

DELHI TOWNSHIP POLICY MANUAL

CODE OF ETHICS AND CONFLICT OF INTEREST

I. Statement of Purpose

Every citizen in the Township is entitled to have complete confidence in the integrity of the process of local government. Each representative of the people of the Township, whether elected or appointed, paid or unpaid, serving on a board, committee, commission or as an employee, shares the responsibility for earning and retaining the public's trust. The Township's public officials must faithfully discharge the duties of their office in the best interest of the Township, recognizing the public interest must be primary and their behavior above reproach. Even the appearance of a public official's personal gain or benefit at the expense of the Township may undermine the public's confidence in the fairness of the process of Township government.

The provisions of this policy are intended to provide guidance to the public officials of the Township by establishing standards of conduct, both expected and prohibited. The public officials of the Township are expected to comply with both the requirements of this Policy and applicable Michigan law, including, but not limited to, the Contracts Of Public Servants With Public Entities Act, PA 317 of 1968 (MCL 15.321 *et seq*); Standards Of Conduct For Public Officers And Employees Act, PA 196 of 1973 (MCL 15.341 *et seq*); and Section 7 of the Charter Township Act, PA 359 of 1947 (MCL 42.7) as amended.

II. Definitions

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| Benefit | Anything reasonably regarded as a monetary or financial gain or advantage, including any gain or advantage to any other person in whose welfare the public official has a direct and substantial interest. A public official has a direct and substantial interest in the welfare of the official's family members and employer. |
| Business | A sole proprietorship, partnership, firm, corporation, holding company, receivership, trust, unincorporated association, or any other entity recognized by law. |
| Conflict of Interest | A "conflict of interest" arises anytime one's actions as a public official may have a deferential, monetary or financial impact on said official or his or her family, as opposed to the public at large, or when the independence of one's actions as a public official could in any way be compromised by the individual's outside interests. |
| Employee | Any person listed on the payroll of the Township, whether part or full time. |

Immediate Family Member	<ol style="list-style-type: none">1. A public servant's spouse or domestic partner, or2. A public servant's relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than one-half of his or her support from the public servant, or from whom the public servant receives, directly or indirectly, more than one-half of his or her support; or3. An individual claimed by a public servant or a public servant's spouse as a dependent under the United States Internal Revenue Code, being 26 USC 1 et seq.
Family Member	A spouse, domestic partner, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.
Gift	A voluntary transfer of property (including money) or the conferral of a benefit having monetary or financial value, unless consideration of equal or greater value is received by the donor.
Official Action	Includes: <ol style="list-style-type: none">1. Any affirmative act, including making a recommendation within the scope of a public official's duties; and2. Any failure to act when the public official is under a duty to act.
Public Official	"Public officials" of the Township include all members of the Township Board, members of all other boards, committees and commissions of the Township, the Township Manager and all other Township employees and appointees.
Relative	A person who is related to a public servant as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, uncle, aunt, nephew, niece, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law.
Township	The Charter Township of Delhi

III. Standards of Conduct

1. **Disclosure of Confidential Information.** A public official shall not divulge to an unauthorized person confidential information acquired in the course of public service in advance of the time prescribed for its release to the public.
2. **Suppression of Information for Personal Gain.** A public official shall not, for personal gain or benefit, suppress or attempt to suppress public documents or information otherwise available to the general public.
3. **Mischaracterization of Opinions.** A public official shall not represent their view or their personal opinion as being that of the Township.
4. **Internet and E-mail Use.** The provisions of Policy No. 110, pertaining to internet and e-mail use, applies to Public Officials of the Township.
5. **Public Employment for Personal Gain.** A public official shall not use the personnel, property or other resources of the Township, or the prestige of their office, for personal benefit or gain.
6. **Gifts and Gratuities.** A public official shall not solicit or accept a gift or a loan of money, goods, or other thing of value which is intended to influence the way the public official performs official duties. This rule shall not be construed to prohibit political campaign contributions made in accordance with applicable Michigan statutes.
7. **Prohibition of Certain Private Business Transactions.** A public official shall not engage in a business transaction in which they may profit from their official position or authority, or benefit financially from confidential information which the public official has or may obtain by reason of that position or authority.
8. **Incompatible Offices or Employment.** A public official shall not engage in, accept, or continue employment when that employment is incompatible or in conflict with the public official's discharge of official duties or may impair the independence of judgment or actions in the performance of those duties. This rule does not apply and the public official may participate in official action if:
 - a. The requisite quorum for official action would not be available without the participation of the public official; and
 - b. The public official is not paid for working more than twenty-five (25) hours per week for the Township; and

