

Introduced by the County Services Committee of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

RESOLUTION ADOPTING THE REVISED ETHICS POLICY

RESOLUTION # 19 – 367

WHEREAS, on May 23, 1995, the Ingham County Board of Commissioners adopted an Ethics Policy, which was amended on September 21, 1999; and

WHEREAS, the Ethics Policy specifically applies to Commissioners; and

WHEREAS, the intent of the Ethics Policy is to also provide a guide for the conduct of Board staff, County employees, elected officials, and appointed boards and commissions; and

WHEREAS, experience with the Ethics Policy has been generally positive; and

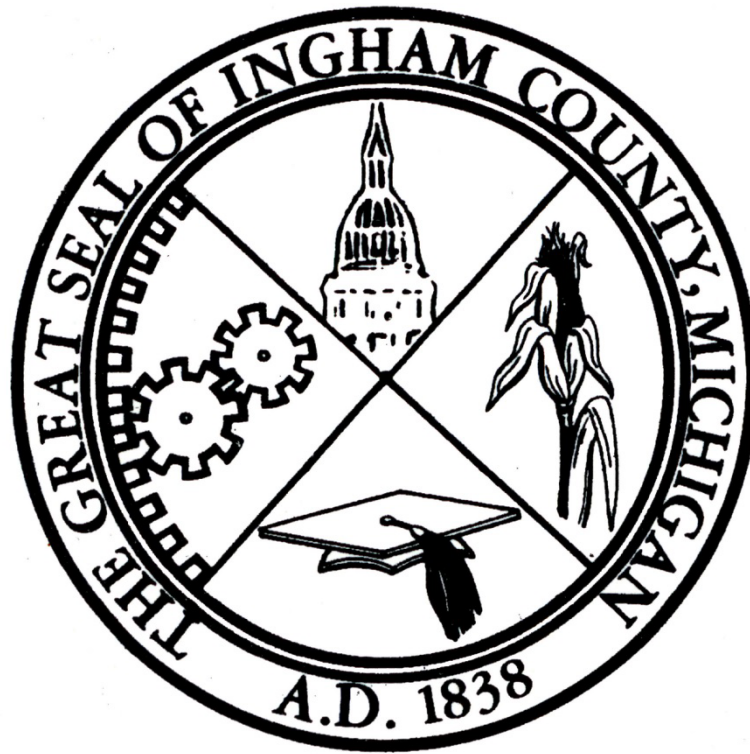
WHEREAS, the Board Rules and Appointments Subcommittee has reviewed the policy and has recommended several amendments to extend, clarify and improve the policy.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby adopts the attached revised Ethics Policy.

BE IT FURTHER RESOLVED, that the Ethics Policy shall be reviewed by the County Controller/Administrator and County Attorney during January, 2023, and every four years thereafter, and they shall recommend to the County Services Committee any changes necessary to bring the policy into conformity with the current state of the law, to enhance their effectiveness, or to streamline their application.

COUNTY SERVICES: Yeas: Celentino, Stivers, Grebner, Sebolt, Koenig, Maiville, Naeyaert

Nays: None **Absent:** None **Approved 09/17/2019**



INGHAM COUNTY ETHICS POLICIES

Adopted May 23, 1995
Amended September 21, 1999
Amended September 24, 2019

PREAMBLE TO THE ETHICS POLICY

Holders of public office should strive to:

1. Put loyalty to the highest moral principles and to put country above loyalty to government persons, party, or department.
2. Uphold the Constitution, laws, and legal regulations of the United States, the State of Michigan, Ingham County, and of all governments therein and never be a party to their evasion.
3. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
4. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for themselves, or their family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of their governmental duties.
5. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.
6. Never use any information coming to them confidentially in the performance of governmental duties as a means for making private profit.
7. Expose corruption wherever discovered.
8. Uphold these principles, ever conscious that public office is a public trust.

ETHICS POLICIES

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INTRODUCTION

This manual is intended to provide guidance in resolving the ethical problems which arise out of conflicts between County Commissioners' public roles on the one hand, and such private roles as business owner, family member, or political candidate on the other.

Present Concerns Before Formal Process

Anyone—including Commissioners, employees, and members of the public—who suspects that unethical behavior is occurring should express their concerns to appropriate authorities. Depending upon the circumstances, it may be proper to bring the concerns to one or more of the following:

- The Commissioner or County employee whose conduct is questioned
- An appropriate department head
- The Director of Human Resources
- The County Controller
 - The Chairperson of an appropriate Board committee
- The ranking Commissioner of the minority party
- The Chairperson of the Board of Commissioners

Present Alleged Serious Concerns

If the person believes the situation is serious enough to warrant formal action, or any initial contacts have not resulted in a satisfactory resolution, a written complaint should be addressed to the Chairperson of the Board of Commissioners, which will in turn trigger the formal process.

It is the policy of Ingham County to encourage individuals who have sincere concerns about possible ethical problems to come forward with those concerns, even if they should eventually turn out to be unfounded.

Individuals have the right to report their concerns to such official or officials they believe are appropriate, without regard to chain of command. It may be appropriate under some circumstances to complain anonymously, although it should be understood that anonymity tends to detract from a complaint's credibility.

