

CITY OF WAYNE
SPECIAL CITY COUNCIL MEETING - #2017-25
TUESDAY, AUGUST 29, 2017 - 7:30 P.M.
WAYNE CITY HALL
3355 SOUTH WAYNE ROAD
AGENDA

Pledge of Allegiance

Roll Call

1. Approve Agenda

2. Requests

- a. Request from the Ovarian Cancer Campaign to Turn the Town Teal for the month of September by attaching ribbons to the lamp posts in the downtown

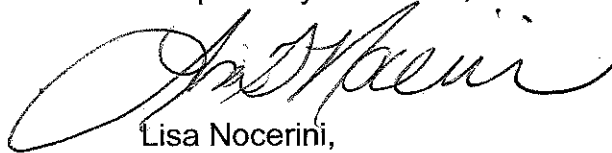
3. General Items for Consideration

- a. Discussion regarding Ethics Committee
- b. Discussion regarding Wards

CITIZEN COMMENTS OR REQUESTS ON ITEMS NOT ON THE AGENDA - Citizens are to limit their comments or requests to 3 minutes. The City Council asks that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and the City Council. The Mayor, the City Council and the Department Heads may not respond to the questions at the meeting, but will respond by the next City Council Meeting or as soon as possible, once they have looked into the matter.

COMMENTS FROM MEMBERS OF THE CITY COUNCIL

Respectfully submitted,



Lisa Nocerini,
City Manager



City of
WAYNE

OFFICE OF THE CITY CLERK

August 25, 2017

TO: City Council

FROM: Matthew K. Miller, City Clerk

SUBJECT: *Special City Council Meeting - Tuesday, August 29, 2017 - 7:30 p.m.*

Attached is the Mayor's written request in conformance to Chapter 7.2 of the City Charter to hold a special meeting. The written request is for the meeting to be held at 7:00 p.m. but I was given the information that 7:30 p.m. was the agreed upon time.

Also in conformance to this Chapter, the packets for the meeting are going to be delivered to your homes on Friday, August 25, 2017 in the afternoon.

S:\wp\City Manager\ln082517.wpd

2a

Turn The Towns Teal[®]

July 2017

A National Awareness Campaign for Ovarian Cancer

Dear Administrator:

Turn The Towns Teal[®] is a national campaign to create awareness of ovarian cancer, its subtle symptoms and risk factors. Our volunteers tie our ribbons (which are biodegradable & made in the USA!) primarily in town centers and providing stores, health clubs, spas, libraries, etc. with symptom cards and information pertaining to ovarian cancer. We do this in September, which is National Ovarian Cancer Awareness Month. The ribbons go up on or about September 1st and are taken down no later than September 30. This will be 11th successful year of raising awareness and saving women's lives. Please do visit our website @ www.turnthetownsteal.org to see our campaign at work.

There is **NO** early detection test for ovarian cancer which is why we **NEED** women and men(!) to be aware of the known symptoms and risk factors. If detected in the early stages, the survival rate for ovarian cancer is 90 to 95%, which is why this awareness campaign is so very, very critical.

Thanks to the support of towns & cities like yours, we KNOW for a fact that women's lives ARE being saved through this campaign!

Your signature on the bottom of this letter will indicate your permission for our campaign. **Kindly return the signed letter back to the volunteer whose name and contact information is below.** If you have any questions, please don't hesitate to email us at info@turnthetownsteal.org.

Most sincerely,

Jane MacNeil
President

MAYOR/TOWN OFFICIAL

TOWN/STATE

Please return the signed letter to the volunteer listed below. She/he is responsible for the campaign in your town.

VOLUNTEER NAME

CONTACT NUMBER/EMAIL

P.O. Box 65, Brookside, NJ 07926
(973) 543-2523
info@turnthetownsteal.org
www.turnthetownsteal.org

CODE OF ETHICS

INTRODUCTION: Any democracy requires public confidence in the integrity of the government. It is recognized that the State of Michigan has laws regarding ethics, which all elected and appointed officials must abide by. A legalistic approach to ethics is not sufficient and only provides for a minimalist approach to moral conduct.

Persons in public service must recognize that a moral commitment to do the right thing is absolutely necessary. Characteristics like honesty, loyalty, fairness, promise keeping, accountability, respect for others and integrity are the cornerstones of public trust. They are behaviors expected by and of the City Council, employees and appointees at all times

PURPOSE: The purpose of the code of Ethics is to provide practical guidelines for ethical decision making and to encourage ethical behavior from city representatives responsible to the citizens of the City of Wayne. The decisions and actions of all City representatives (appointed, elected, full or part time) should be in the best interest of the City and be free from the influence of outside or conflicting interests. This policy will encourage representatives to act in ways perceived to be in the City's/citizens' best interest.

SECTION I DEFINITIONS:

- A. *Appointee* - One who is appointed to an office or position
- B. *City* - City of Wayne, including its boards, commissions, departments, elected officials, employees and appointees.
- C. *Contractor* - an individual or firm other than an employee who derives income from the City of Wayne by providing goods or services to the City.
- D. *Conflict of Interest* - a conflict between private interests and the official responsibilities of a person in a position of trust.
- E. *Confidential Information* - information which has been obtained in the course of service with the City or in fulfilling the duties of one's office with the city, such information being unknown or unavailable to members of the public generally and which has been obtained on the basis of a promise of confidentiality which is required to be held confidential by law or regulation or which the employee or officer has been instructed is being held confidentially. It does not include information required to be disclosed by law.
- F. *Employee* - all full and part-time persons other than a contractor whom the City compensates for their services.
- G. *Financial Interest* - is defined as:
 - 1. Any interest as a proprietor or partner in an organization that is not a corporation; or
 - 2. The ownership of stock in an amount in excess of one percent (1%) of the total stock; or
 - 3. Any employment full or part-time.

