



CHARTER TOWNSHIP OF WASHINGTON

ETHICS POLICY

I. INTRODUCTION AND PURPOSE

The integrity of Township government and public trust and confidence in public officers and employees require that public servants be independent, impartial and responsible to the residents. Governmental decisions and policy should be made within established procedures and public servants should be prohibited from participating in matters that affect their personal or financial interests while acting on behalf of the Township. The purpose of this Policy is to establish guidelines for ethical standards of conduct for all Township government appointees, elected officials and employees, defining those acts or actions that are incompatible with the best interests of the Township and mandating disclosure by public servants of private financial or other interests in matters affecting the Township.

II. DEFINITIONS

For purposes of this Policy, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

“Appointee” means a person, other than an elected official or employee, who is appointed by the Township Board of Trustees to act on behalf of the Township.

“Board” or *“Board of Trustees”* shall mean the Board of Trustees of the Charter Township of Washington.

“Confidential Information” means information that has been obtained by an appointee, elected official or employee in the course of acting for or on behalf of the Township that is not available to members of the general public pursuant to the Freedom of Information Act, being MCL 15.231 *et seq.*, or pursuant to other law, regulation, policy or procedure recognized by law and the appointee, elected official or employee is unauthorized to disclose, including:

- (1) Any written information whether in document or in electronic form, which

could be exempted from disclosure pursuant to state law or to other pertinent law, regulation, policy or procedure recognized by law, unless the appointee, elected official or employee disclosing the information is permitted by such authority to make the disclosure;

- (2) Any non-written information which, if written, could be exempted from disclosure pursuant to state law or to other pertinent law, regulation, policy or procedure recognized by law, unless the appointee, elected official or employee disclosing the information is permitted by such authority to make the disclosure; and
- (3) Information which was obtained in the course of or by means of a written or electronic record or oral report of a closed session, whether or not the disclosure of the information would violate state law, unless the appointee, elected official or employee disclosing the information is authorized by state law to make such disclosure.

“Elected Official” means any member of the Board of Trustees of the Charter Township of Washington.

“Employee” means a person who is employed by the Charter Township of Washington on a full-time or part-time basis.

“Exercises Significant Authority” means having the ability to influence the outcome of a decision on behalf of the Township government in the course of performance of an appointee’s, elected official’s or employee’s duties and responsibilities.

“Immediate Family Member” means a person who is related to an appointee, elected official or employee as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, nephew, niece, 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.

III. DISCLOSURE REQUIREMENTS

A. Disclosure of Interests

- (a) Except as otherwise provided by applicable law, an appointee, elected official or employee who exercises significant authority over a pending matter shall disclose:
 - (1) Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before the Township Board of Trustees;
 - (2) Any financial interest, direct or indirect, that he or she or an immediate family member has in any contract or matter pending before or within any office or department of the Township; and

- (3) Any interest that he or she, or an immediate family member, has in real or personal property that is subject to a decision by the Township Board of Trustees, Planning Commission, Zoning Board of Appeals or Board-appointed committee regarding purchases, sales, leases, zoning matters, capital improvements, special assessments, tax abatements or development agreements in the Township.
- (b) All disclosures that are required under subsection (a) shall be made, in writing, on a form that is created by the Township Clerk and sworn to in the presence of a notary public. After completion, the form shall be filed with the Township Clerk and Washington Township Board of Ethics.
- (c) In addition to the written disclosure requirements set forth in subparagraph (b), an appointee, elected official or employee shall also make an oral disclosure at any meeting during which the pending matter is being considered by the Township.

B. Disclosure of Immediate Family Member's Employment or Application

- (a) Except as otherwise provided by applicable law, an appointee, elected official or employee who exercises significant authority shall disclose the identity of an immediate family member employed by the Township or who is making application to the Township for employment.
- (b) All disclosures that are required under subsection (a) shall be made, in writing, on a form that is created by the Township Clerk and sworn to in the presence of a notary public. After completion, the form shall be filed with the Township Clerk and Washington Township Board of Ethics.
- (c) In addition to the written disclosure requirements set forth in subparagraph (b), an appointee, elected official or employee shall also make an oral disclosure at any meeting during which the pending matter is being considered by the Township.

