



# ETHICS

PROTECTING THE PUBLIC INTEREST IN THE  
ELECTORAL & GOVERNMENTAL AFFAIRS





## WHAT ARE ETHICS?

*Merriam-Webster* definition of ethics:

1. The discipline of dealing with what is good and bad and with moral duty and obligation; 2. **(a.)** a set of moral principles; a theory or system of moral values; **(b.)** the principles of conduct governing an individual or a group; **(c.)** a guiding philosophy; **(d.)** a consciousness of moral importance. 3. a set of moral principles: a theory or system of moral values; 4. a set of moral issues or aspects





## Why Governance & Oversight?

- Protecting the Public Interest in the electoral and governmental affairs of this city
- Good City Governance requires public servants to be independent, impartial and responsible to the people
- Public office or employment not be used for personal gain
- Integrity and operations of city government be subject to public scrutiny
- Acts or actions not compatible with the best interest of the City be defined as prohibited.

transparency  
is the first step towards  
accountability







# Flint City Charter-Ethics Provision Requirements

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- Charter adopted January 1, 2018
- Adopted **Sec. 1-602 “Ethics”**
- Pursuant to Flint City Charter, Section 1-602(I), Notice: “Every public servant, volunteer and city contractor is to receive training and be provided with a copy of these ethical standards upon passage of this Charter or at time of appointment and or hire or the commencement of services.”
- Updates may be provided as necessary & record kept of training



# WHO ARE PUBLIC SERVANTS

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- **Public Servants** are defined by the Flint Charter as:

“All persons employed or otherwise engaged by the corporation of the City of Flint to conduct business on its behalf including but not limited to elected officials, appointed employees, members of boards and commissions, classified employees, contractual employees, and volunteers.”

*Charter Sec. 1-405.*





To whom do these standards  
of conduct apply?

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**“Public Servants”**

Mayor

City Council Members

Elected officials

Appointed officials

Employees

Volunteers

Contractors/Vendors

Board & Commission Members





# Standards

## Do

- Be responsible for obligations under employment terms, contracts, board bylaws, oaths of office.
- Report to supervisor, or Officer of Ombudsperson, reasonably suspected illegal action or activity in violation of these ethical standards.

## DON'T

- Willfully or grossly neglect the discharge of duties.
- Fail to Report to supervisor or Officer of Ombudsperson reasonably suspected illegal action or activity in violation of these ethical standards.





## Standards *cont.*

### Do

- Maintain confidentiality of information concerning the property, government or affairs of the City or any office or department, not available to members of the public and gained by reason of his or her official position.

### DON'T

- Use or disclose confidential information concerning the property, government or affairs of the City or any office or department, not available to members of the public and gained by reason of his or her official position.





# Standards *cont.*

## Do

- Use City property for City purposes
  - *Example:* Computer use to respond to work email(s).
- Engage in private employment, or render services, *on non-city time* that are **not** in conflict with official duties or could cause a conflict.

## DON'T

- Use City property for non City purposes.
  - *Example:* personal emails to friends, personal project.
- Engage in, or accept, private employment or render services, when such employment or services is **in conflict or incompatible with the proper discharge of his or her official duties** or would tend to impair his or her independence of judgment or action in the performance of official duties.





## Standards *cont.*

**General Rule:** May not represent a private person, business or organization in any action or proceeding pending before the City, or any office, or any City department.

**Exceptions:**

1. A public servant may represent another person, business or organization before the City unit of government, office or department where such representation is required part of his or her official duties.

*Examples:* a department-head appearing before the City Council; or an employee or contractor being requested to appear before Council and permitted by their respective department-head.





## Standards *cont.*

### Exceptions *cont.:*

2. A public servant, who is an uncompensated member of the City unit of government, board, commission or other voting body, may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City department.

*However,* he or she may not appear before the board, commission or other voting body on which he or she is a member as an agent, attorney or representative for another person, business or organization in a matter that is pending before it.