H. *Governmental Decision* - a determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, ordinance or measure on which a vote of the City is required and by which the City formulates or effectuates board policy.

I. *Gift* - Something that is given voluntarily and without compensation.

J. *Immediate Family* - child, spouse, grandchild, parent, grandparent, brother, sister, half-brother, half-sister, step-brother, step-sisters, parent-in-law, step-parents, step-children. All relationships shall include those arising from adoption.

K. *Public Officer* - an elected official of the City or a person appointed to a City Board, City Commission, City Manager, or by the City Council as an administrator for or on behalf of the City.

L. *Public Record* - any information in the City records that is legally determined to be public.

M. *Unethical conduct* - a violation of the standards set forth in the Code of Ethics

SECTION II STANDARDS OF ETHICAL CONDUCT

A. A public officer, contractor, appointee, or employee shall not divulge to an unauthorized person, confidential information acquired in the course of employment prior to the time authorized for its release to the public.

B. A public officer, contractor, appointee, or employee shall not represent their personal opinion as that of the City.

C. All public officers, contractors, appointees and employees shall refrain from intentionally using their respective city office or position for personal gain or benefit. A public officer, contractor, appointee or employee shall use City resources, property and funds under their care and control according to constitutional statutory and regulatory procedures and not for personal gain or benefit.

D. A public officer, contractor, appointee or employee shall not solicit a gift or loan of money, goods services or any other thing of value from persons receiving benefits from the City or performing services under contract to the City or otherwise in a position to benefit from public officer, employee, appointees or contractor action.

E. A public officer, elected official, appointee, or employee may accept gifts or favors from an organization that does or seeks to do business with the City if the gift or favor falls into one of the four (4) categories listed below.

1. Gifts of nominal value and involving normal sales promotion, advertising or publicity.
2. Appropriate social amenities, including but not limited to lunch, flowers, candy, fruit baskets, etc. provided there is no compromise of sound business principles in the relationship.
3. Freely offered gifts provided they do not exceed a value of \$50.00 and admission to events if no more than \$50.00 are spent on an admission ticket; provided this is

made a matter of public record. A record of such disclosure will be maintained by the City Clerk.

4. No public officer, employee or organized group of primarily City employees shall solicit or accept any gift, favor of support, or sponsorship from an organization that does business or seeks to do business with the City in connection with any activity, or party consisting principally of City employees.

F. A public officer, contractor or employee shall not engage in a business transaction in which the public officer, contractor, appointee, employee or their immediate family member profit from his/her official position or authority or benefit financially from confidential information, which the public officer, contractor, appointee or employee has obtained by reason of that position or authority.

G. A public officer, contractor, appointee, or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer's contractor's or employee's official duties on behalf of the City or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.

H. A public officer, contractor, appointee, or employee shall not, with respect to transaction on behalf of the City participate in negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificate, approving of uses or other regulation or supervision relating to a business entity in which the public officer, contractor, appointee, employee or immediate family has any financial interest.

I. In addition to the policies set forth herein, the police department may, with City Manager's approval, adopt additional rules and regulations specifically addressing the ethical behavior of its officers and staff.

J. In addition to the policies set forth herein, the fire department may, with City Manager's approval, adopt additional rules and regulations specifically addressing the ethical behavior of its staff.

K. In addition to the policies set forth herein, the finance department may, with City Manager's approval, adopt additional rules and regulations specifically addressing the ethical behavior of its staff.

L. In addition to the policies set forth herein, any department within the City may, with City Manager's approval, adopt additional rules and regulations specifically addressing the ethical behavior of its staff, any such modification must be stricter than the City's policy.

M. All department policies must be filed with the Clerk's Office.

SECTION III DISCLOSURE AND VOTING

A. A public officer shall promptly disclose any contractual, financial, business or employment interest the public officer or an immediate family member may have in the government decision and the disclosure will be made part of the public record of the official action on the governmental decision. A public officer shall disclose even the appearance of a Conflict of Interest.

1. Any part or full time employee shall immediately notify the City Manager or the City Manager's designee of any suspected conflict of interest or violation of this code on their part.
2. The City Manager shall immediately notify the City Council of any suspected conflict of interest or violation of this code on the City Manager's part.
3. Any member of the City Council, including the Mayor Pro Tem, or appointee shall immediately notify the Mayor of any suspected conflict of interest or violation of this code, on their part.
4. The Mayor shall immediately notify the Mayor Pro Tem of any suspected conflict of interest or violation of this code on the Mayor's part.

B. Whenever a consulting firm is employed, either directly or indirectly by City of Wayne, the principals of that firm shall be required to disclose a financial interest of 1% or greater in another firm they know to be doing business with City of Wayne. This shall be done by the signing of a disclosure form stating who has a financial interest. Any disclosures on this form are not intended to prohibit that firm from providing services. These disclosures are intended to make the City of Wayne aware of any potential conflicts of interest. Such disclosure shall be made in bid documents or proposals to the City

C. If a conflict is disclosed, the public officer will remove themselves from the meeting until the issue is resolved. This section shall not prevent a public officer from making or participating in making a governmental decision to the extent that the public officer's participation is required by law. Statements of disclosure or conflict shall not be used as a mechanism to prevent a governmental decision from being made.