C. Disclosure of Interest by Contractors and Vendors

- (a) All contractors and vendors who seek to do business or who are doing business with the Township shall disclose the following:
 - (1) Any financial interest, direct or indirect, that he or she or immediate family member has in any contract or matter pending before the Township Board of Trustees;
 - (2) Any financial interest, direct or indirect, that he or she or immediate family members has in any contract or matter pending before or within any office or department of the

Township;

- (3) Any interest that he or she or an immediate family member has in any real or personal property that is subject to a decision by the Township regarding purchases, sales, leases, zoning matters, improvements, special assessments, tax abatements or development agreements;
 - (4) The identity of any immediate family member employed by the Township;
 - (5) The identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before the Township Board of Trustees, Planning Commission, Zoning Board of Appeals or Board-appointed committee; and
 - (6) The identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before or within any office or department of the Township.
- (b) All disclosures that are required under subsection (a) shall be made, in writing, on a form that is created by the Township Clerk and sworn to in the presence of a notary public. After completion, the form shall be filed with the Township Clerk and Washington Township Board of Ethics.
- (c) In addition to the written disclosure requirements set forth in subparagraph (b), an appointee, elected official or employee shall also make an oral disclosure at any meeting during which the pending matter is being considered by the Township.

IV. STANDARDS OF CONDUCT

A. Improper Use or Disclosure of Confidential Information Prohibited

Except as otherwise provided by applicable law, an appointee, elected official or employee shall not knowingly use or disclose confidential information to third parties concerning the property, government or affairs of the Township or any office or department of the Township which is not available to the members of the public and which is gained by reason of his or her official duties.

B. Improper Use of Township Property Prohibited

An appointee, elected official or employee shall not knowingly use Township property except in accordance with Township policies and procedures.

C. Incompatible Employment or Rendering Services Prohibited

An appointee, elected official or employee shall not engage in or accept employment, or render services, for a private or public interest where such employment or service is in conflict or incompatible with the discharge of the individual's official duties for the Township or where such employment or service is reasonably expected to impair the individual's independence of judgment in the performance of his or her official duties for the Township.

D. Self-Interested Regulation and Participation Prohibited

An appointee, elected official or employee shall not participate in the negotiation of any Township contract or any other type of transaction with any business entity in which he or she or an immediate family member has a direct or indirect financial interest.

E. Improper Use of Official Position Prohibited

An appointee, elected official or employee shall not use his or her official position to improperly influence a decision of the Township Board of Trustees, Planning Commission, Zoning Board of Appeals or any Board-appointed committee.

F. Prohibition on Gifts and Gratuities; Exceptions

- (a) An appointee, elected official or employee shall not accept gifts, gratuities, honoraria, or other things of value from any person or company doing business or seeking to do business within the Township, seeking official action from the Township or has interests that could be substantially affected by the performance of these individual duties.
- (b) The prohibition in section (a) shall not apply:
 - (1) To an award publicly presented to an appointee, elected official or employee in recognition of public service;
 - (2) To complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials;
 - (3) To a gift received from a relative or immediate family member, provided that the relative or immediate family member is not acting as a third party intermediary or an agent in an attempt to circumvent these provisions;
 - (4) To admission or registration fees, travel expenses, entertainment, meals or refreshments that are furnished to the public servant:
 - (i) by the sponsor(s) of the event, appearance or ceremony which is related to official Township 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 a speaking engagement or the provision of assistance to an organization or other governmental agency as long as the Township does not compensate the appointee, elected official or employee for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity.

- (5) To food or refreshments not exceeding \$75 in value on a single calendar day provided that the food or refreshments are consumed at the Township Offices and are available for all Township employees.

G. Prohibition on Campaign Activities Using Township Personnel or Property

- (a) Elected officials are prohibited from soliciting appointees and/or employees to work on political campaign activities using Township property or during Township working hours.
- (b) Appointees and employees are prohibited from engaging in campaign activities by using Township property or engaging in such activity during working hours.

