

RESOLUTION

A resolution of the City Council of the City of Sterling Heights to amend the resolution adopted by City Council on December 19, 1990 that established the ethical principles to be followed by all officers and employees, Board and Commission members and setting forth guidelines to use in compliance with the existing City ethics code.

BE IT RESOLVED THAT; the City Council hereby adopts and directs compliance with the following PUBLIC SERVICE ETHICAL PRINCIPLES and establishes the following guidelines:

I. PUBLIC OFFICE AS A PUBLIC TRUST

Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

1. PURSUIT OF PUBLIC INTERESTS

In treating their office as a public trust, public servants, whatever their role, should diligently and in good faith pursue the public interest to the best of their ability and subordinate self-interest to the public good.

2. ENSURING PUBLIC RESPECT

In treating their office as a public trust, public servants should act so as to ensure the reality and perception that government is conducted according to the highest principles of democracy with honesty, integrity and a concern for justice and is, therefore, worthy of respect, trust, and support.

A. Avoiding impropriety – Public servants should maintain public trust in government by avoiding acts, which place personal or private interests above pursuit of the public interest.

B. Avoiding appearances of impropriety – Public servants should avoid conduct, which tends to undermine public trust by creating in the minds of reasonable impartial observers the perception that government office has been used improperly.

3. FORMULATION OF PUBLIC POLICY

Persons with the responsibility for making public policy and laws should place the public interest over all other considerations.

A. Elected officials should make policy. In a representative democracy, public interest should be determined and translated into policies and programs by or under the direction of elected officials who are ultimately accountable to the public.

B. Dealing with conflicting loyalties – In pursuing the public interest, public servants should put loyalty to democratic principles and to the broadest public good above loyalty to political party, their constituencies and individuals.

C. Ranking loyalty obligations – When allocating public funds and formulating general public policies, elected officials should evaluate information objectively and decide what is best for the public as a whole, not just a narrow constituency.

D. Organizational vs. personal loyalties – Public servants with supervisory authority should safeguard and protect the public interest, the reputation of government and the integrity and efficiency of their department, even at the cost of injuring a superior, colleague, or friend.

E. Protection of minority rights – It is in the overall public interest that the will of the majority is tempered by a commitment to consider and protect the rights and advance the interests of minorities especially those that are not sufficiently represented in the normal decision making process.

4. IMPLEMENTATION OF POLICY

Public administrators and executives should interpret and implement policies and laws in good faith and energetically pursue the goals of policy and lawmakers.

A. Subordination of personal views – Public servants charged with the administration of policies and laws should do so as equitable, efficiently, and economically as possible, regardless of their personal views.

B. Dealing with policy disagreements – Public servants who find that their personal convictions are irreconcilably incompatible with lawful policies should openly state their conflict and, in some cases, withdraw from the administration of such policies.

C. Whistle-blowing: disclosure of unlawful or improper policies or actions – Public servants who have a good faith belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to appropriate authorities.

D. Leaking – Except in matters of great public importance where identifying oneself as the source of information would involve unreasonable personal risks, public servants should not secretly reveal confidential governmental matters or allege improprieties.

5. PERSONAL GAIN FROM THE PERFORMANCE OF PUBLIC DUTIES

Except for official compensation, public servants should neither seek nor accept any form of payment, gratuity or other personal benefit relating to the performance of their responsibilities.

A. Performance of duty – Public servants should neither seek nor accept any form of personal benefit for the performance of their duty to deal with a matter promptly, efficiently or fairly or

for the exercise of appropriate but discretionary representational authority.

B. Accessibility of elected officials – Elected officials should assure that constituents and others who may be affected by public policies have a fair and equal opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the official.

C. Personal benefits should never appear to be necessary – Public servants should not engage in any conduct, which could create in the mind of a reasonable observer the belief that persons will receive better or different service if they provide personal benefits or political support to a government official.

6. USE OF PUBLIC EMPLOYEES FOR PERSONAL BENEFIT

Public servants should not use public employees on government time for private benefit.

A. Subordinate's responsibility to say no – Public employees should refuse to perform improper personal tasks on government time.

7. USE OF GOVERNMENT PROPERTY FOR PERSONAL BENEFIT

A public servant should not use government property or facilities for private benefit.

8. USE OF TITLE OR PRESTIGE FOR PERSONAL BENEFIT

Public servants should not use, nor allow others to use, the authority, title, or prestige of public office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.