D. A record of all disclosures by a public officer, contractor, appointee or employee shall be kept in the City Clerk's office. The Personnel Director or the City Manager's designee shall follow all requirements of the City Charter. In addition, all disclosures shall be reviewed by the Personnel Director or the City Manager's designee on a monthly basis, and the Personnel Director or the City Manager's designee shall provide notification to the City Manager of any disclosure that might be construed as a conflict of interest or indication of unethical conduct.

SECTION IV – ADDITIONAL RESPONSIBILITIES

In addition to ethical considerations noted herein, all employees, elected officials or appointed officials shall comply with any and all local, state or federal laws regarding conflict of interest and ethical considerations.

DISCLOSURE FORM

NAME _____ POSITION _____

GIFT/AMENITY TYPE _____

VALUE _____ DATE _____

EXPLANATION _____

OWNERSHIP INTEREST IN A BUSINESS DOING BUSINESS WITH THE CITY

NAME OF BUSINESS _____

TYPE _____ % INTEREST IN BUSINESS _____

EXPLANATION _____

DATE _____

SIGNATURE _____

CHAPTER 2.200. - ETHICS

Sections:	
<u>2.200.010</u>	Preamble.
<u>2.200.020</u>	Title.
<u>2.200.030</u>	Policy.
<u>2.200.040</u>	Definitions.
<u>2.200.050</u>	Prohibited conduct.
<u>2.200.060</u>	Disclosure.
<u>2.200.070</u>	Board of ethics.
<u>2.200.080</u>	Penalties.
<u>2.200.090</u>	Effective date—Review.
<u>2.200.100</u>	Primacy of collective bargaining agreements.

2.200.010 - Preamble.

- A. Public office and employment are public trusts. The vitality and stability of Livonia city government depends upon maintaining public confidence in the integrity of its elected and appointed officers and employees. Whenever conduct undermining that integrity occurs, either actual or perceived, public confidence is jeopardized.
- B.

In furtherance of maintaining public confidence in the integrity of its elected and appointed officers and employees, the government of the City of Livonia has a duty to pronounce standards of ethical conduct which:

1. Insure public duties are forthrightly and ethically performed; and
 2. Inform city officials and employees of the standards which the citizenry expects them to observe.
- C. The purpose of this chapter is to publish standards of ethical conduct that are clearly established and uniformly applied. These standards will provide the public and city officials and employees with guidance and information about ethical expectations. (Ord. 2406, § 1 (part), 1997)

2.200.020 - Title.

This chapter shall be known and may be cited as the "City of Livonia code of ethics." (Ord. 2406, § 1(part), 1997)

2.200.030 - Policy.

It is the public policy of this city that all elected and appointed officials and employees shall construe and implement ethical standards and guidelines with sincerity, integrity and commitment so as to advance the spirit of this ordinance in accordance with the following guiding principles:

- A. Public Interest. City officials and employees are delegated power from the public and are obliged to exercise that power as trustees of the public. The power and resources of government service therefore shall be used only to advance the public interest.
- B. Objective Judgment. Loyalty to the public interest requires that all matters shall be decided with independent, objective judgment, free from avoidable conflicts of interest, improper influences, and competing loyalties.
- C. Accountability. Government affairs shall be conducted in an open, efficient, fair and honorable manner, which enables citizens to make informed judgments and to hold officials accountable.
- D. Democratic Leadership. All city officials shall honor and respect the spirit and principles of representative democracy and will scrupulously observe the spirit as well as the letter of the law.

- E. Respectfulness. All city officials and employees shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact, by maintaining nonpartisanship in all official acts, and by avoiding conduct which may tend to undermine respect for city officials and employees and for the city as an institution. (Ord. 2406, § 1(part), 1997)

2.200.040 - Definitions.

As used in this chapter:

- A. "City official or employee" is a person elected, appointed or otherwise serving in any capacity involving the exercise of a public power, trust or duty.
- B. "Compensation" is any money, property, thing of value or benefit received by any person in return for services rendered.
- C. "Conflict of interest" is either a personal interest or a duty or loyalty to a third party that competes with or is adverse to a city official's or employee's duty to the public interest in the exercise of official duties or official actions.
- D. "Gift" is any thing of value, money, loan of money, goods, or services given without due consideration. "Gift" does not include:
1. Information-gathering trips paid for by a person or entity seeking approval of a proposal from a decision-making body of the city, provided that the decision-making body, prior to the trip, makes all of the following determinations:
 - a. The information will be useful and materials;
 - b. The trip will improve and not unduly influence the decisional process; and
 - c. The decision-making body designates the official(s) and/or employee(s) who will participate.
 2. Small perishable or consumable gifts of a nominal value, and any reportable campaign contributions pursuant to state law.
- E. "Immediate family" is a spouse, child, parent, sister or brother wherever residing, or any relative sharing the same household.
- F. "Official duties" or "official actions" are decisions, recommendations, approvals, disapprovals or other actions which involve the use of discretionary authority. (Ord. 2406, § 1(part), 1997)

2.200.050 - Prohibited conduct.

- A. Gifts. A city official or employee shall not, directly or indirectly, solicit or accept a gift that could unduly influence the manner in which they enact their official duties.

