offender to avoid future violations.

**E. Gifts.**

- 1.** Township Officials and employees shall not solicit or accept a gift, favor, special privilege, or special discounted price on goods or services either directly or indirectly, on behalf of themselves or a relative from employees of organizations that contract to provide goods and services to the Township for compensation.
- 2.** Township Officials and employees may however:
  - a.** Accept any goods, opportunities, benefits, and services that are available on the same conditions as for the general public;
  - b.** Accept ordinary social hospitality of a value not exceeding \$75.00; provided, if food items, they are made available to all staff within the department or, for non-food items they are donated to charity or non-profit.
  - c.** Accept a gift, bequest, favor, or loan from a relative, or friend so long as:
    - (1)** The relative, family member related to the Township Official by blood or marriage, or friend is not also a service provider; or
    - (2)** The relative, family member related to the Township Official or employee by blood or marriage, or friend is not acting as the proxy or intermediary on behalf of a service provider.
  - d.** Accept a loan in the ordinary course of personal business from a public lending institution on the same terms available to the general public.
  - e.** Accept a scholarship, grant, or fellowship awarded on the same terms available to the general public.



- f.** Accept an award, honor, or citation which acknowledges service or achievement and which has no cash or financial value.
- g.** Accept complimentary copies of trade publications related to the Township Official's or employee's official duties.
- h.** Accept food or refreshments made available at events, meetings, seminars, or occasions related to the Township Official's or employee's official duties, so long as:
  - (1)** The food and refreshments are not offered by a service provider; and
  - (2)** The food or refreshments do not exceed \$75.00 in value on any single calendar day; and
  - (3)** The food or refreshments are consumed on the premises at which they are served.
- i.** Accept food, refreshments, transportation, lodging, and other benefits which are related to private business or employment, unrelated to the Township, and unrelated to the Township Official's official duties, as long as:
  - (1)** The benefits are not offered by a service provider; and
  - (2)** The benefits have not been offered or enhanced because of the Township Official's position or official duties; and
  - (3)** The benefits are customarily available to others under the same circumstances.
- j.** Accept free or discounted admission or registration fees, travel expenses, entertainment, lodging, meals, or refreshments that has not been offered by a service provider; and which are:
  - (1)** Provided by the sponsor of an event, appearance, or ceremony to which the public is invited, and the event, appearance, or ceremony is related to official Township business, and
    - i.** The Township does not reimburse, compensate, or pay the Township Official or such admission or registration fees, travel expenses, entertainment, lodging, meals, or refreshments, and



official, appointee, or employee provided, as long as the gift is not offered by a service provider.

- n. Accept any goods or services for which they pay fair market value.

**F. Privileged and Confidential Information.** A Township Official or employee shall not knowingly and intentionally:

1. Disclose bids, bid submissions, and bid related documents which divulge bids submitted prior to the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline in for submission of bids or proposals has expired.
2. Disclose another individual's personal information where disclosure would constitute an unwarranted invasion of that individual's privacy.
3. Allow, enable, authorize or otherwise permit members of the public to access, read, download, copy, or otherwise possess Township information, files, or data collections exempt from disclosure from the Freedom of Information Act, unless otherwise authorized;
4. Allow, enable, authorize or otherwise permit members of the public to log onto or otherwise gain access to restricted Township computers, tablets, email systems, or communications devices.

**G. Harassment Prohibited.** A violation of this *Policy* occurs when a Township Official harasses any other Township Official, employee and/or volunteer. Examples of harassment are:

1. Soliciting loans.
2. Attempting to or borrowing personal property belonging to the employee without their compensation, or asking the employee to use of any Township owned equipment or supplies for the Township Official's personal use.
3. Requesting that the employee purchase property or services on behalf of the Township Official without fair compensation.
4. Requesting an employee to affiliate or donate to any person or entity.

## VI. PROHIBITED CONDUCT & DISCLOSURES

- A. Confidential/Sensitive Information.** No Township Official or employee shall obtain or use for personal reasons or for private gain any confidential information acquired as a result of their position as a Township Official or employee.

