

**INTRODUCTION:** Public Office is a public trust. Any democracy requires public confidence in the integrity of the government. Persons in public service must recognize that a moral commitment to do the right thing is necessary. Characteristics like honesty, loyalty, fairness, promise keeping, accountability, respect for others and integrity do not depend on one's situation. They are behaviors expected by/of the Township Board of Trustees, employees and appointees at all times.

**PURPOSE:** The purpose of this Code of Ethics is to provide practical guidelines for ethical decision-making and to encourage ethical behavior from township representatives responsible to the citizens of Canton Township. The Canton Township Code of Ethics serves to emphasize the public has recourse through local ordinances, municipal, State and Federal laws for unethical actions of all township representatives (appointed, elected, full, or part-time). The decisions and actions of all township representatives (appointed, elected, full, or part-time) should be in the best interest of the township and be free from the influence of outside or conflicting interests. This policy is to encourage representatives to act in the township's and citizens' best interests.

**SECTION I – DEFINITIONS:**

**A. CONTRACTOR** – An individual or firm, other than an employee, who derives revenue or services from the Charter Township of Canton by providing goods or services to the Township. Contractors shall mean professionals, consultants, and firms, including but not limited to the Township attorney, planning consultant, engineering consultant, assessor and/or other individuals retained by the Township to provide services.

**B. CONFLICT OF INTEREST** – Incompatibility between one's private interests and one's public or fiduciary duties, interest being one's pecuniary interest.

**C. EMPLOYEE** – All full and part-time persons, other than a contractor, who are compensated for their services by the township.

**D. CUSTOMER** - An individual, corporation, or other business entity, who has submitted an application, sought approval, requested permits, is subject to review by a township board or commission, or otherwise seeks or requests services from the Township, including those typically provided by governmental entity or other services provided by the Township or its employees.

**E. CONFIDENTIAL INFORMATION** – Information which has been obtained in the course of service with the township or in fulfilling the duties of one's office with the township, such information being unknown or unavailable to members of the public generally and which has been obtained on the basis of a promise of confidentiality which is required to be held confidential by law, or regulation, or which the employee or officer has been instructed is being held confidentially. It does not include information required to be disclosed by law.

**F. ELECTRONIC PROPERTY** – Any digital record, system or computer program or file that contains, or may produce, Township data.

**G. FINANCIAL INTEREST** – Any ownership, proprietorship or partnership interest, loan advance or financial arrangement in or with an organization, whether a corporation or otherwise doing business with the Township, including any employment, whether full or part-time.

**H. GOVERNMENTAL DECISION** – A determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, ordinance or measure on which a vote by the members of a legislative or governing body of the township is required and by which the township formulates or effectuates public policy. A governmental decision shall also include actions, approvals, or decisions made by governmental employees in the ordinary course of Township business such as issuing permits, approvals, or providing other services ordinarily offered by the Township or other governmental entities.

**I. IMMEDIATE FAMILY** – A child, spouse or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code, or the parents, parents-in-law, step-parents, step-children, step-brothers, step-sisters or an individual or other persons in the same household.

**J. PUBLIC OFFICER** – An elected official of the township or a person appointed to a township board or commission.

**K. POLITICAL ACTIVITY** – Any elected official, commission members, committee members, appointed sub-committee members, employees, volunteers, and political parties involved in activity for the purpose of inducing or rewarding favorable action (or withholding of action) or the exercise of influence by such official, commission member, committee member, sub-committee member, employee, volunteer, or political party representative in any commercial transaction or in any governmental matter.

**L. PUBLIC RECORD** - As defined in the Michigan Freedom of Information Act.

**M. TOWNSHIP** - The Charter Township of Canton, including its boards, commissions, departments, and divisions.

**N. UNETHICAL CONDUCT** – A violation of the standards set forth in the Code of Ethics.

## **SECTION II – STANDARDS OF ETHICAL CONDUCT**

**A.** A public officer, contractor, employee or volunteer shall not divulge to an unauthorized person, confidential information acquired in the course of employment prior to the time authorized for its release to the public.

**B.** A public officer, contractor, employee or volunteer shall not represent his or her personal opinion as that of the township.

**C.** All public officers, contractors, employees and volunteers shall refrain from intentionally using their respective township office or position for personal gain or benefit. A public

officer, contractor, or employee shall use township resources, property, and funds under their official care and control in accordance with constitutional, statutory, and regulatory procedures and not for personal gain or benefit.

**D.** All public officers, contractors, employees, volunteers and organized groups of primarily township employees shall comply with all of the following state acts:

(1) The Michigan Campaign Finance Act, Public Act 388 of 1976; and

(2) The Incompatible Public Offices Act, Public Act 566 of 1978; and

(3) The Local Governmental Fiscal Responsibility Act, Public Act 72 of 1990; and

(4) The Management and Budget Act; Public Act 431 of 1984; and

(5) The Bureau of Criminal Identification and Records Act, Public Act 289 of 1925; and

(6) The Michigan Penal Code, Act 328 of 1931.

**E.** A public officer, contractor, employee or volunteer shall not engage in a business transaction in which the public officer, contractor, employee, volunteer or their immediate family member profit from his/her official position or authority or benefit financially from confidential information which the public officer, contractor, employee or volunteer has obtained by reason of that position or authority.