- B. Preferential Treatment. A city official or employee shall not use his/her official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for himself/herself or others.
- C. Use of Information. A city official or employee who acquires information in the course of his or her official duties, which by law or policy is confidential, shall not prematurely divulge that information to an unauthorized person nor use the information to further the private interest of the city official or employee or any third party. Information which is deemed exempt from disclosure under the Michigan Freedom of Information Act, Act 442, Public Acts of Michigan, 1976, or which is the subject of a duly called closed meeting held in accordance with the Michigan Open Meetings Act, Act 267, Public Acts of Michigan, 1976, is confidential. A city official or employee shall not suppress or refuse to provide city reports or other information which is publicly available.
- D. Conflict of Interest.
1. In General.
 - a. No city official or employee shall engage in employment, render services, or engage in any business, transaction or activity which is in direct conflict of interest with his/her official duties.
 - b. No city official or employee may use any confidential information obtained in the exercise of his/her official duties for personal gain or for the gain of others.
 - c. No city official or employee shall intentionally take or refrain from taking any official action, or induce or attempt to induce any other city official or employee to take or refrain from taking any official action, on any matter before the city which would result in a financial benefit for any of the following:
 - i. The city official or employee.
 - ii. An immediate family member.
 - iii. An outside employer.
 - iv. Any business in which the city official or employee, or any immediate family member of the city official or employee, has a financial interest.
 - v. Any business with which the city official or employee or any immediate family member is negotiating or seeking prospective employment or other business or professional relationship.

For purposes of this subdivision, "financial benefit" means only a financial benefit which accrues to a greater extent than any benefit which could reasonably be expected to accrue from the proposed action to the general public or to the general business, occupation or profession taken as a group.

- d. Except as otherwise provided by law, no city elected official shall serve with compensation as an officer or as a member of a managing or executive board with the right to vote in any corporation, business, or entity which engages or seeks to engage in any business, transaction or activity with the city. The foregoing shall not apply to entities which are advisory only, or which have no legal standing, or which are substantially affiliated with or controlled by the city or 501C(3) not-for-profit organizations; or to membership on a managing or executive board on an *ex officio* basis without vote.
2. In Contracts.
 - a. Except as otherwise permitted herein, no city official or employee or any immediate family member of a city official or employee shall be a party, directly or indirectly, to any contract with the city except for collective bargaining agreements. The foregoing shall not apply if the contract is awarded after public notice and competitive bidding, provided that the city official or employee shall not have participated in establishing contract specifications or awarding the contract, shall not manage contract performance after the contract is awarded, and shall disclose the city official's or employee's interest in the contract in accordance with Section 2.200.060.
 - b. A city official shall not engage in a business transaction with the city except as permitted by Act 317, Public Acts of Michigan, 1968, as amended. Compliance with the requirements of said Act shall constitute compliance with this subsection.
 - E. Use of City Property. A city official or employee shall not, directly or indirectly, use any city property for personal gain or for the private benefit of a third party.
 - F. Political Activity. No city official or employee shall use any city time or property for his/her own political benefit or for the political benefit of any other person seeking elective office; provided, that the foregoing shall not prohibit the use of property or facilities available to the general public on an equal basis for due consideration paid. No political activity shall interfere with the performance of the usual duties of any city official or employee.
 - G. Nepotism. No city official or employee shall cause the employment or any favorable employment action of an immediate family member. No employee shall participate in any employment decision about that family member. This section shall not prevent a city official

or employee from preparing or approving a budget which includes compensation for an immediate family member, so long as that immediate family member receives the same treatment as others in his/her classification.

- H. Retaliation. No person making a complaint or requesting an advisory opinion, or participating in any proceeding of the board of ethics, shall be retaliated against in any manner for such action or participation.
- I. Effective Date of Section. The provisions of this section shall become effective on January 1, 1998. (Ord. 2406, § 1(part), 1997)

2.200.060 - Disclosure.

- A. Annual Disclosure Statement—Who Shall File. The following elected and appointed city officials and employees shall file an annual disclosure statement.
 - 1. The mayor, members of the city council, city clerk and city treasurer;
 - 2. The directors and deputy directors of all administrative departments;
 - 3. The members of the civil service commission, the planning commission, and the zoning board of appeals; and
 - 4. Other city officials and employees who, in the ordinary course of their duties, regularly exercise significant discretion over the solicitation, negotiation, approval, awarding, amendment, performance, or renewal of city contracts.
- B. Annual Disclosure Statement—Content.
 - 1. The annual disclosure statement shall disclose the following financial interest of the city official or employee or of the city official's or employee's immediate family in any company, business or entity that has contracted with the city or which has sought licensure or approvals from the city in the two (2) calendar years prior to the filing of the statement:
 - a. Any interest as a partner, member, employee or contractor in or for a co-partnership or other unincorporated association;
 - b. Any interest as a beneficiary or trustee in a trust;
 - c. Any interest as a director, officer, employee or contractor in or for a corporation;
 - d. Legal or beneficial ownership of one percent (1%) or more of the total outstanding stock of a private corporation not listed on a stock exchange;
 - e. Legal or beneficial ownership of stock with a market value of twenty-five thousand dollars (\$25,000.00) or more in a company which is doing business with the city and which is not listed on the New York or American Stock Exchanges.

