

Code of Ethics Policy

I. PURPOSE

Grand Traverse County maintains certain policies to guide its employees and appointed and elected officials with respect to standards of conduct expected in fields where improper activities could damage the County's reputation and otherwise result in serious adverse consequences to the County and to employees involved.

The purpose of this policy is to set forth and affirm, in a comprehensive statement, required standards of conduct and practices. All employee and appointed or elected official's actions are significant indications of the individual's judgment and competence. Accordingly, those actions constitute an important element in the evaluation of the employee for retention, position assignments, and promotion. Correspondingly, insensitivity to or disregard of the principles of this policy will be grounds for appropriate management disciplinary action.

II. POLICY & PROCEDURE

Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his/her government. The public judges its County government by the way County employees and appointed and elected officials conduct themselves in the performance of their respective duties. Devotion to the public trust is an essential part of public service. County employees and appointed and elected officials are the trustees of an important branch of our system of government in which the people must be able to place their absolute trust for the preservation of their health, safety, and welfare.

The proper operation of democratic government requires that County employees, elected and appointed officials be independent, impartial and responsible to the people. County employees and appointed and elected officials must avoid all situations where prejudice, bias, or opportunity for personal gain could influence their decisions. Even the appearance of improper conduct should be avoided.

The purpose of these standards is to provide each employee and appointed and elected officials with clear expectations regarding his/her conduct in the performance of his/her public responsibilities and to give the citizens a standard by which they may be assured that these responsibilities are being faithfully performed.

III. APPLICATION

The standards of ethical conduct set forth in the Code of Ethics shall be applicable without exception to all employees. Nothing in the Code shall be interpreted as denying any employee his/her rights under the law. In every proceeding with regard to these standards, fundamental due process shall be provided. Employees and officials must faithfully discharge their duties to the best of their ability without regard to age, race, creed, sex, national origin, or political belief. The public interest must be their primary concern and their conduct in official affairs should be above reproach.

IV. REGULATIONS

1. A County Commissioner shall disclose his or her relationship or interest on a matter where he or she has a conflict of interest.
2. A County Commissioner shall disclose his or her relationship or interest on a matter where he or she believes that there is a reasonable appearance of a conflict of interest.
3. A County Commissioner shall refrain from deliberating and shall abstain from voting if he or she believes that he or she has a conflict of interest.
4. If a County Commissioner believes that there is a reasonable appearance of a conflict of interest but that no conflict actually exists, then he or she shall disclose that potential conflict and, if choosing to deliberate or vote on the matter, explain why he or she feels that he or she can still weigh the merits of the matter fairly and objectively and vote in the best interests of the public. He or she shall consider the 13th Circuit Court decisions of *Elmwood Citizens for Sensible Growth, et al. v Charter Township of Elmwood, et al.* <http://www.gtchd.org/DocumentCenter/View/178> and *Garfield Neighborhood Watch, et al. v Charter Township of Garfield, et al.* and the potential effects of his or her vote.
5. Confidential Information - An employee or elected or appointed official shall not divulge any confidential information to any unauthorized person or release any such information in advance of the time prescribed for its authorized release for his/her own personal gain or for the gain of others.
6. Personal Business - An employee or elected or appointed official shall not be a party, directly or indirectly, to any contract between himself or herself and the County, unless disclosure and approval is made as required by MCL 15.322 <http://legislature.mi.gov/doc.aspx?mcl-15-322> (Contracts of Public Servants with Public Entities).
7. Favors - An employee or elected or appointed official shall not grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
8. Gifts – An employee or elected or appointed official shall not accept any gifts which are made to him or her in his or her public capacity or reasonably could be interpreted as having been given to that person in his or her public capacity.
9. County Personnel or Property – An employee or elected or appointed official shall not use County personnel, property, or funds for personal gain or benefit.
10. Representation of Private Interests – An employee or elected or appointed official shall not directly or indirectly solicit any contract between himself or herself and the County, committee, board, commission or authority he or she represents, unless disclosure and approval is made as required by MCL 15.322. <http://legislature.mi.gov/doc.aspx?mcl-15-322>
11. Supplementary Employment - An employee or elected or appointed official shall not engage in or accept private employment or render services for private interest when such employment or service is incompatible or in conflict with the proper discharge of his/her official duties or would tend to impair their independence of judgment or action in the performance of his/her official duties.

12. Investments in Conflict with Public Responsibilities -- A County employee or elected or appointed official who participates in the making of loans, the granting of subsidies, the fixing of rates, or the issuance of valuable permits or certificates to any business entity shall not have, directly or indirectly, any financial or private interest in the business entity.
13. Respect and Fair Treatment - Public employees as well as elected and appointed officials shall treat all individuals fairly and with respect, regardless of their race, religion, national origin, culture, age, sex, disability, or any other factor.
14. Harassment - An employee or elected or appointed official shall not harass any other person.
15. Employee Privacy - Grand Traverse County respects the privacy of its employees. Employee records will be used only as necessary for business needs. Employee information shall only be shared for business reasons consistent with applicable law.
16. Responsible Use of County Assets - All employees and elected and appointed officials shall protect County assets, such as equipment, supplies, cash, inventory, and information against misuse and/or misappropriation.
17. Information Management - All County information which is considered to be confidential or sensitive in nature shall be adequately secured and safeguarded. Such information includes documents, files, and databases that may be kept on paper, electronically, or on film. Retention and destruction of such information shall be done in accordance with guidelines set by state laws and regulations.
18. Use of E-mail, Internet, and County Intranet – Grand Traverse County has developed specific policies regarding employee use of County e-mail, the Internet, and the County's Intranet while on County time or using County computers. All employees and elected and appointed officials shall comply with these policies. All data stored on County computers and networks, including email either received or sent is considered to be County property and is not private, unless required as such by law.
19. Compliance with applicable laws and regulations - All employees and elected and appointed officials shall comply with all laws, regulations, and rules of professional conduct, and County policies that are applicable to their departments.
20. Special Treatment - An employee or elected or appointed official shall not grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
21. County Seal - Unless expressly authorized by the County Administrator, an employee or elected or appointed official shall not use the official County seal for any private use.
22. An employee or elected or appointed official may express his/her personal views with respect to public issues. However, he or she shall not, by use of his or her position or otherwise, represent those personal opinions as those of the County.

V. DEFINITIONS

Conflict of Interest means either of the following:

- a) A direct personal interest of: the Commissioner, a current business partner of the Commissioner, a Commissioner's immediate family member, or a Commissioner's immediate family member's current business partner in the outcome of a cause, proceeding, application, or other matter pending before the body.
- b) A direct financial interest of: the Commissioner, a current business partner of the Commissioner, a Commissioner's immediate family member, or a Commissioner's immediate family member's current business partner in the outcome of a cause, proceeding, application, or other matter pending before the body.

Current Business Partner: a person or company with which the Commissioner or the Commissioner's immediate family member is sharing business ownership or management. This would also include the Commissioner's or immediate family member's employer.

Direct: an interest—whether personal or financial—is direct if it is all of the following: (1) not common to other members of the Commission, (2) connected to the Commissioner, immediate family member, or current business partner without conjecture, and (3) connected to the Commissioner, immediate family member, or current business partner without multiple intervening parties or factors.

Disclose: a full and honest description of the relationship or interest that underlies the conflict of interest or reasonable appearance of a conflict of interest. This disclosure must take place either (1) in writing prior to an open meeting where the matter or cause is to be deliberated or acted upon, or (2) during the open meeting but prior to the matter or cause being deliberated or acted upon.

Financial Interest: a pecuniary interest that could accrue gain or suffer loss due to the outcome of the cause, proceeding, application, or other matter. Financial interest includes, but is not limited to:

- (1) Any interest as a partner, member, employee, or contractor in or for a co-partnership or other unincorporated association;
- (2) Any interest as a beneficiary or trustee in a trust;
- (3) Any interest as a director, officer, employee, or contractor in or for a corporation;
- (4) Any legal or beneficial ownership of 10% or more of the total outstanding stock of a corporation;
- (5) Any legal or beneficial ownership of any real property.

Gift: the term "gift" does not include promotional items of nominal value such as calendars or pens. "Gift" also does not include "give-away" items or prizes that are provided at conferences, seminars, formal training sessions, so long as such items are equally available to all attendees. "Gift" also does not include any donations that have been made to a County office or department for the general use by the office, or persons served by the office.

Immediate Family Member: a Commissioner's spouse, domestic partner, child, parent, grandparent, sibling, aunt or uncle, or brother or sister-in-law.

Personal Interest: an interest where a non-financial benefit would inure to the Commissioner, immediate family member, or current business partner.

VI. REPORTING PROCESS

All employees, elected and appointed officials have a responsibility for reporting concerns about potential unethical behavior. Such concerns and/or questions about whether actions are considered unethical or a violation of the State Ethics Reform Act and/or this Ethics Policy can be reported to the Human Resources Director.

It shall also be a violation of this policy for any informant to make a baseless allegation of unethical behavior that is made with reckless disregard for truth and that is intended to be disruptive or to cause harm to another individual. Any violation of this section will result in disciplinary action.

VII. INVESTIGATIVE PROCEDURE

Allegations of violations of the State Ethics Reform Act and/or this Ethics Policy Statement shall be promptly investigated by an individual or a team of individuals designated by the County Administrator. The results of this team's investigation shall be communicated in writing to the County Administrator and/or other appropriate designated personnel.

VIII. ENFORCEMENT

Any employee or appointed official who violates the provisions of this Code shall be subject to disciplinary action up to and including discharge.

IX. IMPLEMENTATION

1. As an expression of the standards of conduct for employees and appointed and elected officials are expected by the public, this Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when employees and appointed and elected officials are thoroughly familiar with it and embrace its provisions.
2. For this reason, ethical standards shall be included in the regular orientations for newly elected and appointed officials. At the first organizational meeting of the County of Commissioners in January of each year, County Commissioners' entering office shall sign a statement affirming that they have read and understand the Code of Ethics for Grand Traverse County.
3. In addition, elected and appointed officials shall annually review the Code of Ethics and Conduct for elected and appointed officials of Grand Traverse County.

Note: This policy may differ for those employees who are members of recognized unions, organizations, or associations. Any questions related to the content of this policy, or its interpretation, should be directed to Human Resources.

Approved Personnel Policy 4/92 (12/03) Amended 7/19