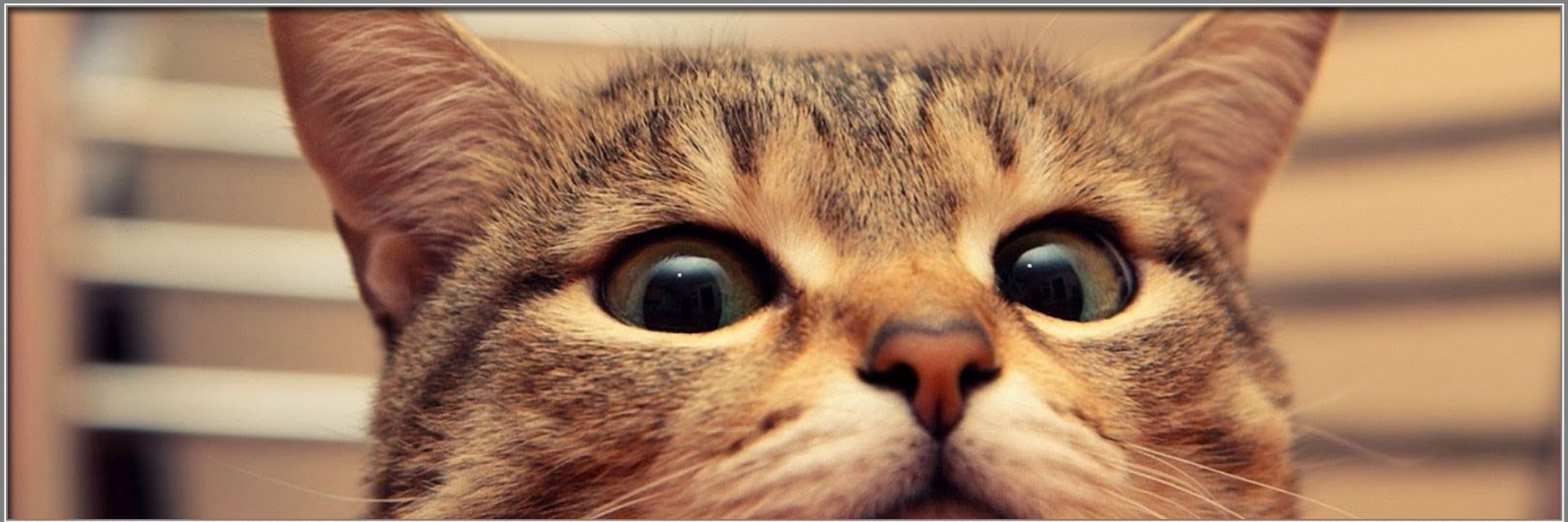


## Standards *cont.*

### Exceptions *cont.:*

3. If on leave time from City without compensation from the City or on his or her leave time from City and not before a board that the public servant is a member.
- **WARNING: These exceptions:**
    - Must not create an unfair advantage by using information that you are aware of as a public servant (by reason of the position) that you would otherwise not know as a general member of the public.
    - May not use his or her official position to improperly influence a decision of the Mayor, City Council members, Clerk, appointees or employees toward any of the above-listed exception.





**Whenever in doubt contact the City Attorney or Human Resources Department**

Clarification: If covered by the Freedom of Information Act (FOIA), Confidentiality Agreement, Open Meetings Act (OMA)  
Exception, Contract terms, among other exceptions

**ALWAYS READ THE RULES**





# PUBLIC SERVANTS AND THINGS OF VALUE

## Maneuvering through Pitfalls





# GIFTS & OTHER ITEMS OF VALUE

Charter Sec. 1-602(C) Section 8:

*“A public servant shall not accept gifts, gratuities, honoraria, or other things of value from any person or company doing business or seeking to do business with the City, seeking official action from the City, having interests that could be substantially affected by the performance of the public servant’s official duties, or who is known to the Public Servant as a registered lobbyist.”*

Merriam-Webster definitions:

**Gratuity**: something given voluntarily or beyond obligation usually for some service.

**Honorarium**: payment for a service (such as making a speech) on which custom or propriety forbids a price to be set





# Exceptions to the Sec. 8 Rule

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- An award publicly presented to a public servant by an individual, governmental body or non-governmental entity or organization in recognition of public service.
- Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials.
- A gift received from the public servant's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or agent in an attempt to circumvent this article.



