

Code of Ethics

I. PURPOSE

The purpose of this policy is to establish guidelines for public officers and employees of Grand Traverse County. Public office and public employment must maintain public confidence in the integrity of government. Therefore, it is expected that all County Commissioners, County-wide Elected Officials, appointees of the Board of Commissioners and employees of Grand Traverse County will perform the duties of their office or employment with an emphasis on fair dealing, responsibility, accountability and transparency. The purpose of this policy is to set forth the standards of ethical conduct in matters related to county affairs.

II. GUIDELINES

- A. Work for the common good of the people of Grand Traverse County and not for any private or personal interest and strive to provide fair and equal treatment for all people, claims and transactions coming before the Board of Commissioners.
- B. Comply with the Constitution of the United States, the Michigan Constitution, Michigan and Federal law, and Grand Traverse County policies and procedures in the performance of their public duties. Commissioners shall also comply with the Rules and Regulations adopted by the Board of Commissioners.
- C. Not solicit or accept a gift or loan of money, goods, services, benefits, privileges, favors or any other thing of value which tends to influence the way official duties are performed. Excepting the following:
 1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
 2. Any contribution that is lawfully made or event that is lawfully held under the Campaign Finance Laws of the State of Michigan.
 3. Anything provided by an individual based on a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position of the recipient and not because of personal friendship.
 4. Food or refreshments not exceeding \$200.00 per person in value on a single calendar day.
- D. Use County resources, property, and funds judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.
- E. Not engage in a business transaction which may profit from his or her official position or authority or benefit financially from confidential information which has been obtained by

reason of that position or authority, and such information has not come into the public domain at the point at which the transaction occurred.

- F. Except as otherwise permitted by law, 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 he or she has a personal financial interest.
- G. Not participate in approving, disapproving, voting upon, recommending or otherwise acting upon any matter in which he or she has a direct or indirect financial interest or there is a personal conflict without disclosing the full nature and extent of the interest to the Board of Commissioners on record and complying with any other Michigan statutory requirements which may apply.
- H. Not engage in or accept private employment or render services for private interest when such employment or service is incompatible or in conflict with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.
- I. Treat all individuals fairly and with respect, regardless of their race, religion, national origin, culture, age, sex, gender identity, disability, or any other factor.
- J. Not engage in harassment or harassing behavior of any other person having dealings with the County.
- K. Respect the privacy of employees. Employee records will be used only as necessary for business needs. Employee information shall only be shared for business reasons consistent with applicable law.
- L. Protect County assets, such as equipment, supplies, cash, inventory, and information against misuse and/or misappropriation.
- M. Maintain security for all County information which is confidential or sensitive in nature. Such information includes documents, files, and databases that may be kept on paper, electronically, or on film. Retention and destruction of such information shall be done in accordance with guidelines set by state laws and regulations.
- N. Use of E-mail, Internet, and County Intranet – Grand Traverse County has developed specific policies regarding use of County e-mail, the Internet, and the County's Intranet while on County time or using County computers. All data stored on County computers and networks, including email either received or sent is County property and is not private, unless required by law.
- O. Unless expressly authorized by the County Administrator, an employee or elected or appointed official shall not use the official County seal for any private use.
- P. An employee or elected or appointed official may express personal views with respect to public issues. However, he or she shall not, by use of his or her position or otherwise, represent those personal opinions or views as those of the County.

III. DEFINITIONS

- A. "Conflict of Interest" means either of the following (*Note "Commissioner" is used below but these definitions may also apply to County-wide elected officials, appointees and county employees):
 - 1. A direct personal interest of the Commissioner, a current business partner of the Commissioner, a Commissioner's immediate family member, or a Commissioner's immediate family member's current business partner in the outcome of a cause, proceeding, application, or other matter pending before the body. Although the facts of a given situation may not rise to a legally prohibited conflict of interest, these types of direct personal interests should be disclosed and reviewed prior to acting on a matter before the Board of Commissioners.
 - 2. A direct financial interest of the Commissioner, a current business partner of the Commissioner, a Commissioner's immediate family member, or a Commissioner's immediate family member's current business partner in the outcome of a cause, proceeding, application, or other matter pending before the body. Although the facts of a given situation may not rise to a legally prohibited conflict of interest, these types of direct financial interests should be disclosed and reviewed prior to acting on a matter before the Board of Commissioners.
- B. "Current Business Partner" means a person or company with which the Commissioner or the Commissioner's immediate family member is sharing business ownership or management. This would also include the Commissioner's or immediate family member's employer.
- C. "Direct Interest" whether personal or financial, is direct if all of the following apply: (1) not common to other members of the Commission, (2) connected to the Commissioner, immediate family member, or current business partner without conjecture, and (3) connected to the Commissioner, immediate family member, or current business partner without multiple intervening parties or factors.
- D. "Disclose" means a full and honest description of the relationship or interest that underlies the conflict of interest or reasonable appearance of a conflict of interest. This disclosure must take place either (1) in writing prior to an open meeting where the matter or cause is to be deliberated or acted upon, or (2) during the open meeting but prior to the matter or cause being deliberated or acted upon.
- E. "Financial Interest" means a pecuniary interest that could accrue gain or suffer loss due to the outcome of the cause, proceeding, application, or other matter.
- F. "Gift" does not include promotional items of nominal value such as calendars or pens. "Gift" also does not include "give-away" items or prizes that are provided at conferences, seminars, formal training sessions, so long as such items are equally available to all attendees. "Gift" also does not include any donations that have been made to a county office or department for the general use by the office, or persons served by the office.
- G. "Immediate Family Member" means a spouse, domestic partner, child (including stepchild), parent (including stepparent), grandparent, sibling, aunt or uncle, or brother or sister-in-law.

