

NEGAUNEE CITY COUNCIL  
CODE OF ETHICS AND CONDUCT

Guiding Principles of Communication

The City Council shall adhere to high levels of professionalism and ethical standards, both individually and as a Council, in all its communications and interactions both formal and informal within their official capacities. These communications will be guided by the following general principles:

The City Council commits to treat all individuals who appear before them or do business with or on behalf of the City with respect, courtesy, honesty and integrity.

The City Council shall strictly adhere to and abide by the requirements of the Michigan Open Meetings Laws and strive for complete transparency and accountability in its decision making and conduct of day-to-day City business.

Communication By and Between Council Members

The City Council holds itself to the highest standards of honesty and integrity and commits to abide by both the spirit and the letter of the Negaunee City Code of Ethics. The City Council recognizes that the actions of one City Council member can affect the reputation and integrity of the City Council as a whole. If a City Council member suspects a violation of City Council policy or applicable law by another City Council member, s/he shall bring the matter to the attention of the City Council member and the City Council, and work to resolve the matter expeditiously.

If an interpersonal conflict or problem develops amongst individual members of the City Council, initially, such members shall work with only the people involved and strive to settle the conflict or problem in a constructive manner.

Full disclosure and communication amongst City Council members is necessary to enable the City Council to work together to advance the interest of Negaunee City citizens, taxpayers, and government. To insure that all City Council members are informed, the City Council commits to promptly communicate with one another concerning issues affecting the integrity, interests, and/or operation of Negaunee City government.

Citizen trust in government is critically important, and the City Council recognizes that a key to building and maintaining that trust is to place a high value on respecting other City Council members and those with whom the City Council works and serves. To that end, the City Council agrees to communicate openly with one another, to take others' concerns seriously, to work together as a team, and to make an effort not just to listen but to try to understand the points of views of others.

Members of the City Council must represent unconflicted loyalty and accountability to the interests of all citizens of Negaunee City. City Council members will respect and support the legitimacy and authority of all City Council decisions, regardless of any City Council member's personal position on a matter.

### Compliance with all Laws

City Council Members shall comply with the laws of the United States, The State of Michigan and the City of Negaunee in performance of their public duties. Such laws include but are not limited to: the United States and State of Michigan Constitutions, the City of Negaunee Charter, all laws pertaining to conflicts of interest, election campaigns, financial disclosures, open meeting law, open records law, the City of Negaunee Ordinances and all policies adopted by the City Council.

### Integrity and Accuracy

City Council Members are expected to perform their duties with absolute integrity. No member of the City Council shall under any circumstances make a statement of any purpose that is known by the member to be inaccurate or intended to be misleading.

### Conduct of Members

It is acceptable and expected that City Council Members may disagree about issues brought before them. However it is not acceptable for any City Council Member to make derogatory comments and gestures about other council members, their opinions or their actions. City Council Members shall refrain from exhibiting abusive conduct, personal allegations or verbal attacks upon the character or motives of other members of the City Council, members of City Boards or commissions, the staff and the public.

The professional and personal conduct of City Council Members should be above reproach and should avoid even the appearance of impropriety. City Council Members should conduct their official and personal affairs in such a manner that does not in any way suggest that they may be improperly influenced in the performance of their official duties. City Council Members shall, to the best of their ability, serve the citizens of Negaunee conscientiously and with honesty and impartiality. City Council Members shall seek to perform their duties with diligence, efficiency and courtesy. Members of the City Council shall each make impartial decisions based upon consideration and analysis of the facts, circumstances, merits and laws of each case without taking into account unrelated considerations.

### Respect for Process

City Council Members shall perform their duties with the processes and rules of order established by the City Council. Upon a "Call to Order" of each meeting, Councilors will respect that a meeting is in progress and recognize that it is inappropriate to temporarily exit the meeting unless a recess or adjournment has been called by the mayor. While a meeting is in progress, Council Members should refrain from having 'side bar' conversations with each other or with city staff.

## Public Meeting

City Council Members have a right to personally endorse candidates for elected offices. However, it is inappropriate to mention endorsements during city council meetings, advisory board meetings, or other official City meetings or hearings.

City Council Members shall prepare themselves for discussions of public issues brought before the City Council or Advisory Board. City Council Members shall listen courteously and attentively to all discussion and comment on the issue by the public, City staff and other Council Board Members.

Council Members shall refrain from interrupting other speakers unless compelled to do so to ensure compliance with City Council policies or processes for public meetings and shall additionally refrain from interfering with the orderly conduct of City Council meetings.