2. The annual disclosure statement shall include a summary listing each business transaction with the city involving a financial interest described in this section of the city official or employee or the city official's or employee's immediate family during the prior two (2) calendar years.
3. If there is no reportable financial interest or transaction applicable to the city official or employee or the city official's or employee's immediate family, the annual disclosure statement shall contain a certification as to that fact.
- C. Annual Disclosure Statement—When And Where Filed. One (1) original executed annual disclosure statement and one (1) copy shall be filed with the board of ethics on or before April 15th each year.
- D. Transactional Disclosure. A city official or employee shall not participate, in the course of official duties, in any transaction which subsequently would be required to be disclosed in an annual disclosure statement or which would constitute a conflict of interest under Section 2.200.050(D) without disclosing the interest in the transaction prior to participating in the transaction. If the official is a member of a decision-making or advising body, the disclosure must be made to the chair and other members and made part of the official record of the body. A council member who absents himself/herself from a vote shall disclose the reason to the entire body. In the case of an employee, the disclosure must be made to his/her immediate supervisor.
- E. Disclosure of Gifts. Any gift received in a city official's or employee's official capacity which could unduly influence the manner in which they enact their official duties should be reported immediately to the board of ethics. Such gifts should be returned to the donor, or donated to a charity, with the explanation to the donor that city policy will not permit the acceptance of the gift.
- F. Disclosure Forms. All disclosures shall be made on forms provided for that purpose by the board of ethics and filed with the board of ethics. All disclosure statements shall become public documents.
- G. Campaign Finance Statements. Any candidate or committee, as defined in the Michigan Campaign Finance Act, Act 388, Public Acts of Michigan, 1976, as amended, who receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of electors of the city in primary, regular and special city elections, or whose districts are comprised wholly or substantially of the city, may file with the city clerk a

duplicate copy of any statement or report required to be filed under Act 388 promptly following the filing of such report with the appropriate filing official designated pursuant to Act 388.

- H. Effective Date of Section. The provisions of this section shall become effective on January 1, 1998. (Ord. 2406, § 1(part), 1997)

2.200.070 - Board of ethics.

- A. Creation: There is created an independent body called the "Board of Ethics."
- B. Objective: The objective of the Board of Ethics is to issue written opinions regarding ethical, not legal, questions and to engage in activities which will promote ethical behavior.
- C. Board membership; terms; quorum; meetings; rules:
1. The Board of Ethics shall consist of five (5) members appointed by the Mayor with the advice and consent of the City Council. Current City officials or employees shall not be eligible for appointment to the Board. Members of the Board may be removed by the Mayor for cause, with the consent of the Council.
 2. Members shall be appointed for terms of three (3) years, except that of those first appointed, two (2) shall serve for three (3) years, two (2) shall serve for two (2) years, and one (1) shall serve for one (1) year. In the event of a vacancy, the Mayor shall appoint a member to fill the vacancy for the remainder of the term, with the advice and consent of the City Council. Initial nominations shall be made by the Mayor within thirty (30) days of enactment of this chapter, and nominations to fill vacancies and subsequent terms shall be made by the Mayor within sixty (60) days of occurrence of the vacancy or commencement of the term. The City Council shall vote on confirmation within thirty (30) days of receipt of nominations from the Mayor. If nominations are not made within the periods specified, the City Council shall appoint the member(s). If the City Council shall not vote on confirmation within the period specified, the Mayor's nominations shall be deemed confirmed and the member(s) shall be appointed.
 3. Three (3) members of the Board of Ethics shall constitute a quorum and the affirmative vote of three (3) members shall be necessary for any action. Members of the Board shall serve with compensation equivalent to other City boards and commissions.
 4. The Board of Ethics shall elect its own officers.
 5. The Board of Ethics shall meet at least once annually, and more frequently as it shall determine is necessary. Meetings of the Board shall be subject to the Michigan Open Meetings Act.

6. The Board of Ethics shall adopt interpretative rules and procedures relating to the requirements and application of this chapter.

D. Powers and duties: The Board of Ethics shall have the power to:

1. Receive requests for advisory opinions from City officials or employees.
2. Receive complaints concerning alleged unethical conduct by a City official or employee from any person or entity.
3. Receive and retain on file copies of disclosure statements, advisory opinions, and other materials required to be filed under this ordinance.
4. Upon receipt of a request for advisory opinion or a complaint, preliminarily review the matter to determine if the Board has jurisdiction over the matter and/or persons identified in the request or complaint.
5. If a complaint concerns an employee covered by a collective bargaining agreement, the Board's sole power shall be to forward the complaint forthwith to the employee's department head to be adjudicated pursuant to the procedures of the collective bargaining agreement. The Board of Ethics shall have no power or jurisdiction concerning employees covered by a collective bargaining agreement except as specifically set forth in this subsection 2.200.070D.5. If a complaint concerns an employee in the classified service who is not covered by a collective bargaining agreement, the Board's sole power shall be to forward the complaint forthwith to the employee's department head to be adjudicated pursuant to procedures and rules of the Civil Service Commission.
6. Subject to the limitations set forth in subsection 2.200.070D.5. above, inquire into the circumstances surrounding alleged unethical conduct. The Board of Ethics, on its own motion and upon a majority vote, may initiate an inquiry. The Board is hereby authorized to exercise all of the powers granted by Chapter IV, section 21 of the City Charter, except that the Board shall not have the power to subpoena witnesses or compel the production of books, papers, and other evidence. The Board may seek the assistance and opinion of the Department of Law or of outside counsel in the investigation of a matter.
7. Issue advisory opinions in response to complaints and requests and on its own motion. Advisory opinions of the Board of Ethics shall be maintained in the City Clerk's office and shall be available to the public upon request. The Board shall provide copies of its opinions to the Mayor and the City Council. The Board shall publicize summaries of its advisory opinions to City officials and employees.
8. Adopt and maintain disclosure forms, which may be revised by the Board of Ethics from time to time.

