
Subject: CITY COMMISSION ETHICS CODE**No. 10.6****Date: September 21, 2015****Page: 1 of: 7**

PURPOSE: The citizens of Kalamazoo are entitled to a fair, ethical and accountable local government that has earned the public's full confidence for integrity.

Furthermore, the effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

SCOPE: To this end, the Kalamazoo City Commission adopts this Code of Ethics for Kalamazoo City Commissioners to assure public confidence in the integrity of local government and its effective and fair operation. As used in this policy, the term "City Commissioner" or its plural includes the Mayor.

POLICY:

I. City Commissioner Code of Ethics

(1) Acts in the public interest.

Recognizing that stewardship of the public interest must be their primary concern, City Commissioners will work for the common good of the people of Kalamazoo and not for any private or personal interest, and they will assure fair and equal treatment under the law of all persons, claims, and transactions coming before the Kalamazoo City Commission.

(2) Compliance with law.

City Commissioners will comply with the laws of the nation, the State of Michigan, and the City of Kalamazoo in the performance of their public duties. These laws include, but are not limited to: the United States and Michigan constitutions; the Kalamazoo City Charter; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

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(3) Respect for process.

City Commissioners will perform their duties in accordance with the processes and rules of order established by law and City Commission rules that govern the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Commission by City staff.

(4) Conduct of public meetings.

City Commissioners should prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, focus on the business at hand and refrain from interrupting other speakers, making comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

(5) Conflict of Interest.

A. Except as permitted by state law, a City Commissioner will 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 Commissioner's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of officials' duties.

B. Except as permitted by state law, a City Commissioner will not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the Commissioner has a financial or personal interest.

C. Except as permitted by City Charter, no member of the City Commission shall be interested directly or indirectly in the profits of any contract, job or work, or be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services (other than official services).

(6) Full disclosure.

A. City Commissioner in the performance of their public duties will not act upon any matter in which they have a material financial interest, or where they have a legal or fiduciary duty to another organization or entity, or

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there exists a personal relationship that may give the appearance of a conflict, of interest, without disclosing the full nature and extent of the interest to the other members of the City Commission on the official record. This disclosure must be publicly made before the time to perform their duty or concurrently with the performance of the duty.

- B. The disclosure required by this subsection does not supplant, but instead supplements, any disclosure of a personal, contractual, financial, business, employment or pecuniary interest required by state statute.
 - C. City Commissioners shall disclose their membership of all organizations, entities and clubs, regardless of whether they are voting members serving on the board of such organization, entity or club. This requirement shall apply to membership of non-profit entities, as well as to voting membership on boards created by a governmental body or agency other than the City of Kalamazoo. Such disclosure shall be in writing, and shall be filed annually by January 31 of each year with the City Clerk.
- (7) Gifts, favors, and loans.
- A. A City Commissioner will refrain from financial and business dealings that would tend to reflect adversely on the Commissioner's impartiality, interfere with the performance of their public duties or exploit their official position for private gain. A City Commissioner should not take any special advantage of services, goods or opportunity for personal gain that is not available to the public in general.
 - B. A City Commissioner and any family member claimed as a dependent of the Commissioner will refrain from soliciting or accepting any gifts, loans, goods, services or favors, except that a Commission and a family member claimed as a dependent of the Commissioner may:
 - 1. Accept a gift or honorarium, not exceeding a value of one hundred dollars (\$100.00), for services rendered in the performance of their public duties or other activity devoted to the improvement of cities, communities and the lives of citizens.
 - 2. Accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; a loan in the regular course of business from a lending institution on the same terms as generally

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available to the public; and a scholarship, grant or fellowship awarded on the same terms as applied to other applicants.

3. Accept any other gift, goods, services, favor or loan only if the donor is not a person or entity whose interests have come or are likely to come before the City Commission.

4. Solicit and accept campaign contributions.

(8) Confidential information.

City Commissioners shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They will neither disclose nor divulge to an unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

(9) Use of public resources.

Public resources, including City staff time, equipment, supplies, and facilities, not available to the public in general, shall only be used for the benefit of the public and not for a City Commissioner's personal or private use or benefit.

(10) Representation of private interests.

In keeping with their role as stewards of the public interest, a City Commissioner shall not appear or advocate on behalf of the private interests of third parties, which includes the spouse and family members within the third degree of consanguinity to the City Commissioner or their spouse, before the City Commission or any board, committee, commission or proceeding of the City.

