



CITY OF ALBION CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

COUNCIL-MANAGER GOVERNMENT

Council members and
other officials normally in
attendance.

Garrett Brown
Mayor

Maurice Barnes, Jr.
Council Member
1st Precinct

Lenn Reid
Council Member
2nd Precinct

Sonya Brown
Mayor Pro Tem
Council Member
3rd Precinct

Marcola Lawler
Council Member
4th Precinct

Jeanette Spicer
Council Member
5th Precinct

Andrew French
Council Member
6th Precinct

Scott Kipp
Interim City Manager

The Harkness Law Firm
Atty Cullen Harkness

Jill Domingo
City Clerk

AGENDA

STUDY SESSION

**Albion City Hall
Council Chambers
112 West Cass Street
Albion, MI 49224**

**Monday, August 27, 2018
6:30 p.m.**

PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR INDIVIDUAL DISCUSSION
 - A. Ethics Ordinance
- IV. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- V. ADJOURN

NOTICE FOR PERSONS WITH
HEARING IMPAIRMENTS
WHO REQUIRE THE USE OF A
PORTABLE LISTENING DEVICE

Please contact the City
Clerk's office at
517.629.5535 and a listening
device will be provided
upon notification. If you
require a signer, please
notify City Hall at least five
(5) days prior to the posted
meeting time.

Charlotte, MI Code of Ordinances

ARTICLE VI. ETHICS**§ 2-250 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

CITY. The City of Charlotte.

EMPLOYEE. An individual employed by the city, whether part-time or full-time, but excluding city contractors and officials as defined in this section.

OFFICIALS. The elected officers of the city, the members of the appointed boards and commissions of the city, the administrative officers and department directors described in § 2-51 and the deputies of administrative officers and department directors.

RELATIVE. A person related to an official within the third degree of consanguinity or affinity.

(Ord. 2009-05, passed 10-26-2009)

§ 2-251 PRINCIPLES OF ETHICAL CONDUCT.

To ensure that every citizen can have complete confidence in the integrity of city government, each official shall respect and adhere to the following principles of ethical service.

(A) Public service is a public trust requiring officials and employees to place loyalty to laws, ordinances, rules and policies above private gain.

(B) Officials and employees shall not hold financial interests that conflict with the conscientious performance of duty.

(C) Officials and employees shall not engage in financial transactions using nonpublic city information or allow the improper use of such information to further any private interest.

(D) Officials and employees shall not, except pursuant to such reasonable exceptions as are provided by policy promulgated by the City Council, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the city, or whose interest may be substantially affected by the performance or nonperformance of the official's duties.

(E) Officials and employees shall put forth honest effort in the performance of their duties.

(F) Officials and employees shall make no unauthorized commitments or promises of any kind purporting to bind the government.

(G) Officials and employees shall not use public office for private gain for themselves or their relatives.

(H) Officials and employees shall act impartially and not give preferential treatment to any private organization or individual.

(I) Officials and employees shall protect and conserve city property and shall not use it for other than authorized activities.

(J) Officials and employees shall not engage in outside employment or activities, including seeking or negotiating employment, that conflict with official city duties and responsibilities.

(K) Officials and employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.

(L) Officials and employees shall adhere to all laws and regulations that provide equal opportunity for all regardless of race, color, religion, sex, national origin, age or disability.

(M) Officials and employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this article.

(Ord. 2009-05, passed 10-26-2009)

§ 2-252 IMPLEMENTATION.

The City Council shall implement the principles of ethical conduct contained in § 2-251 by promulgating policies, defining terms, establishing rules and regulations and providing sanctions or penalties for violations. The City Council shall have the authority to repeal, replace or amend such policies from time to time as circumstances warrant.

(Ord. 2009-05, passed 10-26-2009)

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Battle Creek Code of Ordinances

212.05 CODE OF ETHICS FOR CITY COMMISSIONERS.(a) Preamble.

(1) The citizens of Battle Creek are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity.

(2) Furthermore, the effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

(3) To this end, the Battle Creek Commissions adopts this Code of Ethics for Battle Creek City Commissioners to assure public confidence in the integrity of local government and its effective and fair operation.

(b) Code of Ethics.