9. Propose and monitor an ongoing program of education of City officials and employees regarding ethical issues and concerns. The Board shall consult and work in cooperation with the Civil Service Commission, the Department of Civil Service, and the City's collective bargaining units in the development, implementation, and evaluation of such ongoing education programs.
 10. Report to the Mayor and the City Council from time to time, but not less often than every other calendar year, regarding such matters pertaining to this chapter as the Board deems appropriate, which may include, but not be limited to, the degree to which the policy of this chapter is being achieved; the numbers and nature of requests for advisory opinions and complaints and the ultimate disposition thereof; the implementation and effectiveness of this chapter; and any changes in this chapter recommended to more fully achieve the purposes and policy of this chapter.
- E. Board Actions: Action to be taken in any individual case may include the following:
1. Issuing a written advisory opinion.
 2. Deeming no action to be required.
 3. Referring the matter to an authority within the City authorized to act.
- F. Confidentiality and Due Process: The Board of Ethics shall keep all complaints strictly confidential. The Board shall keep requests for advisory opinions strictly confidential. All persons alleged to have violated this chapter shall be afforded due process of law, including notice, the opportunity to be heard, and the right to representation of their choice.
- G. Advisory opinions:
1. The Board of Ethics may issue written advisory opinions interpreting this chapter and its provisions and relevant provisions of State law applicable to City officials and employees. Advisory opinions shall not disclose the identities of the person or entity making the request for an advisory opinion or the identity of the persons or positions who are the subject of a complaint or inquiry. Advisory opinions shall be issued within sixty (60) days of a request. If additional time is needed, the time may be extended by majority vote of the Board.
 2. Advisory opinions may include guidance to any City official or employee on questions including, but not limited to:
 - a. Whether an identifiable conflict of interest exists between his/her personal interests or obligations and his/her official duties.
 - b. Whether his/her participation in his/her official capacity would involve discretionary judgment with significant effect on the disposition of the matter in question.

- c. Whether the result of the potential conflict of interest is substantial or constitutes a real threat to the independence of his/her judgment.
 - d. Whether he/she possesses certain knowledge or skill which the City will require to achieve a sound decision.
 - e. What effect his/her participation under the circumstances would have on the confidence of the people in the impartiality of their officials and employees.
 - f. Whether a disclosure of his/her personal interests would be advisable and, if so, how such disclosure should be made.
 - g. Whether the public interest would be best served by his/her withdrawal or abstention.
 - h. Whether undue influence is being exerted on him/her.
3. When the Board of Ethics issues an advisory opinion regarding ethical questions pursuant to this section, the Board shall promptly send a copy of its opinion to:
- a. The individual who requested the opinion;
 - b. The City official or employee affected;
 - c. An individual who has been identified in a complaint and his/her supervisor, if any;
 - d. The Mayor.
 - e. The Civil Service Commission.

H. Reports from City Officials: In the event the Board forwards a complaint to a department head in accordance with the provisions of subsection 2.200.070D.5., following the adjudication of such complaint, the department head shall file a report with the Board describing the handling and disposition of the complaint. If the complaint is adjudicated by the Civil Service Commission, the Civil Service Commission also shall file a report with the Board describing the adjudication of the complaint. Such reports may remain confidential to the extent required by a collective bargaining agreement or relevant law. (Ord. 2811, § 1, 2009; Ord. 2773, § 1, 2007; Ord. 2406, § 1(part), 1997)

2.200.080 - Penalties.

This chapter is intended to encourage and promote the highest standards of ethical conduct and behavior by city officials and employees and is not intended to be a punitive measure. It is anticipated that the issuance by the board of ethics of advisory opinions will conclude all matters originating as requests for advice and substantially all matters originating as complaints. The board of ethics is not an adjudicative body and no finding of the board shall be deemed

conclusive nor, in and of itself, subject any city official or employee to penalties. In the event of legal proceedings alleging a violation of this chapter, then in accordance with the provisions of chapter IV, section 25, of the City Charter, a violation of this chapter shall constitute a municipal civil infraction, and shall subject a person found responsible by a court of violating this chapter to a maximum civil fine of not more than one hundred dollars (\$100.00). (Ord. 2406, § 1(part), 1997)

2.200.090 - Effective date—Review.

The ordinance codified in this chapter shall be effective immediately. This chapter shall be reviewed every three (3) years to evaluate its operation and to propose any changes needed. (Ord. 2406, § 1(part), 1997)

2.200.100 - Primacy of collective bargaining agreements.

Nothing in this chapter shall be read or implied to supersede any provision of a collective bargaining agreement in effect on the effective date of the ordinance codified in this chapter. (Ord. 2406, § 1(part), 1997)

Subject: Contact from ...

From: "webmaster@ci.wayne.mi.us" <webmaster@ci.wayne.mi.us>

Date: 4/8/2017 9:30 PM

To: mmiller@cityofwayne.com

The following contact message has been sent:

Name of Board(s) or Commission(s) of interest.: Ethics Commission

Contact Information:

First name: Matthew

Last Name: Morrow

Home address: --- ---

Home Phone: ---

Cell Phone:

Email:

Do you now live in the City of Wayne: Yes

Have you ever served the City of Wayne in any capacity?: No

If yes, please explain::

Please provide a brief statement of interest. Why you should be appointed:: I work, professionally, with city councils and have institutional knowledge with council rules, ethics, state law, and their application.

Are you currently a member of a City Board or Commission?: No

If yes, please explain::

Are you now paid by the City of Wayne?: No

If yes, please state your department or job title::

Do any of your immediate relatives now serve the city of Wayne in any capacity?: No

If yes, please explain::

Will you be able to attend at least 75 percent of the regular meetings of the board or commission which you may be appointed?: Yes

ADDITIONAL INFORMATION

IP: 24.127.103.225

Referer: <http://www.ci.wayne.mi.us/index.php/boards-and-commissions-application>

Server Time: 2017-04-08 21:30:00

User Agent: Mozilla/5.0 (iPhone; CPU iPhone OS 10_2_1 like Mac OS X)

AppleWebKit/602.4.6 (KHTML, like Gecko) Mobile/14D27 [FBAN/FBIOS;FBAV

/87.0.0.44.70;FBBV/54482584;FBDV/iPhone8,1;FBMD/iPhone;FBSN/iOS;FBSV/10.2.1;FBSS

Subject: Contact from ...