**F.** A public officer, contractor, employee or volunteer shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer's, contractor's or employee's official duties on behalf of the township or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.

**G.** Any public officer, contractor, employee or volunteer shall not, with respect to transactions on behalf of the township, participate in negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, approving of uses or other regulation or supervision relating to a business entity in which the public officer, contractor, employee or immediate family has any financial interest.

**H.** All public officers, contractors, employees, and volunteers are prohibited from using any Township resource, equipment, supplies, property or Township employee's compensated or volunteered on-the-job Township work time to participate in or be involved in any political activity, for or against, on behalf of or in opposition to any elected official, candidate, nominee, issue, campaign in violation of the Michigan Campaign Finance Act.

This includes the use of all Township owned electronic property, pagers, cell phones, and computers.

### **SECTION III – DISCLOSURE AND VOTING**

- A.** A public officer shall disclose any contractual, financial, business, or employment interest he/she or immediate family members may have in the governmental decision and the disclosure will be made part of the public record of the official action on the governmental decision.
- B.** If a conflict is disclosed, pursuant to A. above, the public officer shall remove himself/herself from the meeting room until the issue is resolved. This section shall not prevent a public officer from making or participating in making a governmental decision to the extent that the public officer's participation is required by law. Statements of disclosure or conflict shall not be used as a mechanism to prevent a governmental decision from being made.
- C.** Any employee, contractor, public officer, customer or volunteer under contract to provide service to the Township shall disclose a financial interest of 1% or greater of present market value in another firm they know to be doing business with the Township. A disclosure form shall be filled in and signed by the individual with the financial interest. Any disclosures on the form(s) are not intended to prohibit the firm from providing services. The disclosures are intended to make the Township aware of any potential conflicts of interest.

### **SECTION IV – VIOLATIONS OF THE ETHICS POLICY**

- A.** Except as it pertains to elected officials, (see IV,F) significant, repeated or intentional violations of the Policy may be grounds for disciplinary action up to and including removal and/or discharge, where applicable, adapted to the circumstances of the particular violation(s) and having as a primary objective furtherance of the Township's interest in preventing violations and making clear that violations are neither tolerated nor condoned. Violations of the Canton Township Ethics Policy by Township employees shall be dealt with through the appropriate governing office.
- B.** Except as it pertains to elected officials, (see IV,F) disciplinary action may be taken not only against individuals who authorize or participate directly in a violation of the Policy, but also against:
  - (1) Any public officer, employee, contractor, or volunteer who knowingly fails to report a violation of this Policy; and
  - (2) Any public officer, employee, contractor, or volunteer who deliberately withholds relevant and material information concerning a violation of this Policy.
- C.** Where a public officer, employee, contractor, or volunteer is accused of violating the Policy, and the individual has relied in good faith on the advice of Township legal counsel

after full disclosure of the material facts, no disciplinary action shall be taken against the public officer, employee, contractor, or volunteer under this Policy.

- D.** Except as it pertains to elected officials, (see IV,F) and subject to Section IV,H, all violations will be enforced through the appropriate due process afforded the public officer through the Township Code, the Merit Commission Human Resources Policy Manual, the applicable collective bargaining agreement, professional services contract, employment contract or grievance process.
- E.** As to allegations of criminal conduct against an elected official, the Public Safety Department shall refer the matter to the Michigan State Police, the U.S. Postmaster General, The Michigan Attorney General, the County Sheriff, the FBI or other appropriate enforcement agency for investigation/prosecution.
- F.** This policy recognizes the peculiarities of sanctioning or removing a duly elected official under state law. Election to public office includes protections not afforded other officials, employees, contractors, volunteers or groups. The following are some examples of specific state law provisions enacted by the legislature to insure that the will of the voters in electing public officials is given necessary priority while at the same time establishing the processes for dealing with removal from office for elected officials found to have committed malfeasance, misfeasance, willful neglect of duty, extortion, habitual drunkenness, and/or conviction of a felony:
- (1) The State Constitution, Article VII, Section 33, Removal of Elected Officials;  
and
  - (2) The State Constitution, Article XI, Section 7, Impeachment of Civil Officers;  
and
  - (3) The Michigan Election Law, Public Act 116 of 1954; and
  - (4) All Acts referred to in II, D. of this policy.
- G.** An elected official's salary cannot be reduced during his or her term in office under Section 95(7) of the Revised Statutes of 1846, MCL 41.95(7).
- H.** This policy also recognizes due process protections afforded to certain board and commission members under State Law. The following are examples that provide for a specific hearing process or otherwise, prior to the removal of certain appointed board or commission members.
- (1) A member of the Zoning Board of Appeals may only be removed pursuant to the requirements of Section 601(d) of the Michigan Zoning Enabling Act, Public Act 110 of 2006.

- (2) A member appointed to the Downtown Development Authority Board may only be removed pursuant to the requirements of Section 4(4) of the Downtown Development Authority Act, Public Act 197 of 1975.
- (3) A member of the Brownfield Redevelopment Financing Authority Board may only be removed pursuant to the requirements of Section 5(6) of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996.
- (4) A member of the Planning Commission may only be removed pursuant to the requirements of Section 15(9) of the Michigan Planning Enabling Act, Public Act 33 of 2008.

- I. This policy was adopted by the Charter Township of Canton Board of Trustees on the 25th day of August, 2009 to take immediate effect. A copy shall be given to all affected parties.