



Why have a Code of Ethics?

1. Aspirational
2. Deterrence
3. Enforcement

Current Parameters

1. Code of Ethics Policy

The proper operation of democratic government requires that county employees and officials be independent, impartial and responsible to the people. County employees and 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.

Current Parameters

1. Code of Ethics Policy

2. Robert's Rules of Order

- “No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization.” §45 II. 22-25.

Current Parameters

1. Code of Ethics Policy
2. Robert's Rules of Order
3. Existing State Law

Existing State Law

1. MCL 15.322 Public Servants Contracting with the Entities they Serve
2. MCL 15.181 Incompatibility of Public Offices
3. Criminal Laws
4. In contrast to...

Current Parameters

1. Code of Ethics Policy
2. Robert's Rules of Order
3. Existing State Law
4. Local Case Law

Garfield Neighborhood Watch v. Garfield Twp. (1990)

1. Facts
2. Legal Issue
3. Appearance of Impropriety doctrine
 - Contours
4. Outcome

Elmwood Citizens for Sensible Growth v. Elmwood Twp. (2001)

1. Facts
2. Outcome

Limitations of the Current Parameters

1. Code of Ethics

- Applicability, Definition, Procedure

2. Robert's Rules of Order

- “No member can be compelled to refrain from voting in such circumstances.” §45 II. 30-31.

3. Existing State Law

4. Local Case Law

Options

1. Nothing

2. Revised Code of Ethics Policy

3. Ethics Ordinance

Revised Code of Ethics Policy



“Establish rules consistent with the open meetings act [] for the manner of proceeding before the board.”

MCL § 46.11(p)

Revised Code of Ethics Policy

1. Limitations

- Cannot remove from office. Art. 5, §10.
- Must supply “fair and just treatment.”
Art. 1, § 17.

2. Examples

Revised Code of Ethics Policy

Antrim

- Prohibitions
- Disclose COI if: “reason to believe” a “potential” COI exists
- May still vote if: explanation of belief of impartiality
- County Chair can order recusal
- Enforcement

Emmet

- Prohibitions
- “Full disclosure” is there is an “appearance of a” COI
- “Shall not act” without this disclosure, but still can vote once disclosure made
- Enforcement

Revised Code of Ethics Policy



1. Limitations

2. Examples

3. Options

Ethics Ordinance

“By majority vote of the members of the county board of commissioners elected and serving, **pass ordinances that relate to county affairs** and do not contravene the general laws of this state”

MCL § 46.11(j)

Ethics Ordinance



1. Limitations

2. Example

AG Model Ethics Ordinance

- Prohibitions
- Gatekeeping options
- Sanctions

Ethics Ordinance



1. Limitations

2. Example

3. Options

Summary

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4. Those alternatives contain numerous options;
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 - On procedure
 - On sanctions
5. State law does provide some limitations.

