



City of Westland
Board of Ethics
Policies and Procedures

Effective May 20, 2021

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Policies and Procedures for Board of Ethics

Article I Composition and Quorum

Section 1. Appointment and Terms of Members

- (a) The Members of the Board of Ethics shall be comprised of up to five members who are residents of the City of Westland, who will be appointed by the Mayor or his designee.
- (b) Members will serve three-year terms, except that of those first appointed, two will serve for three years, two will serve for two years, and one will serve for one year.
- (c) Current city officials or employees, whether elected or appointed, may not serve on the Board.

Section 2. Election of Officers

- (a) The board of ethics shall elect its own officers, consisting of Chair, Vice-Chair, and Secretary.
- (b) The Chair will preside over the meetings. The Vice-Chair will preside in the absence of the Chair. The Secretary will keep the minutes of the meetings.
- (c) If the Chairman and Vice-Chairman are absent from a meeting, the Member with the longest continuous tenure on the Board of Ethics shall preside accordingly.

Section 3. Quorum

Three members of the board of ethics shall constitute a quorum. The affirmative vote of three members sitting shall be necessary for any action.

Section 4. Meeting Schedule

The Board of Ethics shall establish a quarterly meeting schedule for the following calendar year at the last meeting of each year, provided that any meeting may be administratively cancelled by the Chair if there is no business for the Board to conduct.

Section 5. City Administration

The City Attorney, or designee, is the “Liaison” to the Board of Ethics and will coordinate with the City Administration to assist the Board in carrying out its functions under the Board of Ethics Ordinance and these policies and procedures.

Article II **Jurisdiction of the Board**

Section 1. Board of Ethics Ordinance

The Board of Ethics has the powers and is subject to the limitations in Westland City Code Sections 2-501 through 2-515, and other applicable ordinances and state laws. To the extent of any conflict between these policies and procedures and any municipal ordinance or other law, such ordinance or law is controlling.

Section 2. Receipt of Requests

Complaints and requests for advisory opinions (collectively, Requests) that fall within the jurisdiction of the Board may be made electronically. The Liaison will coordinate with the appropriate city departments to develop and implement an electronic system of numbered Requests. A person filing a Request with the Board must include name, telephone number, street address, and email address. The Board will not consider Requests that do not include this information. Any information contained in a Request must be attested as true and electronically signed by the requestor. A Request may also be filled out at City Hall and provided to the Director of Personnel, who shall forward the Request to the Liaison for processing.

Section 3. Strict Confidentiality

To the fullest extent permitted under applicable law, the Board of Ethics shall observe strict confidentiality for all Requests and all documents received regarding the same, prior to a final disposition of the Request.

Section 4. Requests Concerning City Employees

If a Request 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 with a copy to the Mayor. If a complaint concerns an employee 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. The Board of Ethics does not have jurisdiction over these requests. Elected city officials are not considered "city employees" for purposes of this section.

Section 5. Advisory Opinions

Upon receipt of an appropriate request for an advisory opinion, the Liaison may recommend to the Board of Ethics that the matter be addressed in a manner provided by ordinance.

Section 6. Basis for Requests

A Request must be based on alleged unethical conduct that has occurred. The Board of Ethics will not consider Requests that are speculative, hypothetical, or based on rumor.

Section 7. Unethical Conduct

- (a) The Westland City Code does not define unethical conduct. The Board of Ethics shall weigh a variety of factors in considering whether unethical conduct may have occurred with respect to a transaction or set of facts in which a public official or public employee was involved, including all relevant facts and circumstances and whether a city official or city employee engaged in conduct prohibited under Section 2-508 of the Westland City Code.
- (b) Notwithstanding the above subsection (a), except as otherwise provided by law or ordinance, the grant or receipt of the following does not constitute unethical conduct:
 - i. An opportunity, benefit, or service available to others on similar conditions.
 - ii. A good or service in exchange for fair market value, whether in cash or in kind, as reasonably and in good faith determined at the time of the transaction.
 - iii. A contract or other award based on a competitive process, including a City of Westland bid, consortium bid, an approved sole source provider, or other similar means intended to ensure competitive pricing.
 - iv. A contribution made in compliance with the campaign finance laws of the State of Michigan.
 - v. Any act, omission, contribution, or disposition authorized by charter, ordinance, or law.
 - vi. The grant or receipt of inheritance, transfer on death, or goods or services from a family member, or under circumstances that do not involve the unreasonable use or attempted use of position of public office or public trust for personal benefit.
 - vii. Any transaction or occurrence the material terms of which are fair and reasonable under the circumstances.
 - viii. Any action involving constitutional free speech or political speech.

Section 8. Time Limits

Because of the risk of loss of evidence and memories that fade over time, a Request to the Board of Ethics must be filed within three (3) months from the date of alleged unethical conduct. The Board of Ethics shall not consider requests after this limitation period.

Article III **Disclosure Statements**

Section 1. Disclosure Statements

The Board of Ethics may receive disclosure statements from city officials and vendors pursuant to Section 2-507 of the Westland City Code and may recommend updates or modifications to disclosure forms based on a vote of the Board.

Section 2. Electronic Submission

Disclosure statements may be submitted electronically in a similar manner to Requests under Article II of these policies and procedures.

Section 3. Updates

Persons required to file disclosure statements will review such disclosures at least annually and update same if there is any material change in the information contained in the disclosure statement.

Article IV **Additional Proceedings**

Section 1. Status Requests

The Chair or Vice-Chair and one other member of the Board of Ethics may request a status update on any Request that has been forwarded to city administration under Article II, Section 4 of these policies and procedures and may request a written or verbal explanation of any findings and resulting action.