From: "webmaster@ci.wayne.mi.us" <webmaster@ci.wayne.mi.us>

Date: 4/8/2017 9:59 PM

To: mmiller@cityofwayne.com

The following contact message has been sent:

Name of Board(s) or Commission(s) of interest.: Ethics Committee

Contact Information:

First name: Susan

Last Name: Schaaf

Home address:

Home Phone:

Cell Phone:

Email:

Do you now live in the City of Wayne: Yes

Have you ever served the City of Wayne in any capacity?: Yes

If yes, please explain:: Former employee.

Please provide a brief statement of interest. Why you should be appointed:: I am a lifetime Wayne resident. I want to see our City return to the great place it once was. Accountability and ethics are one of the base values of a solid community.

Are you currently a member of a City Board or Commission?: No

If yes, please explain::

Are you now paid by the City of Wayne?: No

If yes, please state your department or job title::

Do any of your immediate relatives now serve the city of Wayne in any capacity?: No

If yes, please explain::

Will you be able to attend at least 75 percent of the regular meetings of the board or commission which you may be appointed?: Yes

ADDITIONAL INFORMATION

IP: 75.38.150.69

Referer: <http://www.ci.wayne.mi.us/index.php/boards-and-commissions-application>

Server Time: 2017-04-08 21:59:16

User Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/57.0.2987.133 Safari/537.36

EMPLOYEE WELFARE BENEFITS:

Section 5.13. The Council shall have the power to make available to the officers and employees of the City and of its departments and boards any recognized standard plan of group life, hospital, health, or accident insurance.

ANTI-NEPOTISM:

Section 5.14. The following relatives and their spouses (1) of any elective official or of his spouse, or (2) of the City Manager or of his spouse, are disqualified from holding any appointive office or employment of the City of Wayne during the term for which said elective official was elected or during the tenure of office of the City Manager, respectively: child, grandchild, parent, grandparent, brother, sister, half-brother and half-sister. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the City at the time of the election of said elective official or the appointment of said City Manager, or in the case the relationship arises after the persons were, in each case, an officer of the City.

CHAPTER 6

Plan of City Government and Officers Thereof

PLAN OF GOVERNMENT:

Section 6.1. The government of the City shall be a Council Manager form of government elected at large on a non-partisan basis.

ELECTION OF COUNCIL:

Section 6.2. In General. Subject to the Netter's Amendment, set forth in Section 6.3, the electors of the City shall elect a City Council, which shall consist of seven members, one of whom shall serve as Mayor of the City. Beginning for the 2015 election cycle, the City of Wayne shall be apportioned in six, single member districts for the election of Council Members. District 1, 2 and 3 shall be effective in the Primary and General elections in 2015, and districts 4, 5 and 6 shall be effective in the Primary and General elections in 2017. Three Councilmen shall be elected at each regular City election. The names of all candidates for Council shall appear on the same ballot, and each elector shall be entitled to vote for not more than three candidates. The three candidates receiving the highest number of votes shall be elected for a four year term. In case there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the Council shall name a date for the appearance of such persons, for the purpose of determining the election of such candidates by lot as provided by State law.

MEMO

TO: Matthew Miller, City Clerk
CC: David Murphy, Interim City Manager
Paul Bohn, City Attorney
FROM: Keith W. Madden, Assistant City Attorney
DATE: February 27, 2015
RE: Procedures to Elect Council Members from Wards

As you know, this year the City must begin to implement the ward system to elect City Council members. Under the new charter language, Council wards 1, 2 and 3 go into effect with this year's elections. However, there are issues which must be decided by the City Council before this system goes into effect. In the Attorney General's April 24, 2014 letter approving the Council ward ballot language, he noted these issues, and stated:

"If this proposed amendment is adopted, it makes no provision as to a number of issues. At this point, it appears that the proposed amendment, when read in light of the balance of the charter, contemplates that all city voters will be eligible to nominate and vote for candidates for city council, who are required to reside in the districts they seek to represent.

With respect to these issues, the City Council may have some latitude to clarify the implementation and operation of the proposed amendment by resolution. Section 3b(c) of the HRCA, MCL 117.3b(c), provides, "Notwithstanding any charter provision, the city may provide by resolution for any election provision that is consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992"

A committee was appointed, which included a number of citizens from the community, to discuss these issues and to make recommendations to the City Council. The issues involved, and the recommendations of the committee are set forth below (It is anticipated that the City Council will adopt a single resolution which includes all of these issues).

1. When will a primary election be necessary?

The committee voted unanimously to recommend that the City Council include a provision in the resolution that provides:

"If more than two candidates file petitions for the City Council in a particular ward, it will be necessary to conduct a primary election in that ward to determine the two candidates who will be on the ballot for the general election."

2. Who may vote for a Council candidate from a particular ward?

The committee voted 4 to 1 to recommend that the City Council include a provision in the resolution that provides that:

"In the event there is a primary election (due to three or more candidates filing for election in a particular ward), then only the registered voters in that ward would be eligible to vote to decide which two candidates will be on the ballot for the General Election. However, at each General Election, all registered voters in the City shall be eligible to vote to elect a candidate from each ward."

