

TITLE III: ADMINISTRATION

Chapter

- 30. CITY OFFICIALS**
- 31. CITY ORGANIZATIONS**
- 32. SPECIAL ASSESSMENT DISTRICTS**
- 33. CITY POLICIES**

CHAPTER 30: CITY OFFICIALS

Section

City Manager

- 30.01 Unavailability
- 30.02 Additional duties

Purchases and Sales

- 30.15 Duties
- 30.16 Emergency purchases
- 30.17 Competitive bidding

CITY MANAGER

' 30.01 UNAVAILABILITY.

(A) This section applies when the City Manager is unavailable because of disability or other reasons and there is an immediate need for someone to perform duties that the City Manager would otherwise perform. Under these circumstances:

(1) If the City Manager is able to do so, the City Manager may designate a city employee, the Mayor, a member of the City Council, or a member of a city commission or board to perform certain duties.

(2) If the City Manager is not able to make a designation under division (A)(1), the Mayor may perform the City Manager=s duties and may designate a city employee, a member of the City Council or a member of a city commission or board to perform specific duties.

(B) A person designated to perform the City Manager=s duties under division (A) must:

(1) Inform the City Council and City Manager in writing of the actions the person takes under the designation; and

(2) Provide the City Manager with copies of written communications made under the designation.

(C) A designation under division (A) is valid only as long as the unavailability and immediate need exist. The City Council may modify or rescind a designation under division (A).

' 30.02 ADDITIONAL DUTIES.

In addition to the duties in the Charter, the City Manager:

(A) May attend meetings of city boards and commissions with the right to take part in the meeting but without a vote;

(B) Must investigate complaints about administration of the city; and

(C) May inspect the books, records, and papers of any city agent, employee or officer.

PURCHASES AND SALES**' 30.15 DUTIES.**

(A) (1) The Council must approve all purchases and sales except that:

(a) The City Manager may make purchases and sales up to \$500 without prior Council approval;

(b) A department head may make purchases and sales up to \$100 without prior Council approval.

(2) A purchase or sale may not be divided to circumvent this limitation.

(B) All purchases requiring bids shall be made from the lowest competent bidder meeting specifications; sales shall be made to the bidder whose bid is most advantageous to the city. All bids shall be publicly reviewed by the Procurement Administrator and certified by the City Clerk and thereafter presented to the City Council at its next regular Council meeting.

(C) This section shall not infringe upon the right of a department head to make purchases or sales if the purchase or sale has been previously budgeted for by City Council.

(Ord. 116, passed 11-14-1994)

' 30.16 EMERGENCY PURCHASES.

(A) The City Manger, with the approval of the Mayor, may make a purchase of up to \$1,000 in an emergency. The City Manager must report such a purchase to the Council as soon as possible.

(B) The City Manager may not exercise the authority in division (A) if it is feasible to delay the purchase until a special Council meeting is held.

(C) An emergency under this section is an event that presents an imminent threat to the public health or safety or an event that would result in disruption of a city service that is essential to the public health or safety.

' 30.17 COMPETITIVE BIDDING.

The city must use competitive bidding for contracts of \$500 or more except for professional service contracts, emergency repairs, or services that the City Council exempts from this requirements. The City Council may require or dispense with competitive bidding for any specific contract.

CHAPTER 31: CITY ORGANIZATIONS

Section

City Planning Commission

- 31.01 Creation
- 31.02 Membership
- 31.03 Training
- 31.04 Removal from office
- 31.05 Membership; transition
- 31.06 Compensation
- 31.07 Meetings
- 31.08 Powers and duties
- 31.09 Approval, ratification, and reconfirmation

Cross-reference:

Traffic Violations Board, see Ch. 71

(B) Members are appointed for three-year terms beginning on July 1 of the year of appointment and ending on June 30 of the year that the term expires. Members must be appointed so that the term of one member expires every third year and the terms of two members expire in other years. If a vacancy occurs before expiration of a term, the vacancy must be filled for the unexpired term in the same manner as provided for an original appointment such that the terms of the members continue to expire as provided in the preceding sentence.