V. BOARD OF ETHICS

A. Creation of Board

- (a) The Washington Township Board of Ethics is hereby created and shall be an independent advisory body established in accordance with this Policy.
- (b) The Board shall have the following duties:
 - (1) To promulgate procedures and rules governing the performance of its responsibilities under this Policy;
 - (2) To render advisory opinions regarding the meaning and application of the provisions of this Policy which pertain to disclosure requirements and standards of conduct for appointees, elected officials and employees;
 - (3) To adjudicate and dispose of complaints filed pursuant to this Policy; and
 - (4) To investigate, conduct hearings and deliberations and make advisory findings to the Township Board of Trustees regarding complaints relating to allegations of violations of this Policy.

B. Composition of Board of Ethics

- (a) The Board shall be comprised of three (3) members appointed by the Township Board of Trustees. Members of the Board shall be residents of the Township who are not appointees, elected officials, employees or immediate family members of appointees, elected officials or employees of the Township at any time during their membership on the Board. Board members shall serve without compensation. Members of the Board shall not be an immediate family member or relative of any member of the Township Board of Trustees, Planning Commission, Zoning Board of Appeals, Board-appointed committee or employee of the Township.
- (b) The initial term for the members of the Board of Ethics shall be three (3) years. Board members may be reappointed to serve subsequent terms at the sole discretion of the Township Board of Trustees.
- (c) Members of the Board of Ethics may be removed during their term of office by an affirmative vote of five (5) members of the Township Board of Trustees.

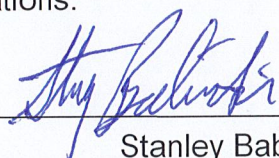
C. Advisory Opinions

- (a) An appointee, elected official or employee may request an advisory opinion from the Board of Ethics regarding the application of the disclosure requirements or the standards of conduct set forth in this Policy.
- (b) A request for an advisory opinion shall be addressed to the Board of Ethics, shall be submitted in writing, shall set forth the facts and circumstances upon the opinion is sought and be signed by the individual making the request.
- (c) The Board of Ethics shall dispose of a request for an advisory opinion within ninety (90) days after its receipt of such request. The Board shall conduct a hearing to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Policy, determine whether there is a reasonable basis to believe that the respondent has violated this Policy. The complainant and respondent may be represented by counsel at the hearing.
- (d) All meetings of the Board of Ethics shall be in compliance with the Michigan Open Meetings Act.
- (e) The Board of Ethics shall dispose of a request for an advisory opinion in one (1) of the following ways:

- (1) Decline to issue an advisory opinion where the Board determines the request does not merit review by the Board; or
 - (2) Issue an advisory opinion finding that the appointee, elected official or employee has engaged in conduct in violation of this Policy.
- (f) In the event the Board of Ethics determines that a violation of this Policy has occurred, the Board may adopt a resolution of public admonition against an appointee, elected official or employee regarding the Policy violation. In such a case, the resolution shall be submitted to the Township Board of Trustees within ten (10) days after adoption.
- (g) Upon receipt of a resolution from the Board of Ethics determining that an appointee, elected official or employee acted in violation of this Policy, the Township Board of Trustees shall, in open session, determine whether to affirm, reverse or modify the Board of Ethics' findings. In the event the Board of Trustees affirms or modifies the resolution of the Board of Ethics, the Township Board of Trustees shall determine, by majority vote, whether to issue a public censure of the appointee or elected official. In the event the censure relates to conduct by a Township employee, the employee may request review in closed session as permitted by Section 8(1)(a) of the Open Meetings Act and is entitled to all rights afforded pursuant to the employee's collective bargaining agreement, if applicable.

VI. CONSTRUCTION

This Policy shall be construed in conformity with state law including state law regulating conflicts of interest pertaining to public contracts, requirements for conducting open meetings and contributions to political campaign organizations.



 Stanley Babinski
 Washington Township Clerk

Township Board Approved: June 7, 2023

Employee Acknowledgment:

 Employee Name

 Employee Signature