## Sec. 8 Exceptions *cont.*

- Admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to the public servant:
  - i. By the sponsor(s) of any event, appearance or ceremony which is related to official city business in connection with such event, appearance or ceremony and to which one (1) or more of the public are invited; or
  - ii. In connection with teaching, a speaking engagement or the provision of assistance to the organization or another governmental entity as long as the City does not compensate the public servant for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity.
    - i. **NO DOUBLE DIPPING**





Charter Sec. 1-602(C) Section 9:

“A public servant who, in the course of his or her duties, exercise significant authority shall not:

- a. Solicit or accept a loan or payment from an individual who is providing service to, receiving tax abatements, credits or exemptions from the City; or
- b. Unduly influence any decision to fill a position in the City of Flint government with an immediate family member.”







**Disclosure**





# Disclosure

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*Merriam-Webster* definition of disclosure

1. The act or an instance of disclosing:  
EXPOSURE
2. Something disclosed: REVELATION







# What is required to be disclosed?

Charter Sec. 1-602(D):

“Except as preempted by State Law, any public servant who in the discharge of official duties would be required to take an official action or make an official decision that would substantially affect the public servant’s financial interests or those of an associated business or immediate family member as defined in this Charter must take the following actions:

- a. Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest
- b. Deliver copies of the statement to the employee’s immediate superior, if any; and





## Disclosure *cont.*

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- c. If an elected official or appointment official, deliver copies to the City Clerk.
  - d. If a potential conflict of interest presents itself and there is insufficient time to comply with clauses (a) to (c), the public servant must orally inform the superior or the official body of service or committee of the body of the potential conflict.





# Immediate Family Member

- “A person who is living in the same household or related to a public servant as a spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, uncle, aunt, nephew, niece, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law.”

**Charter Sec. 1-405.**





## How to Disclose?

1. **Employee:** In writing to supervisor or if time does not permit, orally to supervisor. *For both the employee and the supervisor's benefit, in writing is preferred.*
2. **Elected official or Appointee:** In writing to the City Clerk, or if time does not permit, to the board or commission that he or she has a potential conflict. *If not disclosed in writing, the disclosure should be placed on the record of that board/ commission.*





**CITY OF FLINT  
CONFLICT OF INTEREST DISCLOSURE FORM**



TO: (SELECT ONE)

SUPERVISOR (please select if declarant is employee)

CITY OF FLINT CLERK (please select if declarant is an  
elected official or appointed public servant)

NAME

POSITION

**Declaration of Interest**

I understand pursuant to City of Flint Charter Section 1-602(D)(1)(a)-(d), that if I, my family members and close relatives and personal friends have any direct or any indirect interest in any company which has business dealings with the City of Flint, I shall make a declaration to my immediate supervisor or the City Clerk.

I would like to declare the following existing/potential conflict of interest situation arising from the discharge of my duties concerning the operation of the City of Flint:

(a) Persons/companies with whom/which I have official dealings and/or private interests:

(b) Brief description of my duties which involved the persons/companies mentioned in item (a) above:

## Conflict of Interest Disclosure Forms

- Conflict of Interest Disclosure Forms are available from the Law Department
- They will be distributed to Department-Heads so that they are available as needed
- In the event of any change(s) to this form, the Law Department will provide updated copies to all Department-Heads.





## Supervisor and Public Servant Responsibilities

- The superior must assign the matter, if possible, to another employee who does not have a potential conflict of interest(s).
- If no immediate superior, the public servant must abstain, if possible, from influence over the action or decision in question.
- If the public servant is a member of City Council, the Councilperson is excused from taking part in the action or decision in question.
- **REMINDER:** Whenever in doubt, contact the City Attorney or Human Resources Department.





## What if you cannot abstain from action?

- If the public servant is not permitted or is otherwise unable to abstain from action in connection with the matter, the public servant must file a statement describing the potential conflict and the action taken with the City Clerk.
- The statement must be filed within a week of the action taken.
- The City Clerk shall maintain records of all filings made under this section and post them to the City of Flint's website.