(C) One member of the Commission must be a member of the City Council. The City Council member of the Commission has full voting rights.

CITY PLANNING COMMISSION

' 31.01 CREATION.

The City Planning Commission (ACommission@) is created.

' 31.02 MEMBERSHIP.

(A) The Commission is composed of five members appointed by the mayor subject to the approval of the City Council.

' 31.03 TRAINING.

Members of the Commission must attend educational programs designed for training members of Michigan planning commissions if the city's budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this section prohibits a member who has not had training from finishing the member's term unless the member is removed. A member is ineligible for reappointment if the member did not attend training. The Commission must include in its bylaws what training programs meet this requirement.

' 31.04 REMOVAL FROM OFFICE.

(A) The City Council may remove a member of the Commission as provided in the Michigan Planning Enabling Act. Repeated failure to attend Commission meetings constitutes nonfeasance in office that would be ground for removal.

(B) The Secretary of the Commission must report a member who misses three regular meetings in a row to the City Council.

' 31.05 MEMBERSHIP; TRANSITION.

(A) The transition from the previous City Planning Commission to the Commission established in this subchapter will take place over three years. At the time this subchapter was originally adopted, there were five members of the Commission. Those members may continue in office until the expiration of their terms, subject to the terms of ' 31.04 governing removal. After expiration of the terms of these members or on their removal or resignation, ' 31.02 governs the appointment, reappointment, or replacement of members.

(B) All other aspects of this subchapter have immediate effect.

' 31.06 COMPENSATION.

Members of the Commission serve without compensation. The City Council may authorize payment or reimbursement of expenses as provided by law.

' 31.07 MEETINGS.

The Commission must meet at least once a month. A majority of the Commission constitutes a quorum. Questions must be determined by a majority vote of the members of the Planning Commission regardless of the number of members in attendance.

' 31.09 POWERS AND DUTIES.

(A) The Commission has the powers and duties specified in the Michigan Planning Enabling Act, M.C.L.A ' ' 125.3801 et seq., the Michigan Zoning Enabling Act, M.C.L.A ' ' 125.3101 et seq., any other applicable law, this subchapter, and any other city ordinance.

(B) The Commission has authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

' 31.10 APPROVAL, RATIFICATION, AND RECONFIRMATION.

All official actions taken by the Planning Commission preceding the Commission created by this subchapter are approved, ratified and reconfirmed. A project, review, or process taking place at the effective date of this subchapter will continue with the Commission created by this subchapter, subject to the requirements of this subchapter, and is a continuation of the project, review, or process under the previous Planning Commission.

CHAPTER 32: SPECIAL ASSESSMENT DISTRICTS

Section

- 32.01 Definitions
- 32.02 Power of Council
- 32.03 Advisory petition
- 32.04 Project plans
- 32.05 Notice of hearing
- 32.06 Hearing on project
- 32.07 Determination by Council
- 32.08 Preparation of roll
- 32.09 Filing roll
- 32.10 Notice of hearing on roll
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- 32.14 Installments; lien
- 32.15 Collection of assessments
- 32.16 Early payment
- 32.17 Spreading installments
- 32.18 Collection of installments
- 32.19 Advance payment of installments
- 32.20 Determination of actual cost
- 32.21 Deficiency assessments
- 32.22 Excessive assessments
- 32.23 Re-assessments
- 32.24 Collection by suit
- 32.25 Assessment to precede project
- 32.26 Single lot assessments
- 32.27 Closing of assessments

COST. When referring to the cost of any improvement, shall include the cost of surveys, plans, right-of-way, financing and construction and all other costs incident to the making of that improvement, and shall mean the aggregate amount of the obligation, principal and interest. In all cases the term **COST** shall include the cost of spreading the rolls, examining tax and ownership records, notices, advertising, mailing, printing, hearings, litigation and all other costs directly related to the makings of the special assessments and the financing of and payment for the improvement.