3. How long must a candidate live in a particular ward to be eligible for election to Council from that ward?

The committee voted unanimously to recommend that the City Council include a provision in the resolution, to clarify Charter Section 5.1(a), and provide that:

"No person shall be eligible to hold the office of Council member in a particular ward unless he was a resident of the City for at least one year immediately prior to, and was a registered voter in the ward on the last day for filing petitions for such office, or prior to the time of his or her appointment to fill a vacancy."

4. Who may sign a nominating petition for a candidate for Council member from a particular ward?

The committee voted unanimously to recommend that the City Council include a provision in the resolution, to clarify the continued effect of Charter Section 4.10, to provide:

"Any registered voter in the City may sign a petition for a candidate for Council from any ward, however, no person shall sign a greater number of petitions than the number of Council positions to be filled at the election."

5. How will the Council position previously held by Councilman Henley be filled in 2015?

Under the new Charter amendment, in 2015 the terms for three Council members will expire and candidates will be elected from districts 1, 2 and 3, respectively. Due to the fact that Councilman Henley was originally elected to serve until 2017, and Councilman James was appointed to fill his position only until November of 2015, in 2015 there will also be a fourth Council position on the ballot to fill the last two years of Mr. Henley's term.

The committee voted unanimously to recommend that the City Council include a provision in the resolution, to clarify that the Council position previously held by Mr. Henley, and currently held by Mr. James shall be filled until 2017 by an at large election, as follows:

"In 2015, three Council members shall be elected from wards 1, 2, and 3, and a fourth candidate, to serve the remaining two years of Councilman Henley's position shall be elected at large in the same manner as previous Council members were elected."

6. How will Council fill a future vacancy on the Council?

The committee discussed this issue. The language of the new Charter amendment requires that a person must be a resident of a particular ward in order to be appointed to Council to replace a person elected from that ward. Thus, in filling a vacancy, the Council would follow the same procedures as before, but only registered voters who live in a particular ward will be eligible to be appointed to replace a Council member who represented that ward.

7. What happens if there are no candidates running for election from a particular ward?

Under the Charter, if no candidate runs for a particular office, the City Council appoints someone to that office. The committee did not make a recommendation on this issue.

**RESOLUTION TO PROVIDE THE PROCEDURES TO BE FOLLOWED IN
ELECTING CITY COUNCIL MEMBERS FROM WARDS**

At a regular meeting of the City Council of the City of Wayne, County of Wayne, State of Michigan held on the 17th day of March, 2015, in the Wayne Activity and Banquet Center, 35000 Sims Avenue, Wayne, Michigan at 8 o'clock p.m., prevailing Eastern Time, the following resolution was adopted, with the following members present:

PRESENT: Hawley, Monit, Damitio, Rhaesa, James, Miller

ABSENT: Rowe

Upon roll call vote the following voted:

AYE: Hawley, Monit, Damitio, Rhaesa, James, Miller

NAY: _____

ABSTAIN: None

WHEREAS, in 2015 the City will begin to implement the ward system to elect City Council members, and Council wards 1, 2 and 3 will go into effect in 2015; and

WHEREAS, as stated in the Michigan Attorney General's April 24, 2014 letter approving the Council ward ballot language, a number of issues need to be clarified, and procedures for the implementation and operation of this Charter amendment may be adopted by resolution of the City Council; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Wayne, Michigan, as follows:

1. Concerning the issue of when a primary election will be necessary in electing a Council member from a ward:

If more than two candidates file petitions for the City Council in a particular ward, it will be necessary to conduct a primary election in that ward to determine the two candidates who will be on the ballot for the general election.

2. Concerning the issue of who may vote for a Council candidate from a particular ward:

In the event there is a primary election (due to three or more Council candidates filing for election in a particular ward), then only the registered voters in that ward would be eligible to vote to decide which two candidates will be on the ballot for the General Election. However, at each General Election, all registered voters in the City shall be eligible to vote to elect a Council candidate from each ward.

3. Concerning the issue of how long a candidate must live in a particular ward to be eligible for election to Council from that ward;

No person shall be eligible to hold the office of Council member in a particular ward unless he or she was a resident of the City for at least one year immediately prior to, and was a registered voter in the ward on, the last day for filing petitions for such office. These residency requirements also apply to persons appointed to a vacant Council position from a ward.

4. Concerning the issue of who may sign a nominating petition for a candidate for Council member from a particular ward:


Any registered voter in the City may sign a petition for a candidate for Council from any ward, however, no person shall sign a greater number of petitions than the number of Council positions to be filled at the election.

5. Concerning the issue of how the position previously held by Councilman Henley will be filled in 2015:

In 2015, three Council members shall be elected from wards 1, 2, and 3, and a fourth Council member, shall be elected to serve the remaining two years of Councilman Henley's position. The fourth position shall be elected at large in the same manner as previous Council members were elected.

6. Concerning how the Council will fill a future vacancy of a Council member who represented a ward:

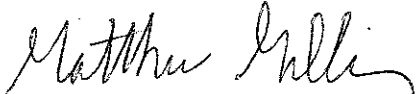
In filling a vacancy of a Council person who represented a ward, the Council would follow the same procedures as before, but only registered voters who live in a particular ward will be eligible to be appointed to replace a Council member who represented that ward.



Matthew Miller, City Clerk

CERTIFICATION

I do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayne at a regular/special meeting held at 8:00 p.m. on Tuesday, March 17, 2015 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act of Michigan and that the minutes of said meeting were kept and will be made available as required by said act.



Matthew Miller, City Clerk