(1) Acts in the public interest. Recognizing that stewardship of the public interest must be their primary concern, City Commissioners will work for the common good of the people of Battle Creek and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Battle Creek City Commission.

(2) Compliance with law. City Commissioners shall comply with the laws of the nation, the State of Michigan, and the City of Battle Creek in the performance of their public duties. These laws include, but are not limited to: the United States and Michigan constitutions; the Battle Creek City Charter; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

(3) Respect for process. City Commissioners shall perform their duties in accordance with the processes and rules of order established by the City Commission governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Commission by City staff.

(4) Conduct of public meetings.

A. City Commissioners 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.

B. A City Commissioner and any family member claimed as a dependent of the Commissioner shall refrain from soliciting or accepting any gifts, loans or favors except that a Commissioner and a family member claimed as a dependent of the Commissioner may:

(5) Communication. City Commissioners shall publicly share substantive information that is relevant to a matter under consideration by the City Commission, which they may have received from sources outside of the public decision-making process.

(6) Full disclosure.

A. A City Commissioner in the performance of their public duties shall not act upon any matter in which they have a material financial interest, or where they have a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the City Commission on the official record. Such disclosure must be made before the time to perform their duty or concurrently with the performance of the duty.

B. The disclosure required by this subsection shall not supplant, but instead shall supplement, any disclosure of a personal, contractual, financial, business, employment or pecuniary interest required by state statute.

(7) Gifts, favors, and loans.

A. A City Commissioner shall refrain from financial and business dealings that would tend to reflect adversely on the Commissioner impartiality, interfere with the performance of their public duties or exploit their official position. A City Commissioner should not take any special advantage of services, goods or opportunity for personal gain that is not available to the public in general.

B. A City Commissioner and any family member claimed as a dependent of the Commissioner shall refrain from soliciting or accepting any gifts, loans or favors except that a Commission and a family member claimed as a dependent of the Commissioner may:

1. Accept a gift or honorarium, not exceeding a value of one hundred dollars (\$100.00), for services rendered in the performance of their public duties or other activity devoted to the improvement of cities, communities and the lives of citizens.

2. Accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; a loan in the regular course of business from a lending institution on the same terms as generally available to the public; and a scholarship, grant or fellowship awarded on the same terms as applied to other applicants.

3. Accept any other gift, favor or loan only if the donor is not a person or entity whose interests have come or are likely to come before the City Commission.

4. Solicit and accept campaign contributions.

(8) Confidential information. City Commissioners 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.

(9) Use of public resources. Public resources, including City staff time, equipment, supplies, and facilities, not available to the public in general shall only be used for the benefit of the public and

not for a City Commissioner's personal or private use.

(10) Representation of private interests. In keeping with their role as stewards of the public interest, a City Commissioner shall not appear on behalf of the private interests of third parties, including their spouses and family members within the third degree of consanguinity to the City Commissioner or their spouse, before the City Commission or any board, committee, commission or proceeding of the City.

(11) Advocacy. City Commissioners shall represent the official policies or positions of the City Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Commissioners shall neither state nor imply that they represent the opinions or positions of the City Commission or the City of Battle Creek.

(12) Policy role of members.

A. City Commissioners shall respect and adhere to the Commission-manager structure of Battle Creek City government as outlined by the Battle Creek City Charter. In this structure, the City Commission determines the policies of the City with the advice, information, and analysis provided by the public, subordinate boards, committees and commissions, and City staff.

B. City Commissioners therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement City Commission policy decisions.

(13) Independence of boards and commissions. Because of the value of the independent advice of subordinate boards, committees, and commissions to the public decision-making process, members of the City Commission shall, except when the Commissioner is a member of the public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.

(14) Positive workplace environment.

A. City Commissioners shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. City Commissioners shall recognize their special role in dealings with City employees so as to in no way create the perception of inappropriate direction to staff nor, except for the purpose of inquiry, give specific orders to subordinates of the City Manager or City Attorney.

B. Because City Commissioner actions and comments contribute to the environment in which all City employees must work, in order to create and promote a positive work environment under no circumstances shall a City Commissioner, either in public or private, intimidate, humiliate, or otherwise abuse a City employee.

(15) Compliance and enforcement.