IMPROVEMENT. Any public improvement made directly by the city, any part of the cost of which is to be assessed against one or more lots or parcels of land to be especially benefitted thereby, in proportion to the benefit to be derived therefrom.

LOCAL WATER AND SEWER IMPROVEMENTS. Lateral sewers and distribution water mains intended primarily to serve properties abutting the improvement and specially benefitting therefrom.

(Ord. 130, passed - -)

' 32.02 POWER OF COUNCIL.

The Council shall have power to determine by resolution that the whole or any part of the cost or expenses of any improvement shall be defrayed by special assessments upon the property especially benefitted in proportion to the benefits derived or to be derived. The Council shall not impose a special assessment, except by an affirmative majority vote of Council.

(Ord. 130, passed - -)

' 32.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSESSOR. A qualified person designated by resolution of the City Council in the establishing of a special assessment district.

' **32.03 ADVISORY PETITION.**

The Council, in order to ascertain whether or not a reasonable number of property owners to be assessed desire any particular improvement to be made, may request and receive a petition therefor, or may receive a petition voluntarily presented; but in either event, the petition shall be advisory only and shall not be jurisdictional.

(Ord. 130, passed - -)

' **32.04 PROJECT PLANS.**

(A) Before determining to make any improvement, any part of the costs of which is to be defrayed by special assessment, the Council shall require the City Manager to have prepared by the City Engineer or his or her designate engineer, plans and specifications therefor and an estimate of the cost thereof and to file the same with the Clerk.

(B) For any improvement, the City Manager shall recommend as to what proportion of the cost should be paid by special assessment and what part, if any, should be general obligation of the city, the number of installments in which assessments may be paid and the lands which should be included in the special assessment district.

(Ord. 130, passed - -)

' **32.05 NOTICE OF HEARING.**

After the filing, a public hearing shall be held before the Council, which hearing shall be held not less than ten days after notice of the time and place thereof has been published (publication to be twice, the first publication to be at least ten days before the hearing and sent by the Clerk by first-class mail to all property owners in the proposed district as shown by the current assessment roll of the city).

(Ord. 130, passed - -)

' **32.06 HEARING ON PROJECT.**

At the time and place specified in the notice for the public hearing, the Council shall meet and hear any person to be affected by the proposed public improvement. The hearing may be adjourned from time to time by the Council.

(Ord. 130, passed - -)

' **32.07 DETERMINATION BY COUNCIL.**

After the public hearing, the Council may, by resolution, determine to make the improvement and to defray the whole or any part of the cost of the improvement by special assessment upon the property especially benefitted in proportion to the benefits derived or to be derived. By this resolution the Council shall approve the plans and specifications for the improvement; determine the estimated cost thereof; determine what proportion of the cost shall be paid by special assessment upon the property especially benefitted and what part, if any, shall be a general obligation of the city; determine the number of installments in which assessments may be paid; determine the rate of interest to be charged on installments, not to exceed the maximum rate as allowed by state law; designate the district or land and premises upon which special assessments shall be levied; and direct the Assessor to prepare a special assessment roll in accordance with the Council's determination.

(Ord. 130, passed - -)

' **32.08 PREPARATION OF ROLL.**

The Assessor shall thereupon prepare a special assessment roll including all lots and parcels of land within the special assessment district designated by the Council, and shall assess to each lot or parcel of land the relative portion of the whole sum to be levied against all the lands in the special assessment district as the benefit to the lot or parcel of land bears to the total benefits to all lands in that district. There shall also be entered upon the roll the amount which has been assessed to the city at large.

(Ord. 130, passed - -)

' 32.09 FILING ROLL.

When the Assessor shall have completed the assessment roll, he or she shall attach thereto, or endorse thereon, his or her certificate to the effect that the roll has been made by him or her pursuant to a resolution of the Council (giving the date of adoption of the same) and that in making the assessments therein he or she has, as near as may be, according to his or her best judgment, conformed in all respect to the directions contained in the resolution, and to the provisions of this chapter. Thereupon, he or she shall file the special assessment roll with the Clerk, who shall present the same to the Council.