(11) Advocacy.

City Commissioners shall represent the official policies or positions of the City Commission to the best of their ability when designated as delegates or City representatives for this purpose. When presenting their individual opinions and positions, a City Commissioner may not represent, nor allow the inference of, his or her personal opinion or position as that of the City Commission or the City of Kalamazoo.

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(12) Policy role.

- A. City Commissioners shall respect and adhere to the commission- manager structure of Kalamazoo City government as outlined by the Kalamazoo City Charter. In this structure, the City Commission determines the policies of the City with the advice, information, and analysis provided by the public, subordinate boards, committees and commissions, and City staff.
- B. City Commissioners shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement City Commission policy decisions.

(13) Independence of boards and commissions.

Because of the value of the independent advice of subordinate boards, committees, and commissions to the public decision-making process, members of the City Commission should, except when the Commissioner is a member of the public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand and should not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.

(14) Positive workplace environment.

- A. City Commissioners will support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. City Commissioners should recognize their special role in dealings with City employees so as to in no way create the perception of inappropriate direction to staff nor, except for the purpose of inquiry, give specific orders to subordinates of the City Manager, City Attorney, City Clerk, Internal Auditor or City Assessor.
- B. Because City Commissioner actions and comments contribute to the environment in which all City employees must work, in order to create and promote a positive work environment under no circumstances will a City Commissioner, either in public or private, intimidate, humiliate, or otherwise abuse a City employee.

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II. Compliance and enforcement.

- (1) This code of ethics for Kalamazoo City Commissioners expresses standards of ethical conduct expected of members of the Kalamazoo City Commission. City Commissioners themselves have the primary responsibility to assure that they each understand and meet the ethical standards expressed in this code of ethics so that the public may continue to have full confidence in the integrity of government.
- (2) This code of ethics is intended to provide guidelines for City Commissioners in governing their conduct as public officials. Violations of this code are not intended to subject Commissioners to reprimand or censure by the City Commission.
- (3) A violation of this code of ethics shall not be considered a basis for challenging the validity of a City Commission decision.

III. Implementation.

- (1) As an expression of the standards of conduct for City Commissioners expected by the public, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when City Commissioners are thoroughly familiar with it and embrace its provisions.
- (2) For this reason, a review of ethical standards shall be included in the regular orientations for newly-elected or appointed City Commissioners. At the first regular meeting of City Commission in December of each odd-numbered year, City Commissioners entering office shall sign a statement affirming that they have read and understand this Code of Ethics for Kalamazoo City Commissioners.
- (3) In addition, the City Commission shall implement a process to annually review this Code of Ethics for Kalamazoo City Commissioners.
- (4) Commissioner Statement of Acknowledgment.
As a member of the Kalamazoo City Commission, I agree to uphold the Code of Ethics adopted by the City Commission and conduct myself in accordance with its standards. I will:
 - a. Recognize the worth of individual Commission and City staff members and appreciate their individual talents, perspectives, and contributions;
 - b. Help create an atmosphere of respect and civility where individual Commission members, City staff, and the public are free to express their ideas and work to their full potential;

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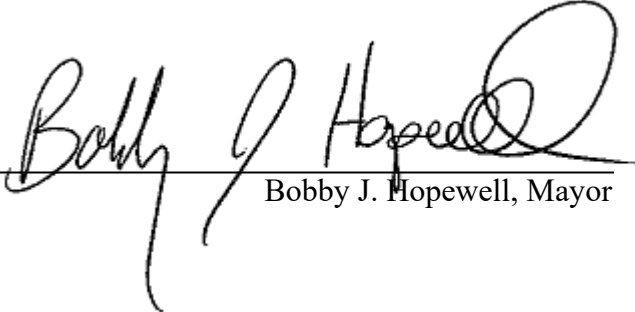
- c. Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;
- d. Conduct my public affairs with honesty, integrity, fairness and respect for others; and
- e. Keep the common good as my highest purpose and focus on achieving constructive solutions in the best interests of the City of Kalamazoo.

I affirm that I have read and fully understand the Code of Ethics for Kalamazoo City Commissioners.

Date: _____ Signature: _____

EFFECTIVE DATE: December 21, 2015

SIGNATURE:


Bobby J. Hopewell, Mayor