A Township Official or employee shall not use information to which they have access by reason of their office to acquire, or aid another to acquire, a pecuniary interest in any property, transaction or enterprise that may be affected by the information; speculate, or aid another to speculate, on the information; or coerce another to suppress or fail to report that information to a law enforcement agency.

- B. Outside Employment and Other Outside Activity.** Township Officials and employees may not engage in any outside employment or other activity that is not compatible with the full and proper discharge of their duties and responsibilities with the Township. Activities or actions that are not compatible with Township duties include, but are not limited to, the following:

1. Engaging in any outside employment, private business activity, or other interest which may interfere with their ability to perform their duties or which may impair the efficient operation of the Township.
2. Accepting employment or rendering services in exchange for pay regarding Township policies, rules or matters of Township business, except if the employment or services are in the course of public employment.
3. Ordering, directing or requesting Township Officials or employees to perform during regular working hours any personal services not related to official Township functions or activities.
4. Engaging in any outside employment, private business activity, or interest, which permits a Township Official, employees or others to capitalize on their official title or position.
5. Serving in a representative capacity or as an agent, consultant, expert witness or attorney for any outside entity involving any matter before the Board or matter that involves the Township.

- B. Hiring of Relatives.** On the basis of objective qualifications, the Board or any employee who is an appointing authority for hiring is not prohibited from hiring or retaining the relative of a Township Official or employee; however, it will be incumbent upon the Township Official or employee to disclose such a relationship to the Township by completing a Relative Disclosure form for any current relatives employed by the Township and for any prospective employees during the evaluation and selection process. Such forms will be made available to all Board members,

appointing agencies, and made publicly available on the Ethics Webpage prior to Board appointments. Employees, who are aware that a relative has applied for employment at the Township, shall disclose to the Department Head such occurrence, and the Department Head shall report the occurrence to the Board.

**D. Township Official Mandatory Disclosures.**

1. All Township Officials shall file a personal disclosure statement in the form and manner prescribed by the Township through its Human Resources Department. Township Committee Members, who are not compensated by the Township, are not required to file a personal disclosure statement.
2. The Township Official's disclosure statement shall reflect:
  - a. The Township Official's name, title, and position;
  - b. All sources of income of themselves. The Internal Revenue Service definition of "income" for the filing of federal tax returns is the definition of "income" under this *Policy*. A general description of the source, such as by illustration: stocks, mutual funds and bank accounts, is sufficient;
  - c. All business interests and entities that represent more than 5% of ownership;
  - d. All entities for which the Township Official serves as an officer, director, member, or partner and receives compensation;
  - e. All entities, except for interest in publicly traded securities, in which the Township Official holds an ownership interest of \$50,000 or more; and
  - f. All properties owned and located within the Township and/or land owned contiguous to the Township.
3. Current Township Officials shall file their personal disclosure statement within 30 days of this *Policy* being adopted.
4. A Township Official shall file an updated personal disclosure statement:
  - a. Annually to the Township's Human Resources Department; or
  - b. Within thirty (30) days of any material change in the information reflected on their most recent personal disclosure statement.

5. Taxpayer Expense Disclosure: with exception of business cards, all materials printed, designed, produced or distributed using Township resources which include either the name, photo or image of any Elected Official shall include a prominent readable disclaimer "provided at taxpayers' expense."

**E. Employee Official Mandatory Disclosures.** All employees, except for seasonal employees, such as workers seasonally in DPW, Parks & Rec and election workers, shall disclose the name and address of all employers, updated annually, to the Human Resources Department.

## **VII. ENFORCEMENT AND IMPLEMENTATION**

**A. Board of Ethics.** A Board of Ethics is created consisting of three members, who will provide advisory opinions and recommendations to the Board of Trustees when there is a complaint as to the applicability of a provision of this code to a particular situation, involving Township Officials. Employees found to be in violation of this *Policy*, in accordance to the terms and conditions herein, shall be subject to discipline in accordance with applicable Collective Bargaining Agreement and/or Civil Service Statutes, Rules and Regulations.