(Ord. 130, passed - -)

' 32.10 NOTICE OF HEARING ON ROLL.

Upon receipt of the special assessment roll, the Council shall order it filed with the office of the Clerk for public examination; shall fix the time and place when it will meet and review the roll, which meeting shall be held not less than ten days after notice thereof has been sent by the Clerk by first-class mail to all property owners in the proposed district as shown by the current assessment roll of the city. The notice shall specify the time and place of the meeting. The Clerk shall also publish notice of the meeting twice, the first publication to be not less than ten days prior to date of the meeting.

(Ord. 130, passed - -)

' 32.11 HEARING ON ROLL.

Any person deeming himself or herself aggrieved by the special assessment roll may file his or her objections thereto in writing with the Clerk prior to the close of the hearing, which written objections shall specify in what respect he or she deems himself or herself aggrieved.

(Ord. 130, passed - -)

' 32.12 REVIEW OF ROLL.

The Council shall meet and review the assessment roll at the time and place appointed, or at an adjourned date therefor, and shall consider any oral or written objections thereto. The Council may correct the roll as to any assessment or description of any lot or parcel of land, or other errors appearing therein. Any changes made in the roll shall be noted in the Council=s minutes. After the hearing and review the Council may confirm the special assessment roll with those corrections as it may have made, if any, or may refer it back to the Assessor for revision or may annul it and any proceedings in connection therewith. The Clerk shall endorse the date of confirmation upon each special assessment roll.

(Ord. 130, passed - -)

' 32.13 FINAL ON CONFIRMATION.

The roll shall, upon confirmation, be final and conclusive.

(Ord. 130, passed - -)

' 32.14 INSTALLMENTS; LIEN.

All special assessments contained in any special assessment roll, including any part thereof deferred as to payment, shall, from the date of confirmation of the roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land and a debt to the city from the persons to whom they are assessed. The lien shall be of the same character and effect as the lien created by the City Charter for city taxes and shall include accrued interest and penalties. No judgment or decree, nor any act of the Council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for that amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might be lawfully assessed thereon. All special assessments shall become due upon confirmation of the special assessment roll or in annual installments in number as the Council may determine at the time of confirmation and if in annual installments, the Council shall determine the first installment to be due upon confirmation or on the following July 1 and subsequent installments shall be due on July 1 of succeeding years.
(Ord. 130, passed - -)

‘ 32.15 COLLECTION OF ASSESSMENTS.

The assessment roll shall be transmitted by the Clerk to the Treasurer for collection immediately after its confirmation. The Treasurer may mail statements of the several assessments to the respective owners, as indicated by the records of the Assessor, of the several lots and parcels of land assessed, stating the amount of the assessment and the manner in which it may be paid; provided, however, that failure to mail any statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.
(Ord. 130, passed - -)

‘ 32.16 EARLY PAYMENT.

The Council may determine that the whole or any part of any assessment may be paid during a determined period after the date of confirmation of the special assessment roll without interest or penalty.
(Ord. 130, passed - -)

‘ 32.17 SPREADING INSTALLMENTS.

The first installment shall be spread upon the next city tax roll in a column headed ASpecial Assessments,@ together with interest upon all unpaid installments from the date of the confirmation of the roll to July 1 of the year in which that tax roll is made; provided, that any fraction of a month shall be considered as a full month. Thereafter one installment shall be spread upon each annual tax roll, together with one year=s interest upon all unpaid installments; provided, that when any annual installment shall have been prepaid as hereinafter provided, then there shall be spread upon the tax roll for that year only the interest upon all unpaid installments.
(Ord. 130, passed - -)

‘ 32.18 COLLECTION OF INSTALLMENTS.

