

This Ethics Policy should capture the “spirit” of what council should enforce and then it should point out and reference to the existing Charter sections and city union contracts for how to implement, enforce, and for the details.

Source: Merriam-Webster online:

1. **ethic** – 1. *plural but sing or plural*: the discipline dealing with what is good and bad and with moral duty and obligation 2.a: a set of moral principles : a theory or system of moral values <the present-day materialistic *ethic*> b. *plural but sing or plural*: the principles of conduct governing an individual or a group <professional *ethics*> c: a guiding philosophy d: a consciousness of moral importance <forge a conservation *ethic*>3. *plural* : a set of moral issues or aspects (as rightness)

2. **standard** – 3. something established by authority, custom, or general consent as a model or example: **CRITERION** <quite slow by today's *standards*>4. something set up and established by authority as a rule for the measure of quantity, weight, extent, value, or quality.

Below are our suggestions:

Code of Ethics for the City of St. Clair Shores

All representatives of the City of St. Clair Shores, whether appointed, elected, contracted, employed, or volunteers shall only use their position or powers for the mutual benefit of the residents and taxpayers of St. Clair Shores. If found using their position or powers for improper personal gain or to the improper benefit on one group or individual over another, they will be found in violation of these Code of Ethics. All governmental units, companies, or individuals conducting business with the City of St. Clair Shores with taxpayer money, shall also be held accountable to these Code of Ethics.

In other words, the spirit of the Code of Ethics can be summed up with the following 2 questions:

- 1) Are you acting in the best interest of the City, the residents, and the taxpayers?
- 2) Are you acting in the best interest of yourself, another individual, group, or special interest?

****If the second is true, then you are in violation of this Code of Ethics.****

Referenced below are Ethical issues and processes already addressed in the City Charter, Union Contracts, or other State Law:

- Exercise of Municipal concerns (to act to advance the interests of the city) 10.029 sec. 2.9
- Officer’s Oath (10.069 sec. 3.28)
- Contracts are to be done with full disclosure to the public according to FOIA.
- Gifts, besides reasonable hosting or occasions, to be reported to City Manager (10.079 sec. 3.38)
- Holding office restriction (10.076 sec. 3.35 and 10.077 sec. 3.36)
- Nepotism prohibited (10.078 sec. 3.37)
- Qualified for a position (Charter, Employment law, Union Contract Adherence)

- Contract & voting disqualifications (10.081 sec. 3.40 and Union Contract)
- Treasurer distribution of funds (10.188 sec. 7.8 and financial policy)
- City Manager Administrative Duties with council and staff (10.052 sec. 3.12)
- Procedure for Officers removal, cause, notice, and hearing (10.072 sec. 3.31)
- Procedure for Staff removal, cause, notice, and hearing (Union contracts)
- Ordinance violation penalty (Jail: up to 90 days and/or up to \$500.00) 10.135 sec.

5.5

- Prosecution within 2 years (10.136 sec. 5.6)
- Judicial notice (10.138 sec. 5.8)

The term "fiduciary relationship" means entrusting yourself, your reputation, and your possessions to a professional who is obligated to act in your best interest.

City of St. Clair Shores Ethics Policy

The essential elements of a municipal ethics code are:

- i. That it is clear and comprehensive, providing clear guidance to city officials, elected officials, employees, contractors, boards, committees and commissions.
- ii. That it provide for three kinds of sensible disclosure of interests: an annual disclosure statement, disclosure when a conflict arises (transactional disclosure), and disclosure when someone bids for business or requests a permit (applicant disclosure); disclosure is the democratic way of letting people know about possible conflicts of interest;
- iii. That it provide effective administration, featuring an independent ethics commission with teeth, which gives swift advisory opinions, which has a monopoly on interpreting and enforcing the code, which can give waivers for exceptions, and which provides training for all city officials and employees, as well as for everyone who does business with the city; (See last paragraph below).
- iv. That it provide whistle-blower protection so that city employees (the people who know what's going on) and others will be able to report violations without endangering their jobs and pensions.
- v. That it uphold the Constitution, law and regulations of the United States, the State of Michigan and the City of St. Clair Shores and never be a party to their invasion.

Introductory Issues in Government Ethics

(Markulla Center of Applied Ethics

http://www.scu.edu/ethics/practicing/focusareas/government_ethics/introduction/)

Whistle Blowing in the Public Sector

Civility

Conflicts of Interest

Open Meetings, Sunshine Laws, and Transparency

Campaign Ethics

Lobbying

Gifts and Bribes

Favoritism, Cronyism, and Nepotism

Unavoidable Ethical Dilemmas of Newly-Elected Local Officials

Relationships Between Elected Officials and Staff

The Personal Lives of Public Officials

Dealing Ethically With the Press

The other essential element of an effective ethics code is that it be the center of an ethical environment.

Additional References attached:

- 1) Macomb County Home Rule Charter – Ethics 2.1 – Board of Ethics (5 members and 2 alts. With power to make recommendations to council for a vote.)
- 2) Project Management Institute Code of Ethics and Professional Conduct