A. This Code of Ethics for Battle Creek City Commissioners expresses standards of ethical conduct expected for members of the Battle Creek City Commission. City Commissioners 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. All City Commissioners shall have a responsibility to intervene when they learn of actions of another City Commissioner that appear to be in violation of the Code of Ethics. Upon acquiring reasonable suspicion of a violation of the Code of Ethics, the Mayor shall set, or any three Commissioners may require the setting of, a public hearing at a regular or special meeting of the City Commission to determine whether a violation of the Code of Ethics occurred and, if so, what sanctions shall be imposed for the violation.

C. The City Commission may impose sanctions on City Commissioners whose conduct does not comply with the City's ethical standards. Sanctions may include reprimand, formal censure, loss of committee assignment, restrictions on budget or travel, and removal from office by the governor in the manner and for the causes provided by law.

D. A violation of this code of ethics shall not be considered a basis for challenging the validity of a City Commission decision.

(16) Implementation.

A. As an expression of the standards of conduct for City Commissioners expected by the public, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when City Commissioners are thoroughly familiar with it and embrace its provisions.

B. For this reason, ethical standards shall be included in the regular orientations for newly elected or appointed City Commissioners. At the first regular meeting of City Commission in December of each year, City Commissioners entering office shall sign a statement affirming that they have read and understand the Code of Ethics for Battle Creek City Commissioners.

C. In addition, the City Commission shall annually review the Code of Ethics for Battle Creek City Commissioners.

(c) Commissioner Statement of Acknowledgment.

Model of Excellence

Battle Creek City Commission

Commissioner Statement

As a member of the Battle Creek City Commission, I agree to uphold the Code of Ethics adopted by the City Commission and conduct myself by the following model of excellence. I will:

-Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;

-Help create an atmosphere of respect and civility where individual members, City staff, and the public are free to express their ideas and work to their full potential;

-Respect the dignity and privacy of individuals and organizations;

-Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;

-Conduct my public affairs with honesty, integrity, fairness and respect for others;

-Avoid and discourage conduct that is divisive or harmful to the best interests of Battle Creek; and

-Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.

I affirm that I have read and fully understand the Code of Ethics for Battle Creek City Commissioners.

Signature/Date

Name/Office

(Ord. 07-04. Passed 4-20-04; Ord. 12-05. Passed 7-19-05.)

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Hamtramck, MI Code of Ordinances

CHAPTER 39: ETHICS

Section

- 39.001 Title
- 39.002 Intent and purpose
- 39.003 Definitions
- 39.004 Fair and equal treatment
- 39.005 Prohibited conduct
- 39.006 Matter regarding disclosure of conflicts of interest, actual and potential
- 39.007 Public disclosure, contents
- 39.008 Disclosure of campaign contributions
- 39.009 Duties of Clerk
- 39.010 Request for opinion from the City Attorney
- 39.011 Delivery of copies of Ethics Code to public servants
- 39.012 Complaint procedure
- 39.013 Where to seek review
- 39.999 Penalty

§ 39.001 TITLE.

This chapter shall be known as the Ethics Chapter of the city.

(Ord. 2008-11, passed 8-26-2008)

§ 39.002 INTENT AND PURPOSE.

(A) It is the policy of the city to uphold, promote and demand the highest standards of ethics from all its employees and officials, whether elected, appointed or hired. City officers and employees (public servants) shall maintain the highest standards of personal integrity, truthfulness, honesty and fairness in

carrying out their public duties; avoid any improprieties in their roles as public servants including the appearance of impropriety; and never use their city position or powers for improper personal gain.

(B) It is further the intent of this chapter that a public servant, regardless of whether specifically prohibited by this chapter, shall avoid any action, which might result in or create the appearance of:

- (1) Using public office or employment for private gain personal or monetary;
- (2) Giving improper preferential treatment to any person or organization;
- (3) Impeding government efficiency or economy;
- (4) A lack of independence or impartiality of action;
- (5) Making a government decision outside of official channels; or
- (6) Affecting adversely the confidence of the public in the integrity of the city.

(C) It is not the intent of this chapter to in any way limit the right or ability of any public servant to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as the action does not provide a special benefit to that person, relieve the public servant of a particular duty, or treat that person differently than other similarly situated city residents.