After each installment has been placed on the tax rolls, the same shall be collected by the Treasurer with the same rights and remedies, and the same penalties and interest, as provided in the Charter for the collection of taxes.
(Ord. 130, passed - -)

‘ 32.19 ADVANCE PAYMENT OF INSTALLMENTS.

After the expiration of the period provided for in ‘ 32.16, any installment which has not been spread upon the tax rolls may be discharged by paying the face amount thereof plus the interest thereon to date of payment. Any person desiring to pay the installment in advance shall first secure the proper statement from the Assessor to permit the Treasurer to compute the amount to be paid. The Treasurer shall report to the Assessor all advance payments on installments so that the Assessor shall have that information before spreading installments on the next city tax roll.
(Ord. 130, passed - -)

‘ 32.20 DETERMINATION OF ACTUAL COST.

Upon completion of the improvement and the payment of the cost thereof, the City Manager shall certify to the Council the total cost of the improvement together with the amount of the original roll for the

' **32.21 DEFICIENCY ASSESSMENTS.**

Should the assessment in any special assessment roll, including the amount assessed to the city at large, prove insufficient for any reason to pay the cost of the improvement for which they were made, then the Council shall make additional assessments against the city, and the several lots and parcels of land, in the same ratio as the original assessments, to supply the deficiency; but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement.

(Ord. 130, passed - -)

' **32.22 EXCESSIVE ASSESSMENTS.**

The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the General Fund of the city if the excess is 5% or less of the assessment, but should the assessment prove larger than necessary by more than 5%, the entire excess shall be refunded on a pro rata basis to the current owners of the property assessed. The assessment roll shall by resolution contain the minimum dollar amount that will not be returned by Council. The refund shall be made by credit against future unpaid installments in the inverse order in which they are payable to the extent the installments then exist and the balance of the refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by the special assessment.

(Ord. 130, passed - -)

' **32.23 RE-ASSESSMENTS.**

Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge that assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have

improvement.
(Ord. 130, passed - -)

power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment; and whenever the assessment, or any part thereof, levied upon any premises has been so set aside, if the same has been paid and not refunded, the payment so made shall be applied upon the re-assessment and the re-assessment shall to that extent be deemed satisfied.

(Ord. 130, passed - -)

' **32.24 COLLECTION BY SUIT.**

The city may collect a delinquent special assessment, together with interest and penalties, from the person assessed in a court action. This remedy is in addition to any other remedies and does not impair the lien for the special assessment on the assessed property. If in any such action it shall appear that by reason of irregularities or informalities the assessment has not been properly made against the defendant or upon the premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is proper charge against the defendant or the premises in question, render judgment for the amount properly chargeable against the defendant or upon such premises.

(Ord. 130, passed - -)

' **32.25 ASSESSMENT TO PRECEDE PROJECT.**

No public improvement to be financed in whole or in part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

(Ord. 130, passed - -)

' **32.26 SINGLE-LOT ASSESSMENTS.**

When any expense shall have been incurred by the city upon or in or respect to any single premises, which expense is chargeable against the premises and the owner thereof under the provisions of state law, City Charter, or ordinances and is not of the class required to be prorated among the several lots and parcels of land in a special assessment district, an account of the labor, material and service for which such expense was incurred; with a description of the premises upon or in respect to which the expense was incurred, and the name of the owner; if known, shall be reported to the Treasurer, who shall immediately charge and bill the owner, if known. The Council shall, at such times as it may deem advisable direct the Assessor to prepare a special assessment roll covering all such charges reported to it together with the costs of administration. Such roll shall be filed with the Clerk who shall advise the Council of the filing of the same, and the Council shall thereupon set a date for the hearing of objections to such assessment roll. The assessment roll shall be open to the public inspection for a period of seven days before the Council shall meet to review the roll and hear complaints. The City Clerk shall give notice in advance by publication of the opening of the roll to public inspection and of the meeting of the Council to hear complaints and shall also give notice to the owners of the property affected by first class mail at their addresses as shown on the current general assessment roll of the city at least ten days prior to the date of such hearing. The special assessments and all interest and charges thereon, shall, from the date of confirmation of the roll, be and remain a lien upon the property assessed of the same character and effect as a lien created by general law for state and county taxes, until paid. City Council may in its discretion authorize a payment schedule of a period not to exceed three years under this section. Interest shall be paid on such assessments, from such date after confirmation and payment as shall be fixed by Council, and such assessments, with penalties and interest, shall be added by the Treasurer to the next general city tax roll or general county and school tax roll, according to the assessment as shall be convenient, and shall thereafter be collected and returned in the same manner as general city taxes.
(Ord. 130, passed - -)