- H. "Personal Interest" is an interest where a non-financial benefit would inure to the Commissioner, immediate family member, or current business partner.

IV. Reporting Process

County Commissioners, County-wide Elected Officials, appointees of the Board of Commissioners and employees of Grand Traverse County have a responsibility to report concerns about potential unethical behavior. Additionally, any person may complain in writing that one or more County Commissioners, County-wide Elected Officials, appointees of the Board of Commissioners and employees of Grand Traverse County have acted unethically. Such concerns or questions about whether actions are considered unethical or a violation of applicable law or this Code of Ethics Policy can be reported to the Human Resources Director or County Administrator, and they will investigate claims deemed credible and may resolve them through internal processes. However, if the Human Resources Director or County Administrator believes that a particular ethics complaint poses a potential conflict for an internal investigation by their respective offices, either the County Administrator or the Human Resources Director may refer the complaint to an ethics panel to complete an investigation. Notice will be provided to a complainant in the event the complaint is resolved administratively along with information for an appeal procedure to the Board of Commissioners. The appeal shall be in writing and submitted to the Chair of the Board of Commissioners within 21 calendar days from the date of the notice. Upon receipt of a timely appeal the Chair of the Board of Commissioners shall determine whether to refer the matter to the ethics panel. If the appeal is not timely or not referred to the ethics panel, the matter will be deemed resolved based on the original notice of the complainant.

It shall also be a violation of this policy for any complainant to make a baseless allegation of unethical behavior that is made with reckless disregard for the truth and that is intended to be disruptive or to cause harm to another individual. Any violation of this section may result in enforcement action under the Code of Ethics.

V. Investigative Procedure

- A. Administrative investigations (i.e. those not referred by either the Human Resources Director or County Administrator to an ethics panel) will be handled in accordance with applicable law and policy. In the event the investigation results in the finding of a policy violation of the Code of Ethics by a County Commissioner, County-wide Elected Official or an appointee of the Board of Commissioners this information will be submitted to the Board of Commissioners for review and consideration.
- B. If the County Administrator or Human Resources Director elects to refer to a Code of Ethics complaint to an ethics panel, the allegations of violations shall be promptly investigated.
 1. The Chairperson of the Board of Commissioners, or the Vice-Chairperson, if the complaint involves the Chairperson, shall appoint a chairperson and two additional members to an ethics panel. The members of the ethics panel may be a member of the Board of Commissioners, an employee of the County, or any other suitable person. In naming members of the panel, the Chairperson of the Board of Commissioners shall consider the nature of the complaint, and the identity of the person or persons complained of and shall endeavor to select persons in a position to render independent, informed and considered judgment.
 2. The ethics panel shall consider the original complaint as well as such additional matters as are necessary to understand and take measures to resolve the complaint. The ethics panel may act with the degree of formality they deem appropriate under the circumstances.

3. Ordinarily, in conducting the investigation, the ethics panel or designated corporate counsel or special legal counsel engaged for such purpose, should contact the person making the written complaint, as well as the person named or specified in it, and if deemed appropriate and necessary set up interviews in which the complaint and any response may be heard.
4. At the conclusion of the investigation, the ethics panel shall document its findings along with its recommendations to the County Administrator and Board of Commissioners, along with any other appropriate designated personnel. By way of illustration, the ethics panel may recommend that the Board of Commissioners take one or more of the following actions:
 - a. Determine whether the complaint was not well-founded or that the actions complained of in it were not unethical, and therefore no corrective measures are necessary.
 - b. Determine that although the Code of Ethics was infringed upon in a technical sense, the matter complained of is immaterial, unavoidable, or insubstantial, and then decide that no corrective action is warranted.
 - c. Mediate or seek a resolution of a disagreement between the writer of the complaint and the person named in it.
 - d. Accept an assurance from the person named in the complaint that such a situation will or shall not arise again.
 - e. Make appropriate suggestions to County staff as to improve methods of handling similar situations in the future.
 - f. Suggest possible amendments to Board Rules, of this Code of Ethics, or any other policies of the County to minimize the likelihood of future issues.
 - g. Issue a public statement or letter regarding the person's conduct, including, but not limited to, findings regarding the alleged ethical violation, and provide supporting documentation and detail as warranted.
 - h. Recommend adoption by the Board of Commissioners of a resolution of formal censure.
 - i. Contact appropriate prosecutorial agencies regarding potential criminal investigation and charges.

VI. Enforcement

County Commissioners, County-wide Elected Officials, appointees of the Board of Commissioners and employees of Grand Traverse County who violate the provisions of this Code of Ethics may be subject to censure from the Board of Commissioners for an elected official, removal for an appointed official subject to MCL 46.11(n) or disciplinary action up to and including discharge or termination for an employee. County-wide Elected Officials may be required to make a report under oath to the County Board of Commissioners pursuant to MCL 46.11(k).

VII. Implementation

As an expression of the standards of conduct for County Commissioners, County-wide Elected Officials, appointees of the Board of Commissioners and employees of Grand Traverse County employees, this Code of Ethics and Conduct is intended to be self-enforcing. For this reason, the Code of Ethics shall be included in the regular orientations for County Commissioners, County-wide Elected Officials, appointees of the Board of Commissioners and employees of Grand Traverse County. At the first organizational meeting of the County of Commissioners in January of each year, County Commissioners' entering office shall sign a statement affirming that they have read and understand the Code of Ethics for Grand Traverse County.

Note: Any questions related to the content of this policy, or its interpretation, should be directed to Human Resources.