(Ord. 2008-11, passed 8-26-2008)

§ 39.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. A business entity includes any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

CITY. The City of Hamtramck, a Michigan municipal corporation.

COMPENSATION. Payment in any form for real or personal property or services of any kind.

ELECTED OFFICER. Any person who is elected at a general or special election to any public office of the city and any person appointed to fill a vacancy in any office.

INTEREST. Any right, title or share in something, either personal, financial, legal or equitable, which is owned, held or controlled, in whole or in part, directly or indirectly, by a public servant.

PUBLIC SERVANT. Every individual appointed, hired or otherwise selected to an office, position, committee, board, task force or similar multi-member body with the city, or any subdivision thereof, whether the individual is paid or unpaid and any person elected or appointed to any public body of the city. **PUBLIC SERVANT** includes elected officer.

PUBLIC BODY. The City Council, and any board, authority, commission, committee, department, office or other agency of the city, and including the city.

QUESTION THE EMPLOYMENT STATUS. Imply, infer, suggest or otherwise state that an employee should be dismissed from employment with the city.

(Ord. 2008-11, passed 8-26-2008)

§ 39.004 FAIR AND EQUAL TREATMENT.

No public servant shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All public servants shall treat all citizens of the city with courtesy, impartiality, fairness and equality under the law. In addition, no elected official may question the employment status of any employee under the control of the City Manager unless that employee's contract or appointment is before the City Council and a resolution approving the action has been moved and seconded.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.005 PROHIBITED CONDUCT.

The following shall constitute violations of this chapter.

(A) *General prohibition against conflict of interest.* In order to avoid impropriety, or an appearance of conflict of interest, no current public servant should be involved in any activity that might be seen as conflicting with the conduct of official city business or as adverse to the interests of the city. Even the appearance of the following prohibited conduct alone may be sufficient to constitute a violation of this ethics chapter.

(B) *Disclosure of confidential information and/or benefitting from confidential information.* No public servant shall disclose or use any confidential, privileged or proprietary information gained by reason of his or her position for a purpose which is for other than a city purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request. For purposes of this division, the term **CONFIDENTIAL INFORMATION** shall mean any information, oral or written, which comes to the attention of, or is available to, the public servants only because of his or her position with the city, and is not a matter of public record.

(C) *Improper use of city personnel and property.* No public servant shall employ or use any person under his or her official control or direction for the personal benefit, gain or profit of the public servant or other. No public servant shall use city-owned vehicles, equipment, materials, money or property for personal or private convenience or personal gain. Nothing herein shall prohibit the use of city equipment or motor vehicles by public servants in accordance with written policies established by the City Council, City Manager or city department head concerned, nor shall this chapter be deemed to prohibit private use of surplus city property legally disposed of by the city or its departments in compliance with established procedures.

(D) *Beneficial interest in business transaction or participation in a contract.* No public servant

shall participate or benefit from (monetarily or personally) in his or her capacity as a public servant in the making of a contract in which he or she has a financial interest, direct or indirect, or perform in regard to a contract some function which requires the exercise of discretion on behalf of the city. No public servant shall participate in contracts, loans, grants, rate-fixing or issuing permits involving a business in which he or she has a substantial interest; however this provision shall not apply in the following circumstances:

(1) Contracting with the city where:

(a) The contract is awarded pursuant to sealed bids;

(b) The public servant is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract; and

(c) The City Council, after reviewing the circumstances, determines the award of the contract would be in the best interest of the city.

(2) Where the interest of the public servant in the business involves the holding of less than 1% of the securities in a publicly traded business or less than 5% of privately or closely held business and where the public servant will not have any involvement in the transaction on behalf of the contracting business.

(E) *Engaging in certain private employment.* No city employee or public servant shall engage in or accept private employment or render services for, any private interest when the employment or service is incompatible with the proper discharge of official duties or would tend to impair independence or judgment or action in the performance of official duties.