A. Use for commercial purposes – Public servants should not permit their names nor official titles to be used by a nonpublic enterprise in any manner, which would lead reasonable observers to believe that those who deal with the enterprise may receive special treatment or advantages as a result of a formal association with the public servant.

B. Exploitive fees – The present or former holder of a high public office which carries with it substantial prestige should not appear to sell the stature of the office by accepting sums that create a general perception that the office has been exploited for private gain.

C. Use for private advantage – Public servants should not use official letterhead or refer to their public position as a means of inducing or intimidating persons to resolve disputes more favorably, provide preferential treatment, or give free tickets, discounts, favors or other advantages.

9. USE OF PUBLIC POWERS FOR POLITICAL ADVANCE

A public servant should not use the resources, prerogatives and powers of office primarily to advance political interests.

A. Use of public employees – A public servant should not seek to use public employees, on government time, to assist in political party activities, campaigning, fund raising, or other partisan or personal political activities.

B. Use of public facilities – A public servant should not conduct nor allow campaign and fundraising activities on government premises nor use government resources for these purposes.

C. Use of public authority – A public servant should not use public authority primarily to achieve personal political advantage or favorable press coverage.

D. Use of public meetings for political advance. A public servant should not use a public meeting or other City function as an opportunity to introduce or otherwise advance the candidacy of a candidate for political office.

10. USE OF CAMPAIGN FUNDS FOR PRIVATE BENEFIT

Public servants who run for office should use campaign funds only for expenses directly relating to campaigning (e.g., salaries, consultant fees, travel, printing, media, polling, communication with voters and constituents) and not for personal or other political purposes.

A. Improper expenditures – Campaign funds should not be used to supplement personal income or enhance a personal life style.

B. Loans – Candidates should not borrow from campaign funds nor loan them to any other person, whether or not interest is paid.

C. Disclosure about the use of funds – Public servants who raise campaign funds with the intent or known possibility that they will be used for a purpose other than direct campaign expenses relating to a current election should disclose their intent to the donor in order to avoid any possibility of raising money under false pretenses.

II. PRINCIPLES OF INDEPENDENT OBJECTIVE JUDGMENT

Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.

1. CONFLICTS OF INTEREST

Public servants should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social and political relationships and transactions, which may compromise or give the appearance of compromising their objectivity, independence or honesty.

A. Disclose of financial conflicts of interest – Public servants subject to disclosure of financial interest requirements should comply with both the letter and spirit of the regulations and not seek to circumvent them by evasion strategies or legalisms.

B. Avoidance of financial conflicts – Despite laws that permit financial conflicts, public servants should make all reasonable efforts to avoid transactions which may compromise or give the appearance of compromising their objectivity, independence or honesty.

C. Benefits intended to influence – Public servants should not accept benefits of any sort under circumstances in which it could be reasonably inferred that the benefit was intended to influence them in the performance of their public responsibilities.

D. Duty to report improper offers – When the possibility of improper motive requires refusal of a gratuity, the official should firmly warn the person about bribery laws and improper influence; if the attempt to unduly influence is clear, the matter should be reported to law enforcement authorities.

E. Appearance of undue influence – Regardless of the actual intent of the provider or recipient, public servants should not accept benefits of any sort under circumstances, which would create in the mind of a reasonable observer the belief the benefit, may influence them in the performance of their public responsibilities.

i. Earned income from persons directly affected by actions or decisions – Public servants should avoid engaging in financial relationships that might reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected directly by their actions or decisions.

ii. Gratuities from persons directly affected by actions or decisions – Public servants should refuse to accept any gratuities, which may reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected directly by their actions or decisions.

iii. Campaign contributions from persons directly affected by decisions – Public servants should be cautious about accepting campaign contributions, which may reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected by their decisions.

iv. Personal relationships with persons directly affected by decisions – Public servants should be cautious about accepting campaign contributions, which may reasonably be construed to affect their judgment or actions, especially from lobbyists who are likely to be affected directly by their decisions.

2. RECUSAL AND DISQUALIFICATION

Public servants should not take any public action under circumstances where, due to a conflict in interests, they are not certain that they can do so fairly and objectively.

3. BIAS OR FAVORITISM

Public servants should exercise the powers and prerogatives of office fairly without prejudice or favoritism. It is improper to use public authority to reward relatives, friends or political supporters or to hinder or punish enemies and opponents.