## To Avoid Open Meeting Violation: Get it on the Agenda.

The open meetings act requires posting notice of meetings and for special meetings the agenda items that will be covered. The manager and staff can assemble the information for the item along with possible courses of action. The public and the press can review the agenda to see if any items of interest will be discussed. Anyone with an ongoing issue with the City can see if their issue is on the agenda. The agenda is approved by the Council at the beginning of the meeting and last minute items can be added, though of course there will not be background information. If you have an item of business you want discussed, call the manager or mayor and get it on the agenda. Raising a new issue or an old issue not on the agenda in Council Comment invites liability for can suggest an intent to ambush or surprise and can be seen as a violation of the Open Meetings Act.

If something is important enough to you and/or a constituent to be brought up at a Council Meeting, it should be made an agenda item, researched by staff, and available for public discussion.

## Charter and Personnel Matters.

Ask the manager for information or address your concerns before the meeting. Both the City Charter and the labor agreements with the several unions channel information gathering and discipline through the City Manager which is why the manager constantly repeats that his door is always open to hear your concerns and why he encourages you to get him questions or requests for information before a meeting so he can investigate the issue, supply the information to the full council, talk to the employee (and perhaps the union) and take any appropriate action. Raising employee issues during Council Comment, particularly on a regular basis, could be considered a violation of Charter Section 6.6 as interference by the Councilperson in the personnel administration of the City.

If you have questions about the status of a matter referred to the Manager and/or Attorney for action, call and ask about the status and if necessary it can be made an agenda item. Asking in Council Comment about the status of discussions or negotiations can damage the City's position by forcing premature disclosure of strategy or otherwise interfere with the resolution of the matter.

Do not publicly criticize an individual employee.

Council should never express concerns about the performance of a City employee in public, to the employee directly or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. There is only a qualified immunity for statements made in the course of discussion or in obtaining the necessary information to make an informed decision. A council meeting cannot be used as an opportunity to embarrass or humiliate anyone whether they are present at the meeting or not. Any action that could be perceived as a personal attack or a vendetta directed at someone at a Council meeting can give rise to a lawsuit for defamation or intentional infliction of mental distress, interference with contractual relationships or other causes of action. Then a Court would need to review tapes of Council Meetings, review witness deposition testimony, and examine other evidence to determine the "real" purpose of the comments or questions and whether the speaker should be immune from suit, and further, whether the statements or questions were intended to defame or humiliate someone rather than further the business of the city. There is generally no insurance coverage for intended harm so a council person would end up paying a defense attorney and any judgment entered against them.

Limit Council Comment to "non business items".

Council comment is an opportunity for Council to commend citizens or employees for accomplishments or address items that do not lend themselves to official council action. No council action can be taken on something raised in Council Comment until the next meeting. Remember, if it is important enough to be brought up at a Council Meeting, it should be made an agenda item, researched by staff, and available for public discussion.

Referencing Individuals by Name.

Do not name individuals but instead refer to the address. The problem can also arise in connection with the Council considering a condition existing in the City and, when hearing a presentation and wanting additional information. The safest course of action would be to request the manager to obtain additional information on "125 E. Iron Street" and report back to the Council. A "Joe McCarthy" style interrogation of a presenter, even if a presenter to the Council is vague in details and leaves many questions unanswered, is probably not helpful in obtaining the necessary information and might not be seen as "furthering the business of the city" by a reviewing judge on a lawsuit.

### Impartiality

All City Council Members shall be conducted fairly and impartially. City Council Members shall not show favoritism in carrying out the City's business. The receipt of campaign contributions shall not in any circumstance constitute a basis for preferential treatment.

### Acting in the Public Interest

The primary goal and concern of each member of the City Council is to serve the public interest and uphold the public trust to the very best of their abilities. Therefore, City Council Members will work together for the common good of the citizens of Negaunee and not for any private or personal interest, and City Council Members will strive to assure fair and equal treatment of all persons, claims, issues or transactions brought before the Negaunee City Council or Advisory Board. No City Council Member shall engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City of Negaunee or that reflects discredit upon the government of the City of Negaunee.

### Conflict of Interest

Any member of the City Council who has a conflict of interest, financial or otherwise, in any matter brought before them for consideration or action shall declare and disclose the conflict of interest to the City Council and shall not participate in discussion or voting on the matter. A conflict of interest shall be defined as any situation, circumstance or financial interest that has the potential, in the City Council Member's opinion and judgment, to interfere with the proper exercise of public duty. **\*\* Please refer to #5.4 of your Charter.**

The minutes of a meeting wherein a declaration of a conflict was made shall not record a vote of behalf of a Council Member who leaves the room during discussion and voting upon the issue. The minutes of such meeting shall, however, record a "abstain" vote if the City Council Member remains in the room and abstains from voting.