## Charter Sec. 1-602(E):

### *One year post-employment prohibition*

1. One year after employment with the City of Flint, a public servant, shall not lobby or appear before the City Council or any City department, agency, board, commission or body or receive compensation for any services in connection with any matter in which he or she was directly concerned, participated, actively considered or acquired knowledge while working for the City.
2. One year after employment with the City of Flint, a public servant shall not accept employment with any person or company that did business with the City during the former public servant's tenure if that public servant was in any way involved in the award or management of that contract.
3. They shall also not disclose confidential information that they may have gained during their employment.





## Charter Sec. 1-605(F): Lobbying Registration and Reporting

- “Lobbying” means all communications with a Public Servant for the purpose of influencing Legislative or executive action.

*City Charter Section 1-602(F)(1).*





# Lobbyist

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- “Lobbyist” means with respect to lobbying city government:
    - a. A person whose expenditures for lobbying are more than \$1,000.00 in value in any 12-month period;
    - b. A person whose expenditures for lobbying are more than \$250.00 in value in any 12-month period, if the amount is expended on lobbying a single public official; or
    - c. A registered lobbyist under applicable laws, who lobbies Flint city government; i.e. Michigan Lobbying Registration Act, PA 472 of 1978.

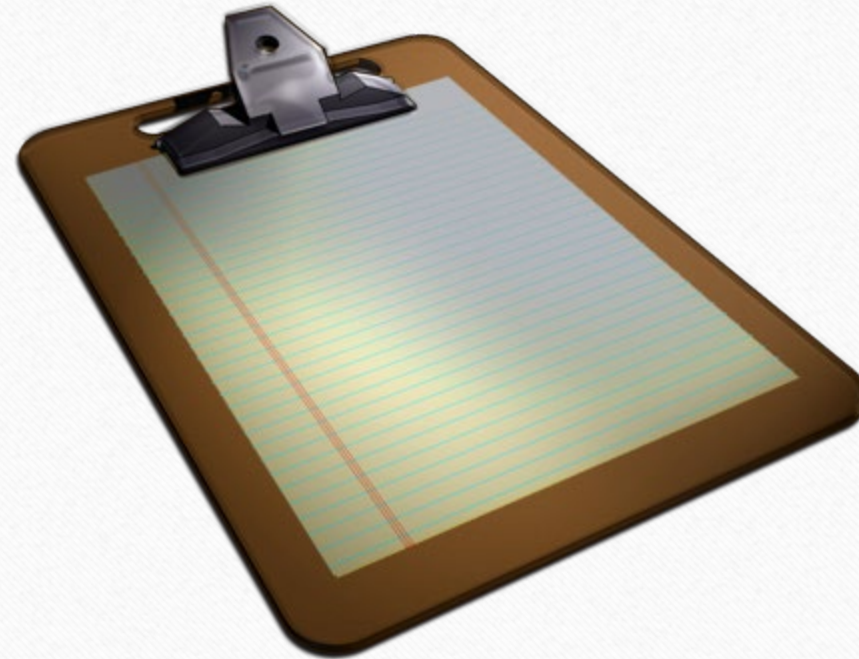




## Lobbying Registration Requirements

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1. Register with the City
2. File a report of his or her lobbying activity with the City and its personnel
3. All documents filed by lobbyist shall be filed with the City Clerk, be a public record and be published electronically or by other formats to provide access to the reports.
4. A fee may be assessed to each lobbyist.



City of Flint  
Lobbyist Registration



Registrant's Name

Registrant's ID  
Number (Official  
Use Only)

Business Address

Phone Number

E-mail

Type of Lobbyist  
(Check All That Apply)

Registered lobbyist under Federal Law

Registered lobbyist under Michigan Law

Registered lobbyist in other states (name states)

A person anticipating expenditures of more than \$1,000 over the next twelve (12) months for lobbying all public servants

A person anticipating expenditures of more than \$250.00 over the next twelve (12) months for lobbying a single public official

Name and Address of  
Client(s)

VERIFICATION

I swear, or affirm, that:

a) During one (1) year preceding this registration, I have not held the position of Mayor, member of the City Council, City Clerk, appointive officer, or any member of a board, commission or other voting body that is established by either branch of City government or by the 2018 Flint Charter or under the City of Flint Code of Ordinances, or been a City appointee or City employee, or an individual who provided services to the City pursuant to a personal services contract; and

b) All reasonable diligence was used in preparation of this form, and the contents are true and accurate to the best of my knowledge