4. INTERVENING ON BEHALF OF CONSTITUENTS AND FRIENDS OR FOR IMPROPER PURPOSES.

Public officials should be extremely cautious about directly or indirectly intervening with normal decision making, investigative, or adjudicative processes of governmental bodies on behalf of constituents or friends since such intervention can threaten the ability of government administrators to exercise independent objective judgment on the merits.

A. General rule – Generally, intervention on behalf of constituents or friends is proper only if it is strictly limited to assuring fairness of the procedures and the intervener consciously avoids seeking to unduly influence the decision making process. Those who intervene should firmly, explicitly and unambiguously convey their limited purpose to reduce the possibility of direct or indirect pressure on administrators, which could reasonably appear to influence the substantive decision.

B. A public official should not appear before or have contact with a City board, commission, or committee for the purpose of influencing the outcome of a matter under consideration by threats, intimidation, or other improper exercise of the powers of public office.

III. PRINCIPLE OF ACCOUNTABILITY

Public servants should assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

1. OVERSIGHT

Public servants should assure that those to whom they have delegated public power, including their staffs and administrative agencies, carry out their responsibilities efficiently, equitably and ethically.

2. OPENNESS

Public servants should exercise the authority of their offices openly so that the public is informed about governmental decisions and the citizenry can hold them accountable for their actions.

3. DUTY TO IMPROVE THE SYSTEM

Public servants, who believe that a law or policy is not achieving its intended purpose, is creating unintended harms, or is wasteful or inefficient, should take affirmative steps to improve

procedures in a way that will increase the fairness and quality of government services and assure that policies are implemented equitably, efficiently, and economically.

A. Making changes – Public servants should take whatever actions they can to correct problems, streamline procedures and improve services. Where desirable changes exceed authority, public servants should promptly and forcefully recommend reform to the appropriate person or body.

B. Supervisor's duty – In order to encourage a broad sense of responsibility for both the results and methods of government action, supervisors should develop a working environment that fosters constructive criticism and creative problem solving.

4. SELF-POLICING

Public servants should maintain the integrity and trustworthiness of government by taking whatever steps are necessary, including reporting improper conduct to appropriate authorities, to prevent the unlawful or unethical use of public position, authority or resources.

IV. PRINCIPLE OF DEMOCRATIC LEADERSHIP

Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

1. OBEYING ALL LAWS

Public servants have a special obligation to obey all laws and regulations.

2. ARTIFICES AND SCHEMES

Public servants should not engage in artifices and schemes to exploit loopholes or ambiguities in the law in a way that undermines their spirit and purpose.

3. INTEGRITY OF THE PROCESS

In using procedural rules, public servants should maintain the integrity, fairness and efficiency of the process by honoring the substance and spirit of the rules and by refraining from conduct which undermines the principles of representative democracy.

4. USE OF LEADERSHIP POWER

Legislative leaders and committee chairs should use their leadership powers only in a manner consistent with representative democracy.

5. CIVIL DISOBEDIENCE

In rare cases, a public servant may exercise the prerogative of conscientious objection by disobeying the law. In such cases, the illegal behavior should be open and the official should be willing to bear the appropriate legal and political consequences.

V. PRINCIPLE OF RESPECTABILITY AND FITNESS FOR PUBLIC OFFICE

Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official.

1. FITNESS FOR PUBLIC OFFICE

Public servants should conduct their professional and personal lives so as to reveal character traits, attitudes, and judgments that are worthy of honor and respect and demonstrate fitness for public office.

A. Honesty – Public servants should be scrupulously honest, avoiding any form of lying, deception, deviousness, hypocrisy, and cheating in their professional and personal lives.

B. Integrity – A public servant should reflect personal integrity in all matters, placing principle over expediency and demonstrating courage of convictions.

C. Private personal conduct – Public servants should avoid engaging in any conduct, which is likely to bring discredit on themselves and the governmental bodies in which they serve.

2. CAMPAIGNING

Those seeking public office should conduct their campaign in a way that aids the citizenry to make an informed choice on appropriate criteria and which casts credit on government and the election process.

Moved by: Ziarko Seconded by: Schmidt

Ayes: Ziarko, Schmidt, Koski, Notte, Romano, Taylor.

Nays: Smith.

This resolution was adopted by the Sterling Heights City Council at its January 2, 2013 regular City Council meeting.

Walter C. Blessed, City Clerk