Section 2. Hearings

Any hearings will be conducted pursuant to the ordinance. All those appearing before the Board of Ethics will be entitled to due process. A person accused of unethical conduct will be entitled to

- (a) Receive and review the original Request, any supporting documentation submitted with the request, and any additional documentary evidence being considered by the Board of Ethics.
- (b) Submit a written response along with additional documentary evidence, if any.
- (c) Speak before the Board of Ethics for up to 10 minutes and may have additional time as the Board of Ethics may determine to rebut the allegations of unethical conduct.
- (d) Representation by an attorney or other agent of such person's choosing.

Section 3. Written Advisory Opinions

Advisory opinions may be issued in accordance with Section 2-511 of the Westland City Code.

Section 4. Pending Litigation

Regardless of anything else contained in these policies and procedures, the Board of Ethics will not take action on a Request involving threatened or pending litigation.

Article V

General Policies

Section 1. Absences

Members of the Board shall notify the Chairman or Vice-Chairman electronically, if they are unable to attend any meetings.

Section 2. Agenda Deadline

The Liaison will prepare and distribute an agenda by 4:00 p.m., one (1) week prior to the next Board of Ethics meeting.

Section 3. Addition to Agenda by Board

The Liaison may place additional items on the agenda upon the written request of the Chair or Vice-Chair and at least one other Board member.

Section 4. Order of Business

The Agenda will generally consist of the following:

- (a) Call the meeting to order
- (b) Roll call
- (c) Approval of the prior meeting minutes
- (d) Unfinished business
- (e) New business
- (f) Comment from the public
- (g) Comment from city administration
- (h) Board Member comments
- (i) Adjournment

Section 5. Robert's Rules of Order Adopted

The rules of parliamentary procedure as contained in Robert's Rules of Order, most

recent edition, shall govern the Board of Ethics where applicable and as modified to accommodate small assembly, provided such rules are not in conflict with (1) the "Policies and Procedures," adopted by the Westland Board of Ethics, (2) the Charter or Ordinances of the City of Westland, or (3) State or Federal Law. These Policies and Procedures may intentionally supersede Robert's Rules of Order.

Section 6. Recording of Minutes

The minutes of Board of Ethics meetings will be kept by the Secretary. The minutes shall contain the date, time, and place of the meeting, members present, members absent, any decisions made, and all roll call votes taken at the meeting.

Section 7. Comments and/or Requests from the Public

Chapter 6, Section 6.7 of the Westland City Charter states, "Citizens shall have a reasonable opportunity to be heard." Section 15.263(5) of the Michigan Open Meetings Act provides that persons shall be permitted to address a meeting of a public body under the rules established by the public body, and also provides that the public body may limit the right to address the public body to prescribed times.

The Board of Ethics hereby establishes a three (3) minute time limit for each speaker. This section will allow a person to be recognized at the conclusion of the Board's regular business to make general comments that may or may not pertain to the business that was before the Board at that meeting.

Section 8. Ethics Board Comments

Board members may not engage in any political discussion or campaigning of any kind as it relates to elected officials. No discussion shall take place regarding the Board members' support or opposition to a current or past elected official as well as any potential future candidates.

Section 9. Public Comments Policies

- (a) Any person wishing to address the Board should provide their name and city of residence, and shall address their comments to and through the Chair when speaking. Only the person recognized by the Chair shall be allowed to speak during the Public Comment portion of the agenda without Board and/or others commenting, unless a question is directed through the Chair, by that person, toward a specific Board member or other City official. All City officials may elect to respond to questions directed to them through the Chair. Additionally, the Chairman (or Vice-Chairman in the Chairman's absence), or any Board member may elect to respond to any comment directed toward them or another City official at any time during a meeting in order to correct an error or misstatement of fact. The response from a Board member, Chairman or other City official shall be limited to the same time (3 Minutes) that citizens are allowed.
- (b) If the Chairman, Ethics Board member or other City Official interrupts the speaker

and it is not in response to a direct question, then the clock will be stopped and then re-started when the person is again allowed to speak.

- (c) Everyone speaking before the Board should do so in a civil manner. Speakers shall refrain from abusive or profane remarks, vulgar language, disruptive outbursts, threats, racial slurs, or other conduct that interferes with the orderly conduct of the business meeting. Personal attacks on Board members, the Administration, City Staff, other speakers, or members of the public will not be tolerated.
- (d) Comments shall be directed to the Chair and not to people in the audience. The Chair shall call to order any person who is being disorderly by speaking when not having been recognized by the Chair, or is being disruptive to the proceedings. If any person, after being called to order, continues to be disorderly and disruptive to the meeting, the Chair may order that person be removed from the meeting immediately. The subsection to be strictly enforced.

Section 10. Yielding of Time Prohibited

The Ethics Board shall not allow a Board member to yield time to another Board member or other person.

Section 11. Time Keeping

The Chairman, Vice-Chairman, and/or Secretary shall be responsible for keeping track of the public's allotted time of three (3) minutes and notifying the Chairman/Vice-Chairman when time has elapsed. The clock will start upon the first words of the speaker and will not stop while the speaker is recognized from the floor. It is the speaker's option to use up their time if they wish to have questions answered at this time. The clock will not be stopped by request once it is started. The clock will continue to run until the speaker is completed or their speaking time is exhausted.

ADOPTED THIS 20th DAY OF MAY, 2021.

ROLL CALL:

AYE <u>WILLIAMS</u>	NAY <u>NONE</u>	ABSENT <u>NONE</u>	ABSTAIN <u>NONE</u>
STACHOW			
THOMAS			
WILSON			
NICHOLSON			