Print Name of Registrant: \_\_\_\_\_

Signature: \_\_\_\_\_

Acknowledged before me in \_\_\_\_\_ County, Michigan, on \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_

Notary Public, County of Genesee \_\_\_\_\_

My Commission expires: \_\_\_\_\_

OFFICIAL USE ONLY:

## Lobbyist Registration Forms

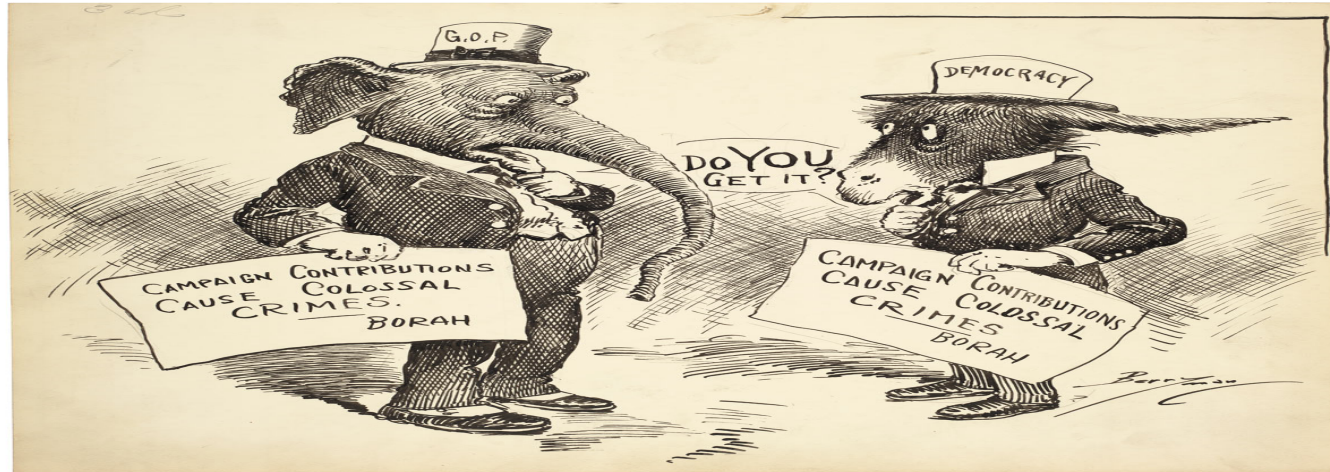
- Lobbyist Registration Forms are available from the Law Department
- They will be distributed through the City Clerk's office, and posted to the City's website, so that they are available as needed
- In the event of any change(s) to this form, the Law Department will provide updated copies to all Department-Heads.





# Campaign Activities

## Flint City Charter Sec. 1-602(G)-(H)







## Campaign activities using City property or during working hours

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- City public servants and volunteers are prohibited from engaging in campaign activities using City property or engaging in such activity during working hours and shall comply with Public Act 388 of 1976 (MCL 169.201 *et seq.*), Michigan Campaign Finance Act.
- Elected city officials are prohibited from soliciting City of Flint public servants to work on political campaign activities using City property or during working hours and shall comply with Public Act 388 of 1976 (MCL 169.201), Michigan Campaign Finance Act.





## Campaign Finance Reports

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“Every elective officer or candidate for election shall make public their campaign contributions and expenditures by filing a report or reports thereof as required by State law.”





## Charter Sec. 1-605(I): Notice

- “Every public servant, volunteer and city contractor is to receive training and be provided with a copy of these ethical standards upon passage of this Charter or at time of appointment and or hire or the commencement of services. An updated orientation as may be necessary from time to time. **An appropriate record shall be kept.**”
- In satisfaction of the notice requirement for this training, you **must** sign your Department’s sign-in roster to attest that you have completed this training.





# Questions?

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- Email: [awheeler@cityofflint.com](mailto:awheeler@cityofflint.com)
  - We will create a Frequently Asked Questions (FAQ) list and provide to all participants.
  - **REMINDER: Whenever in doubt, contact the City Attorney or Human Resources Department.** There may be exceptions, where state law and the Charter conflict, that require further analysis.
  - For immediate assistance, call the Law Department at 810.766.7146.