### Gifts and Favors

City Council Members shall not directly or indirectly solicit, receive or accept any gift if 1) a reasonable inference could be drawn that the gift was intended to influence them in the performance of their official duties, or, 2) the gift is intended to serve as a reward or in appreciation of any official action taken by the City Council Member. City Council Members shall not solicit or accept any gifts, favors or promises of future benefits which might compromise the independent judgment and action or which might give the appearance of being compromised. City Council Members shall not take special advantage of services or opportunities for personal gain, by virtue of their public offices that are not available to the public in general. This provision of the policy shall not apply to:

- a. An occasional nonpecuniary gift, insignificant in value; or
- b. An award publicly presented in recognition of public service; or
- c. Any gift which would have been offered or given to the Council/Advisory board member or his or her spouse if he/she were not a City Council Member.
- d. Any travel and related expenses to attend ceremonial functions provided that such acceptance and attendance have been approved by the City Council prior to the occurrence of the ceremonial function.

#### Political Fundraising Activities

Nothing here is intended to preclude Council Members from political fundraising activities, but to ensure that these activities are undertaken only at private initiative and expenses in their role as private citizens and thus do not reflect upon the official activities of the City.

#### Communication

City Council Members shall endeavor to share with all other council members in a timely manner any substantive information that is relevant to a matter under consideration by the City Council or Advisory Board which was received by the Council Member from sources external to the public decision-making process.

Moreover, the use of electronic communications for discussions or deliberations, which are not, at a minimum, able to be heard by the public in attendance at an open meeting are contrary to the OMA's core purpose – the promotion of openness in government. The mere receipt of an email by a public body quorum does not, itself, constitute “deliberation” and that there must be some level of discussion on the issue of public policy being presented.

#### Confidential Information

City Council Members shall respect and preserve the confidentiality of information concerning the property, personnel or affairs of the City. City Council Members shall neither disclose confidential information without proper legal authorization nor use such information in any way to advance or further their personal, financial or private gain. Confidential information shall not include any information that is or becomes public available other than as a result of disclosure by recipient, which is disclosed by any third-party not known by recipient, and who recipient has no reason to believe to be under any contractual or fiduciary obligation not to disclose such information; was in the recipient's possession prior to disclosure, or is independently developed by the recipient.

A member's dissemination of closed session minutes to the public is a violation of the OMA, and the member risks criminal prosecution and civil penalties.

## Advocacy

City Council Members shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates or representatives of the City. If a City Council or Advisory Board member acting as a delegate or representative of the City presents their personal opinions or positions on such an issue the member shall explicitly state that their comments do not represent the City of Negaunee or the City Council.

## Policy Role of City Council Members

City Council members shall respect and adhere to the Council-Manager form of municipal government implemented by the City of Negaunee through its charter and as outlined in Michigan Statutes. The Council-Manager form of government provides for the City Council to determine all matters of policy for the City of Negaunee. Additionally, the Council-Manager form of municipal government provides that the City Manager shall be responsible for all day-to-day operations of the City. Accordingly, City Council members shall not interfere with or impair the ability of the City Manager and other City Staff to determine and implement day-to-day operational matters. This does not preclude a council member asking questions of department heads as long as the proper protocol of informing the City Manager and said department head is followed. Direction and decision-making by the City Council shall occur as a council. Individual members of the Council shall not attempt to exercise independent authority over the City Manager, City Attorney, director, supervisor, official or employee thereof. **\*\* Please refer to #6.6 of the Charter**

## Penalties for Violations

Except where otherwise provide by state law, it is not the intent of this policy to violations of this policy be subjected to criminal penalties. The City Council shall have the primary responsibility for the enforcement of this policy as it relates to members of city council/boards, commissions, and committees. Any person who believes that a violation by a member of the City of any portion of the code of conduct policy has occurred may file a complaint with the Mayor.

Whenever the City Council has determined that any council member has violated any provision of this policy, such board member shall be subject to admonishment or censure. The City Council may remove from office any board member from their position for violating any provision of this policy. Any complaint or charge against a city employee for violating this policy shall be referred to the City Manager for further investigation and/or discipline in accordance with the City's personnel policies. **\*\*\*  
\*\*\*\*Please refer to #3.1 and #6.6 of Charter**

## Reports

All persons appointed to any county board, Negaunee/Ishpeming Water Authority, Negaunee/Ishpeming Wastewater Authority and Solid Waste Landfill Authority shall report to the

Negaunee City Council either via writing or in person at least quarterly to update the City Council members to their activity.

#### Implementation of Code of Ethics and Conduct

This Code of Ethics and Conduct is intended to be self-enforcing by members of the City Council and Advisory board members. City Council Members shall be thoroughly familiar with this Code and shall make every reasonable effort to adhere to its provisions. The Code of Ethics and Conduct shall be included in the orientation training for newly elected Council Members and shall be delivered to each newly appointed/elected City Board member prior to their first meeting. All Council Members shall sign a statement affirming they have read and understand the City of Negaunee Code of Ethics and 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.

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Date Received: