

**CITY OF CEDAR SPRINGS  
STANDARD OPERATING POLICY**

SUBJECT: Ethical Standards of Conduct for Elected Officials  
Effective Date: March 13, 2014

Policy Number: 5  
Amended Date:

**PURPOSE:**

To help Council members avoid action that may result in, or create the appearance of:

1. Using public office for private gain.
2. Giving improper preferential treatment to any person or organization.
3. Impeding government efficiency or economy.
4. A lack of independence or impartiality of action.
5. Making a government decision outside of official channels.
6. Affecting adversely the confidence of the public in the integrity of the City.

**STATEMENT:**

It is not the intent of this Policy to in any way limit the right or ability of any City Council member to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a special benefit to that person, relieve the Council member of a particular duty or treat that person differently than other similarly situated City residents.

**1. Fair and Equal Treatment**

No Council member shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All Council members shall treat all citizens of the City with courtesy, impartiality, fairness and equality under the law.

**2. Use of Public Property**

No Council member shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, money, labor or service for the personal convenience or the private advantage of self or any other person. This requirement shall not be deemed to prevent any Council member from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general

practice to the public at large, or which is provided, as a matter of public policy for the use of the Council members in the conduct of official business, as approved consideration for their services to the City.

### 3. Matters Requiring Disclosure of Conflicts of Interest, Actual and Potential

The following disclosure requirements are established to avoid both actual and potential conflict between the private self-interest and the public interest of Council members:

- A. Self Interest: No Council member, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the City, unless the person shall first make full public disclosure of the nature of such interest.
- B. Disclosure and Disqualification: Whether the performance of official duties shall require a Council member to deliberate and vote on any matter involving his or her financial or personal interest, that person shall publicly disclose the nature and extent of such interest and is disqualified from participating in the deliberations and voting on the matter.
- C. Dual Employment: No Council member shall engage in employment with, or render services for, any person or entity which has business transactions with any public body of the City, without first making full public disclosure of the nature and extent of the employment or services.
- D. Dual Representation: A Council member shall make full public disclosure of business involving the City when attempting to use his or her official position to secure special privileges or exemptions for self or others.

### 4. Prohibited Conduct

All Council members are prohibited from engaging in the following conduct:

- A. Divulging confidential information to any person not authorized to obtain such information.
- B. Benefiting financially from confidential information.
- C. Representing his or her individual opinion as that of the City or the Council as a whole.
- D. Misusing City personnel, resources, property, funds or assets for personal gain.
- E. Soliciting or accepting a gift or loan of money, goods, services or other things of value which tend to influence the manner in which the Council member performs his or her official duties.
- F. Engaging in a business transaction which may cause the Council member to derive a personal profit or gain directly or indirectly as a result of his or her official position.
- G. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment.
- H. Participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity in which he or she has a substantial interest; however, this provision shall not apply in the following circumstances:

- (1) Contracting with the City where:
  - (a) The contract is awarded pursuant to sealed bids, and;
  - (b) The Council member is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract, and;
  - (c) The City Council, after reviewing the circumstances, determines the award of the contact would be in the best interest of the City.

#### 5. Public Disclosure, Contents

Whenever a public disclosure is required by this policy, it may be made orally on the record at a meeting of the public body involved or in a writing filed with the City Clerk, in both cases it shall be made a part of the record of a regular City Council meeting and in either event shall include:

- A. The identity of all persons involved in the interest.
- B. The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with the provisions of this policy must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.

#### 6. Duties of the Clerk:

The Clerk shall examine all disclosure statements filed pursuant to this policy and report irregularities immediately to the person filing the statement, to the City Manager and to the City Attorney. Acceptance of a statement by the Clerk shall not constitute approval of the statement. The Clerk shall maintain a current list of all disclosure statements required to be available for public disclosure. The Clerk shall preserve all the disclosure statements for at least three (3) years after the date on which they are filed. The Clerk shall make available to the public all statements that are required to be available during regular business hours.

#### 7. Request for Opinion from the City Attorney

Any Council member may request that the City Attorney provide an advisory opinion interpreting the effect or application of this policy generally or on questions directly relating to the propriety of their conduct in a particular situation.

The City Attorney shall make available to all Council members and the City Manager copies of the advisory opinion or answers posed by a Council member.

#### 8. Policy Enforcement

Requests to investigate or take action to enforce this policy shall go to the Mayor, City Council and City Attorney.

The City Council shall have the authority to censure a Council member for any violation of this policy.