The City Council shall by resolution close out each special assessment district as soon as legally possible by resolution. Such resolution shall state the refund, if any, or the balance, if any, to the general fund.
(Ord. 130, passed - -)

32.27 CLOSING OF ASSESSMENTS.

CHAPTER 33: CITY POLICIES

Section

Conflict of Interest

- 33.01 Definitions
- 33.02 Conflict of interest
- 33.03 Acceptance of gifts
- 33.04 Confidentiality
- 33.05 Seeking preferential treatment
- 33.06 Use of city property
- 33.07 Conduct of officials and employees
- 33.08 Annual certification
- 33.09 Violation

CONFLICT OF INTEREST

' 33.01 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY BOARD* or *COMMISSION. The City Council, the City Planning Commission, the Zoning Board of Appeals, the Historic District Commission, the Tax Board of Review of the city, or any similar board or commission of the city that may be created in the future and acts in behalf of the city.

CITY EMPLOYEE. Any person employed by the city and paid for his or her work, either part time or full time, including the City Clerk and City Treasurer, but not including City Officials as defined herein.

CITY OFFICIAL. The Mayor, all of the members of the City Council, the City Manager, and any member of a board or commission of the city, when functioning as a member of such board or commission.

CONFLICT OF INTEREST. Any act by any City Official or any City Employee on a matter involving the business of the city in which the city official or city employee has a private financial interest separate from that of the general public, including private financial interests of the city employee or city official, or any member of the immediate household of the city official or city employee.

RELATIVE. The city official or city employees spouse, child, parent, grandchild, grandparent, brother, sister, one-half brother or sister, or the spouse of any of them, including relationships arising from adoption. (Ord. passed - -2012)

' 33.02 CONFLICT OF INTEREST.

(A) No city official or city employee shall take any action in the course of business of the city in which the city official or city employee has a conflict of interest as defined herein. If the conflict of interest is in regard to an issue being considered at a Council meeting, the city official or city employee having the conflict shall publicly disclose that he or she has a conflict of interest on the record of the meeting and abstain from any decision or vote on the matter.

(B) If the party with the conflict of interest wishes to take part in the discussion, they may step away from their role as a city official and take part in the discussion as part of the audience in the meeting gallery.

(C) If in the case of any matter before the City Council, if the Mayor or a member of the City Council, or the City Manager, believes that the Mayor or any member of the City Council has or may have a conflict of interest as defined herein, which has not been disclosed and dealt with as provided in division (A) above that person may raise the issue of the alleged conflict of interest for discussion by the Council. After discussion, a motion may be made by the Mayor or a member of the Council to disqualify the member who has been alleged to have a conflict of interest. The motion, after further discussion if needed, shall be decided by a majority vote of the Mayor and Council excluding the member alleged to have the conflict. If the vote determines that a conflict of interest exists, the Mayor or Councilperson shall be required to abstain from the vote on the matter in accordance with the provisions of division (A) above.