1. The initial members of the Board of Ethics shall be appointed for one-, two- and three-year terms of office, respectively, beginning on a date established by the Board, and thereafter, shall be appointed to three-year terms.
2. The Board of Ethics shall be made up of residents of the Township, who have legal, administrative or other desirable qualifications, and shall serve without compensation. Members shall not be Elected Officials, persons appointed to elective office, full time Appointed Officials, Township employees, nor shall they currently be serving on any Township committee or commission. The Board shall select its own chairperson and establish procedures it deems necessary and appropriate to perform functions as set forth in this subsection subject to approval by the Township Board.
3. When there is a question or complaint as to the applicability of any provision of this *Policy* to a particular situation, that question or complaint shall be directed to the Board of Ethics. It shall then be the function of the Board of Ethics to conduct hearings and/or issue an advisory opinion as applicable.
4. The Board of Ethics shall, within 7 days after any matter is brought to its attention, set a date certain for hearing.

5. The Board of Ethics shall, at least 28 days before the hearing date, send notice of such hearing accompanied by a concise statement of the alleged breach of this *Policy* to the person(s) requested to appear before them by certified mail/return receipt requested to addressee only.
6. Any person requested to appear before a Board of Ethics hearing may request one extension for a period not to exceed 28 days. Extensions thereafter shall only be granted by the Board of Ethics under extreme circumstances.
7. Any person requested to appear before a Board of Ethics hearing may be accompanied by their attorney.
8. All hearings shall be subject to the Open Meetings Act.
9. All findings of Board of Ethics hearings shall be in writing, be sent to the Board of Trustees Members, and kept as a permanent record subject to the Open Meetings Act and Freedom of Information Act by the Township Clerk.
10. Advisory opinions may also be issued which shall be in written form, transmitted to the Board of Trustees, and kept by the Township Clerk as a record of the Township subject to the requirements of the Open Meetings Act and Freedom of Information Act. Employees may only request advisor opinions involving their own personal conduct, not the conduct of others.
11. The Administrative Assistant to the Board of Trustees shall provide clerical support to the Board of Ethics.

**B. Controlling Authority.** All matters concerning suspected violations of this *Policy* by Township Officials shall be directed to the Board of Ethics.

**C. Whistle Blower Protection.** The State of Michigan's provision of the Whistle Blower's Protection Act (MCL 15.361 et seq.) is intended to apply to employees who report a violation or suspected violation of this *Policy*. The Township shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee, or a person acting on behalf of the employee, reports or is about to report, or is perceived to have reported or be about to report, verbally or in writing, a violation or suspected violation of this *Policy*, unless the Township Official knows that the report is false, or because a Township is requested to participate in an investigation, hearing or inquiry held by the Township.

- D. Frivolous Complaint.** Any frivolous complaint filed shall be considered a violation of this *Policy*. A complaint is frivolous if it either has no reasonable basis in facts to support it, or clearly misapplies the provisions of this *Policy*, or has clearly been filed for an ulterior motive.
- E. Ethics Webpage and Content.** There shall be an ethics information portal on the Township’s web page to include the following information:
1. The Township’s *Ethics Policy*;
  3. The Township’s Purchasing and Bid Policies and Procedures;
  4. A list of all current Township vendors and contracts featuring the contracts length of term and overall cost to be maintained and updated by the Accounting Department;
  5. An archive, including the filed Township financial disclosure forms by Elected Officials as required by this *Policy*;
  6. A blank financial disclosure form;
  7. A complaint form developed by the Board of Ethics within sixty (60) days of appointment to the Board; and
  8. A link to the Macomb County webpage with the Township Officials’ political contributions and expenditures can be found.
- E. Training Requirements.** All Township Officials shall be properly trained in the application of this *Policy*. It shall be the responsibility of the Human Resources Director to develop the training materials and assure training of Township Officials every two (2) years or within 60 days of appointment.

Adopted: March 25, 2019  
Revised: August 16, 2021