- c. The public official promptly discloses on the public record of the official action any personal, financial, business or employment interest the official may have in a decision; and
 - d. The official action does not concern a contract in which the public official has a financial interest.
9. **Solicitation of Contracts.** A public official shall not be a party to, directly or indirectly, or solicit a contract between the Township and the public official, a business entity of which the public official is an employee, partner, or member, a trust of which the public official is a beneficiary, or with any corporation in which the public official is a director, officer, employee or stockholder with ownership of more than one percent (1%) of the outstanding stock or a present value in excess of Twenty-Five Thousand and no/100 Dollars (\$25,000.00).

A public official must promptly disclose to the Township Board any interest in the contract for the public record, and the contract must be approved by a vote of at least two-thirds (2/3) of the members of the Board without the vote of the public official making the disclosure. In the event a 2/3 quorum cannot be satisfied, the public official may be counted for a quorum and vote on a contract, if the benefit to the public official is less than Two Hundred Fifty and no/100 Dollars (\$250.00) and less than five percent (5%) of the public cost of the contract, and the public official files a sworn affidavit to that effect as part of the public proceedings regarding the official action to be taken.

10. **Prohibited Representation.** A public official of the Township shall not represent:
- a. Any person, group or other entity before the body of which the public official is a member.
 - b. Any person, group or other entity before the Township Board.
11. **Misuse of Public Position to Obtain Information.** Public officials of the Township shall not use their positions to obtain official information about any person or entity for any other purpose than the performance of official duties. This section shall not be construed to prohibit a public official from obtaining information which is available to the general public.
12. **Preferential Treatment.** All Township activities shall be conducted fairly and impartially. Township public officials shall not for any reason show favoritism in carrying out the Township's business. No public official shall use their employment or position to secure or attempt to secure advantages, privileges,

exceptions or preferential treatment for themselves or others, directly or indirectly.

13. Avoidance of Appearance of Impropriety. To avoid the appearance and risk of impropriety, a Township public official or employee shall not take any official action that is likely to affect the economic interests of:

- a. The public official;
- b. Immediate Family Members, Family Members, Relatives;
- c. An outside client;
- d. A member of the official's household;
- e. The employer of the official, or the official's spouse, parent or child;
- f. A business entity in which the official or family member has a financial interest;
- g. A person with whom the public official has a relationship which is sufficiently close or antagonistic so as to impede the official's ability to make an unbiased decision.

IV. Recusal and Disclosure

From the time a conflict with these Standards of Conduct is or should have been recognized, the public official shall:

1. Immediately refrain from further participation in the matter, including discussion with any persons likely to consider the matter; and
2. Promptly disclose to the appropriate Township Board committee, commission or supervisor, in the case of an employee, the nature and extent of the conflict.

A public official's disclosure of the conflict of interest shall be made either orally on the record at or before a meeting of the Township Board, committee or commission involved or in a writing filed with the Township Clerk. That disclosure must include, at a minimum:

1. The identities of all involved parties;

2. The nature of any monetary or financial interest;
3. The terms of any contract or arrangement between the parties and the Township;
4. A narrative description of the conflict.

A public official who is recorded as present shall vote on all questions to be decided by the board, commission, committee, or body unless recusal is required by law or this Code and Policy. In all other instances, said official's participation may be excused only by the consent of two-thirds (2/3) of the other members present.

V. Procedure for Questions or Complaints

Any person who believes there has been a violation of, or who would like an advisory opinion regarding the interpretation of, the provisions of this policy shall transmit their written question or complaint to the Township Manager. The Township Human Resources Director shall substitute for the Township Manager in the event the Manager is the subject of the complaint or reason for requesting an advisory opinion. The Manager or Human Resources may then consult with the Township Attorney as necessary. Every effort shall be made to achieve resolution of a complaint or the rendering of an advisory opinion within thirty (30) days of its submission.

VI. Violation, Penalty

Violation of this Policy by a non-elected Township public official shall constitute grounds for discipline, dismissal or removal from appointed office unless otherwise governed by statute or contract.

VII. Revisions

The Township may, from time to time, revise this policy. The policy may also be repealed by the Township Board.

Adopted August 18, 2020
Delhi Charter Township
Board of Trustees