(F) *Acceptance or solicitation of compensation, gifts, favors, rewards or gratuity.* No public servant may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the public servant's services with the city which would tend to influence the manner in which the public servant performs his or her official duties, except this prohibition shall not apply to:

(1) Attendance of a public servant at a hosted meal when provided in conjunction with a meeting directly related to the conduct of city business or where official attendance by the city official as a city representative is required or in the best interest of the city;

(2) An award publicly presented in recognition of public service presented to the public servant; and

(3) Any gift valued at \$100 or less, which cannot reasonably be presumed to influence the judgment of the public servant.

(G) *Improper use of position.* No public servant shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain or profits of any other persons. No public servant shall represent his or her individual opinions as those of the city.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.006 MATTER REGARDING DISCLOSURE OF CONFLICTS OF INTEREST, ACTUAL AND POTENTIAL.

The following disclosure requirements are established to avoid both actual and potential conflict between the private self-interests and the public interest of public servants.

(A) *Self interest.* No public servant, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the city, unless the person shall first make full public disclosure of the nature of the interest.

(B) *Disclosure and disqualification.* Whenever the performance of official duties shall require a public servant to deliberate and vote on any matter involving his or her financial or personal interest, that person shall publicly disclose the nature and extent of the interest and is disqualified from participating in the deliberations and voting on the matter.

(C) *Dual employment.* No public servant shall engage in employment with, or render services for, any person or entity, which has business transactions with any public body of the city, without first making full public disclosure of the nature and extent of the employment or services.

(D) *Dual representation.* A public servant shall make full public disclosure of business involving the city when attempting to use his or her official position to secure special privileges or exemptions for self or others.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.007 PUBLIC DISCLOSURE, CONTENTS.

Whenever a public disclosure is required by this chapter, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the Clerk, in both of which cases it shall be made a part of the record of a regular City Council meeting, and in either event shall include:

(A) The identity of all persons involved in the interest; and

(B) The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with the provisions of this chapter must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.008 DISCLOSURE OF CAMPAIGN CONTRIBUTIONS.

(A) Within 15 days after each municipal election, every elected officer, and candidate for elected office, shall file a completed disclosure form with the City Clerk. All elected officers of the city shall file, annually within ten days of the filing deadline established by the state, a report with the City Clerk listing all contributions, other receipts or in-kind contributions received in any calendar year by the

officer's candidate committee. If the candidate or elected officers or candidate for office has not received any contributions, other receipts or in-kind contribution for the period covered under any period in which a report is required by this chapter, the candidate or elected officer shall file a sworn, notarized statement within ten days of the filing deadline established by the state, in a form determined by the Clerk, reflecting this fact. The Clerk shall make all candidates for elected office in the city aware of this provision at the time they file for candidacy. All elected officers of the city shall be made aware of this provision within five days of assuming their respective office. The form for reporting contributions shall consist of the forms developed by the State Secretary of State for reporting campaign contributions or their successors. At the time of adoption of this chapter, those forms are:

- (1) Candidate Itemized Contributions Schedule 1A;
- (2) Candidate Other Receipts Schedule 1A-1; and
- (3) Candidate In-Kind Contributions Schedule 1-IK.

(B) Failure to comply with this section of the chapter may result in a penalty established by City Council resolution.

(Ord. 2008-11, passed 8-26-2008; Am. Ord. 2009-1, passed 3-24-2009) Penalty, see § 39.999

§ 39.009 DUTIES OF CLERK.

The Clerk shall examine all disclosure statements filed pursuant to this chapter and report irregularities immediately to the person filing the statement to the City Manager and the City Attorney. Acceptance of a statement by the Clerk shall not constitute approval of the statement. The Clerk shall maintain a current list of all disclosure statements required to be available for public disclosure. The Clerk shall preserve all disclosure statements for a period of at least three years after the date on which they are filed. The Clerk shall make available to the public all statements that are required to be available for inspection during regular business hours. The Clerk shall also accept all complaint alleging violations of this chapter.

(Ord. 2008-11, passed 8-26-2008)

§ 39.010 REQUEST FOR OPINION FROM THE CITY ATTORNEY.

(A) Any elected official may request the City Attorney provide an advisory opinion interpreting the effect or application of this chapter generally, or on questions directly relating to the propriety of their conduct in a particular situation.

(B) Any other public servant may request, with the approval of the City Manager, that the City Attorney provide an advisory opinion interpreting the effect or application of this chapter generally, or on questions directly relating to the propriety of their conduct in a particular situation.