(D) In the case of the matter before a board or commission of the city, if any member of the board or commission has a conflict of interest in regard to the matter under consideration, that member shall publicly disclose the nature of conflict on the record of the meeting and abstain from participation in any decision or vote on the matter. If in the case of any matter before a board or commission of the city, if a member of the board or commission, or a participant in the matter, believes any member of the board or commission has or may have a conflict of interest as defined herein, which has not been disclosed or dealt with as provided for in this division, that person may raise the issue of the alleged conflict of interest for discussion by the board or commission. After discussion, a motion may be made by any member of the board or commission to disqualify the member who has been alleged to have a conflict of interest. The motion, after further discussion if needed, shall be decided by a majority of the board or commission present and voting, excluding the member alleged to have a conflict. If the vote determines that a conflict of interest exists, the member having the conflict shall be required to abstain from the discussion, consideration and vote on the matter in accordance with the provisions of division (A).

(E) In any case involving an alleged conflict of interest where a vote of five members of the City Council is required by Section 4.18 of the City Charter, the requirements of the City Charter shall apply.

(Ord. passed - -2012)

33.03 ACCEPTANCE OF GIFTS.

(A) No city official or city employee shall solicit or accept any gift or item of value from any person, business, organization or other entity that does business or seeks to do business with the city. This provision shall not prohibit the receipt of any items of nominal value that are distributed to the public at large, or attendance at social or promotional gatherings to which the public or large segments of the public are invited.

(B) Any gift or other item of value received by a city official or city employee in violation of division (A) above shall be returned to the donor,

(C) No city official or city employee shall apply for or accept any loan from any person, business, organization or other entity that does business with or seeks to do business with the city. This provision shall not prohibit a city official or employee from applying for and accepting a loan or mortgage from a bank or financial institution that makes loans or enters into mortgages in the ordinary course of Its business, even

No city official or city employee who acquires any information in the course of his or her duties with the city, which information by law or policy is not available at that time to the general public, shall disclose that information to any person, except to those persons authorized to receive the information in the course of conducting official city business.

(Ord. passed - -2012)

' 33.05 SEEKING PREFERENTIAL TREATMENT.

No city official or city employee shall use or attempt to use his or her city position to secure or attempt to secure any privilege, exemption, advantage, contract, or preferential treatment for himself or herself or for any relative as defined herein.

(Ord. passed - -2012)

' 33.06 USE OF CITY PROPERTY.

No city official or city employee shall use or permit others to use any city property or equipment for his or her private use or benefit, and all city property and/or equipment shall be protected and conserved by all city officials and employees to the best of their ability. This provision shall not prohibit the lending of city equipment for use by other governmental agencies when appropriate and when there is a reasonable expectation that the other agency will reciprocate.

(Ord. passed - -2012)

' 33.07 CONDUCT OF OFFICIALS AND EMPLOYEES.

It is urged that the personal and professional conduct of all city officials and employees when conducting city business be above reproach and avoid

if the bank or financial institution does business with the city.

(Ord. passed - -2012)

' 33.04 CONFIDENTIALITY.

any appearance of impropriety. City officials and city employees shall refrain from abusive conduct, personal charges or verbal attacks on the character or motives of other officials or employees. City officials and city employees shall conduct city business in accordance with the processes and rules of order established by the City Council or other applicable authorities, as shall the members of all boards and commissions of the city.

(Ord. passed - -2012)

' 33.08 ANNUAL CERTIFICATION.

Every city official and every city employee shall be required to certify annually in writing that he or she has read this subchapter, if familiar with the provisions hereof, and has not to the best of his or her knowledge violated the provisions of this subchapter. This certification shall be provided to the Mayor by the City Manager, Clerk, Treasurer, and City Council Manager by all other city employees.

(Ord. passed - -2012)

' 33.99 PENALTY.

The Mayor or a majority of the City Council shall be responsible for the enforcement of the provisions of this subchapter, other than the enforcement of the provisions on conflict of interest, in regard to an alleged violation by the Mayor, a member of the City Council, or the City Manager, Clerk, or Treasurer. The City Manager shall be responsible for the enforcement of the provisions of this subchapter in regard to all other city employees. Alleged violations of the conflict of interest provisions of this subchapter shall be enforced in accordance with the provisions of ' 33.02

(Ord. passed - -2012)

