

ORDINANCE NO. # 142

CITY OF THE VILLAGE OF CLARKSTON

AN ORDINANCE TO ADOPT PROVISIONS ON ETHICS AND CONFLICT OF INTEREST TO BE APPLICABLE TO ALL OFFICERS, OFFICIALS, AND EMPLOYEES OF THE CITY OF THE VILLAGE OF CLARKSTON, AND TO REPEAL ALL ORDINANCES AND/OR POLICIES IN CONFLICT HEREWITH.

THE CITY OF THE VILLAGE OF CLARKSTON ORDAINS:

SECTION 1.01 - Definitions.

As used in this Ordinance, the following terms shall have the meaning set forth herein:

“City Board or Commission” shall mean the City Council, the City Planning Commission, the Zoning Board of Appeals, the Historic District Commission, the Tax Board of Review of the City of the Village of Clarkston, 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” shall mean any person employed by the City of the Village of Clarkston 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” shall mean the Mayor, all of the members of the City Council, the City Manager, and any member of a board or commission of the City of the Village of Clarkston, when functioning as a member of such board or commission.

“Conflict of Interest” shall mean 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, and/or any relative as defined herein of the city employee or city official, or any member of the immediate household of the city official or city employee.

“Relative” shall mean 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.

SECTION 2.01 – 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 and all discussion, consideration, and decision or vote on the matter.

B. 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 paragraph A. hereof, 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 discussion, consideration and vote on the matter in accordance with the provisions of paragraph A. of the section.

C. In the case of any 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 the conflict on the record of the meeting and abstain from participation in the discussion, consideration and decision or vote on the matter.

SECTION 3.01 – 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 paragraph 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 if the bank or financial institution does business with the city.

SECTION 4.01 – Confidentiality.

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.

SECTION 5.01 – 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.

SECTION 6.01 – 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.

SECTION 7.01 – 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 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.

SECTION 8.01 – Annual Certification.

Every city official and every city employee shall be required to certify annually in writing that he or she has read this ordinance, if familiar with the provisions hereof, and has not to the best of his or her knowledge violated the provisions of this ordinance. This certification shall be provided to the mayor by the city manager, clerk, treasurer, and city council manger by all other city employees.

SECTION 9.01 – Enforcement/Penalty Clause.

The Mayor or a majority of the City Council shall be responsible for the enforcement of the provisions of the ordinance, 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 ordinance in regard to all other city employees. Alleged violations of the conflict of interest provisions of this ordinance shall be enforced in accordance with the provisions of Section 2.

SECTION 10.01 – Repeal and Purpose of Ordinance.


All ordinances or policies of the city in conflict with the provisions herewith are hereby repealed. This ordinance is intended to be both preventative and punitive, and is intended to be in furtherance of and an extension of, but not in conflict with, the provisions of the city charter of the City of the Village of Clarkston, and the laws of the State of Michigan.

SECTION 11.01 - Severability.

Should any section, subdivision, clause or phrase of this Ordinance be declared by the courts to be invalid, the validity of this Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 12.01 – Effective Date.

This Ordinance is hereby declared to have been adopted by the City Council of the City of the Village of Clarkston, at a meeting thereof duly called and held on the 24 day of May, 2010, and shall be published in the manner prescribed by law and shall become effective 20 days after publication.


STEPHEN ARKWRIGHT, Mayor


JANET GILLESPIE, City Clerk