(Ord. 2008-11, passed 8-26-2008)

§ 39.011 DELIVERY OF COPIES OF ETHICS CODE TO PUBLIC SERVANTS.

The Clerk shall deliver a copy of this chapter to each public servant as soon as practicable after the enactment of this chapter, and to each new public servant at the time of employment or taking office. The Clerk shall also request that each person sign and return an acknowledgment of receipt of a copy of this chapter.

(Ord. 2008-11, passed 8-26-2008)

§ 39.012 COMPLAINT PROCEDURE.

(A) Any citizen of the city may submit a complaint in writing and under oath, alleging that one or more public servants have violated or may have violated any provision of this chapter within one month of the alleged violation.

(B) The complaint must be signed by the complainant and notarized, and must contain the following:

- (1) The complainant's legal name and current mailing address;
- (2) The name or names of any public servants who committed or may have committed the alleged violation;
- (3) A summary of the facts giving rise to the complaint;
- (4) Some explanation of why those facts constitute or may constitute a violation of the ethics chapter; and
- (5) Any one filing a false complaint will be subject to the penalty(s) for perjury.

(C) The complaints must be filed with the City Clerk. Upon receipt, the Clerk shall promptly provide a copy of the complaint to the public servant named therein and to the City Attorney.

(D) The City Attorney will evaluate the complaint, applying the law of the standards of conduct to the facts alleged in the complaint.

(E) Within 14 days from receipt of the complaint, the City Attorney shall:

- (1) Issue a report including a copy of the complaint, concluding whether facts alleged in the complaint, if true, would rise to a violation of this chapter, and require the public servant named in the complaint issue a formal statement, in writing and addressed to the City Attorney, outlining his or her position.

- (2) The City Attorney shall determine whether the public servant named in the complaint did commit a violation of the ethics chapter and file a formal complaint with the Thirty-First District Court; or

- (3) Dismiss the complaint.

(F) The City Attorney shall promptly provide a formal complaint or a dismissal of the complaint to the appropriate city department.

(G) If a complaint is filed against the City Attorney and any of his or her designees, the City Council shall designate a neutral body to investigate the complaint and if necessary prosecute the violation.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.013 WHERE TO SEEK REVIEW.

(A) *Civil penalty.* If ordered to pay a civil penalty, an appeal may be taken in the form of a trial de novo in the District Court, which shall hear the case in accordance with the Civil Rules for Courts of Limited Jurisdiction (CRLJ) and applicable local rules of the District Court. This appeal may be taken by filing in the District Court, a notice of appeal within 14 days of the date of the final written order. The person filing the appeal shall also, within 14 days, serve a copy of the notice of appeal on the person who issued the final written order and/or the City Attorney, or his or her designee, and file acknowledgment or affidavit of service in the District Court.

(B) *Discipline or removal.* If a public servant is disciplined or removed from office, then the person disciplined or removed from office may seek whatever remedies exist at law or equity.

(C) *Termination of contracts.* If termination of contract(s) is ordered, the person whose contract(s) was/were terminated may seek whatever remedies exist at law or in equity.

(Ord. 2008-11, passed 8-26-2008)

§ 39.999 PENALTY.

(A) Upon a finding of a violation of any provision of this chapter, the City Attorney is empowered to take any one or more of the following actions:

(1) Discipline up to and including termination or removal from any position whether paid or unpaid, excluding elected positions, only after notice and hearing as provided by law; and/or

(2) Termination or invalidation of contract(s) entered into in violation of this chapter.

(B) Upon a finding of a violation of the applicable provisions of this chapter, the District Court is empowered to assess the following penalties:

(1) Any public servant who violated a provision of this chapter may be subject to fine of up to \$500 for each violation;

(2) Any public servant who fails to make any disclosure required by § 39.008 may be fined \$10 per day, up to a maximum of \$500, from the first day the disclosure is due until the disclosure is filed; and

(3) Any public servant who is found to have violated a provision(s) of this chapter shall be deemed guilty of misconduct.

(C) The various penalties provided under this division are cumulative to other remedies provided

under state law or under the Charter and ordinances of the city.

(Ord. 2008-11, passed 8-26-2008)

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