

- E. The business which the Commission may perform shall be conducted at a public meeting of the Commission held in compliance with 1976 PA 267, MCL 15.261 to 15.275, as amended. Public notice of the time, date, and place of the meeting of the Commission shall be given in the manner required by 1976 PA 267, MCL 15.261 to 15.275, as amended.
- F. A writing prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function shall be made available to the public in compliance with 1976 PA 442, MCL 15.231 to 15.246, as amended.

Sec. 1-503 RETIREMENT BENEFITS

The City of Flint is authorized and empowered to provide by ordinance for pension benefits for City of Flint employees through the Municipal Employees Retirement System of Michigan authorized under 1984 PA 427, MCL 38.1501, as amended, or its successor organization.

Sec. 1-601 OATH OF OFFICE

Every elective officer and every appointee before entering on official duties shall take and subscribe the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of according to the best of my ability." Provided in 1963 Const. Art. XI, § 1, and shall file that oath, duly certified by the officer before whom it was taken, in the office of the City Clerk.

Sec. 1-602 ETHICS

A. Purpose

The purpose of this section is to provide a method of protecting the public interest in the electoral and governmental affairs of this city. This section recognizes that the proper operation of the City of Flint's government requires that all city public servants, as defined in this charter, be independent, impartial and responsible to the people; that decisions and policy be made in the proper channels of governmental structures; that public office or employment not be used for personal gain; that the integrity and operations of the city government be subject to scrutiny by the public; and that acts or actions not compatible with the best interest of the City of Flint be defined and prohibited.

All City of Flint ordinances not inconsistent with these sections and that effectuate its operation may be retained. Ordinances may be enacted which are

necessary to effectuate the operation of these sections. No ordinance shall be enacted which limits, contradicts or otherwise conflicts with the intent and purpose of these sections.

B. Application

These standards of conduct apply to public servants including the Mayor, City Council members, any other elected official, appointed officers, appointees, employees, volunteers and contractors as defined in this charter.

To further enable enforcement of this section, the Human Resources department shall maintain a list of public servants who do not receive compensation from the city but that are authorized to conduct business on its behalf. Persons shall not conduct business on its behalf until the Human Resources department has been notified in writing.

C. Standards

Except as otherwise provided by applicable law, a public servant shall not:

1. Willfully or grossly neglect the discharge of his or her duties;
2. Use or disclose confidential information concerning the property, government or affairs of the City of Flint or any office or department thereof, not available to members of the public and gained by reason of his or her official position;
3. Fail to report to their supervisor or the Office of Ombudsperson a reasonably suspected illegal action or activity in violation of these ethical standards;
4. Use City of Flint property for other than City purposes;
5. Engage in or accept private employment or render services when such employment or service 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;
6. Represent a private person, business or organization in any action or proceeding pending before the City of Flint or any office or department thereof, except:
 - a. A public servant may represent another person, business or organization before a City of Flint unit of government, office or department where such representation is a required part of his or her official duties;

- b. A public servant who is an uncompensated member of a City of Flint 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 of Flint department, other than the board, commission or other voting body on which he or she is a member; or
 - c. As long as a City of Flint compensated public servant does so without City of Flint compensation or on his or her leave time from the City of Flint, he or she may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City of Flint unit of government, board, commission or other voting body, other than the board, commission or other voting body on which he or she serves as an appointee or as an employee or under a personal services contract.
7. Use his or her official position, in violation of applicable law, to improperly influence a decision of the Mayor, City Council members, Clerk, appointees or employees;
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 of Flint, seeking official action from the City of Flint, 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. This prohibition shall not apply to:
- a. An award publicly presented to a public servant by an individual, governmental body or non-governmental entity or organization in recognition of public service.
 - b. Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials.
 - c. A gift received from a 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 an agent in an attempt to circumvent this article.
 - d. Admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to the public servant:
 - i. By the sponsor(s) of an event, appearance or ceremony which is related to official city business in connection with such an 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 an organization or another governmental entity as long as the City of Flint does not compensate the public servant for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity.

9. A public servant who, in the course of his or her duties, exercises 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 of Flint; or
- b. Unduly influence any decision to fill a position in City of Flint government with an immediate family member.

D. Disclosures

1. 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
- c. If an elected official or appointed 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

2. Except as preempted by State Law:

- a. The superior must assign the matter, if possible, to another employee who does not have a potential conflict of interests.

- b. If there is no immediate superior, the public servant must abstain, if possible, from influence over the action or decision in question.
- c. If the public servant is a member of the City Council, Councilperson is excused from taking part in the action or decision in question.
- d. 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.
- e. The statement must be filed within a week of the action taken.

3. The City Clerk shall maintain records of all filings made under this section and post them to the City of Flint's website

E. One year post-employment prohibition.

1. Subject to state law, for one (1) year after employment with the City of Flint, a public servant shall not lobby or appear before the City Council or any City of Flint 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, personally participated, actively considered or acquired knowledge while working for the City of Flint.

2. Subject to State Law, for a period of one (1) 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 of Flint during the former public servant's tenure if that public servant was in any way involved in the award or management of that contract. They shall also not disclose confidential information that they may have gained during their employment.

F. Lobbying Registration and Reporting

1. "Lobbying" means all communications with a Public Servant for the purpose of influencing legislative or executive action.

2. "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.

3. To the extent permitted by law, lobbyist shall register, file reports, and pay fees.

a. A lobbyist, as defined by this Charter, who lobbies within the City government shall be required to register with the City and file a report of his or her lobbying activity with the City and its personnel.

b. All documents filed by lobbyists shall be filed with the City Clerk, be a public record and additionally published electronically or by other formats as to provide access to the reports.

c. A fee may be assessed to each lobbyist.

G. Campaign activities using City of Flint property or during working hours

City of Flint public servants and volunteers are prohibited from engaging in campaign activities using City of Flint property or engaging in such activity during working hours and shall comply with 1976 PA 388, MCL 169.201 *et seq.*, as amended. Elected city officials are prohibited from soliciting City of Flint public servants to work on political campaign activities using City of Flint property or during working hours and shall comply with 1976 PA 388, MCL 169.201 *et seq.*, as amended.

H. Campaign finance reports.

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.

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.

Sec. 1-603 FORFEITURE OF OFFICE AND REMOVAL FOR CAUSE

A. Except for the Ombudsperson who serves at the will of the Ethics and Accountability Board, and the City Attorney, the City Council shall declare the