No Retaliation for Sincere Complaint

It is the policy of the Ingham County Board of Commissioners that any individual who complains about a possible ethics problem is responsible only for the sincerity of the complaint, and is to be protected from discipline or other adverse employment outcome, to the extent the complaint was sincerely based at the time it was made.

SECTION I. STATE LAW

Wherever Michigan law speaks to a subject, Commissioners are required to obey both its letter and its spirit. Unfortunately, Michigan law does not adequately address many obvious problems. Conduct which is not illegal under Michigan law may still be seriously unethical.

Principles for Commissioners

First, State law should be viewed as a minimum and a starting point, and not as the ultimate standard of conduct.

Second, whenever the situation before the Board involves a substantial conflict with the values that motivated the State law, the provisions in the law should be obeyed in a very generous spirit. In such cases, wherever the law's reach or requirements may seem unclear, every doubt should be resolved in favor of greater disclosure and broader abstention.

Disclosure and Noted in Minutes

It is the responsibility of each Commissioner to plainly point out when and where their own financial interests (or those of their friends, family, or political supporters) are entangled, or are likely to become entangled, with the duties of their office or with matters which come before the Board. The disclosure should be made in as public a manner as seems appropriate, being briefly repeated in each forum at which the matter arises. And the formal principle of abstention from voting should be extended to include the avoidance of even implicit pressure on staff or other Commissioners regarding the matter.

But the responsibility cannot stop with the individual Commissioner whose interests may be involved. Experience has shown that even where disclosure is made, effective notice may not have been made to the public or even other Commissioners. In order to be effective, the Commissioner involved needs to make clear that a disclosure is being made which should be included in the minutes.

Minutes

A. The disclosure should be given the prominence of its own paragraph in the minutes, and should be written so that it would make sense if read alone.

B. The person taking minutes should ask—either during the meeting, or subsequently—for any clarification needed to make the record intelligible, being sensitive to the fact that what seems clear to Commissioners and staff during the conduct of a meeting may not be clear months later to a member of the public.

C. The Chairperson presiding at the meeting has a duty to see that the disclosure is properly noted and that the minutes when adopted are indeed correct and clear.

D. Minutes which contain a disclosure of a Commissioner's interest should be brought to the attention of Board staff so a copy can be separately indexed and filed for easy retrieval, both by topic and by Commissioner's name. The Board office should maintain a complete file of such disclosures for ten years, or as long as the Commissioner involved remains on the Board, whichever is longer.

Whenever the proper course is unclear, deference should be paid to anyone who views a Commissioner's involvement as suspect or who wants broader disclosure, even if those views may appear to be advanced by persons with partisan or personal motives.

Summary of Some State Laws Affecting Commissioners

Several State Laws address Board activities.

1. The Open Meetings Act (MCL 15.261 et seq.) requires, with some exceptions, that meetings of the Board of Commissioners be open to the public.
2. The Freedom of Information Act (MCL 15.231 et seq.) requires that most public records of the County be made available for inspection and copying by members of the public.
3. Employees who report suspected violations of federal, state or local laws, regulations, ordinances, or rules, are protected from retaliation by the Whistle-Blowers' Protection Act (MCL 15.361 et seq.).
4. MCL 15.181 et seq., the Incompatible Public Offices Act, which generally prohibits holding two public offices or public employment positions where performing the duties results in (a) subordination of one office to another, (b) supervision of one office by another, or (c) a breach of duty of public office, e.g., representing both parties to a contract;
5. MCL 15.321 et seq., the Contracts of Public Servants with Public Entities Act, which generally prohibits a public servant from soliciting or entering into a contract between themselves and the public entity of which they are an officer or employee, except upon full disclosure and a 2/3 majority vote;
6. MCL 46.30, which generally prohibits County Commissioners from having an interest in a contract or business transaction with the County, except with full disclosure and approval by a 3/4 majority;
7. MCL 15.401 et seq., the Political Activities of Public Employees Act, which prohibits a public employee from engaging in any political activities on behalf of a candidate or issue in connection with either a partisan or a non-partisan election during those hours when the employee is being compensated for the performance of duties; and
8. MCL 169.201 et seq., the Michigan Campaign Finance Act, which prohibits the use of public funds or resources for the purpose of influencing the nomination or election of a candidate, or the qualification, passage or defeat of a ballot question.

SECTION II. PURCHASING

Commissioners Financial Interests on Matter Before the Board of Commissioners

A. Wherever a Commissioner has a tangible and substantial financial interest in a matter to be considered by the County, it is the responsibility of that Commissioner to take strong steps to separate their personal from their public role. Such steps are required not merely where a Commissioner's individual financial interests are at stake, but must also be understood to include the financial interests of family members, close friends, political supporters, co-workers, and business associates. Avoiding entanglement requires far more than merely avoiding participation in the formal process by which a matter is dealt with by the County; it speaks also to fully and promptly disclosing the nature of the interest, to avoiding even the appearance of placing pressure on staff or other Commissioners, and to avoid any other involvement in the decision-making process which might advance a favored party's prospects in any way.

B. Areas of concern extend far beyond the letting of contracts; they include any matter in which the Board has significant power or influence, including decisions by the Board or County staff regarding permits, contracts, bids, and grants, as well as similar decisions made by bodies to which the Board makes appointments, to which the Board appropriates funds, or whose budget the Board reviews. Although this policy is written mainly in terms of the purchase of goods and services by the Board of Commissioners, it should be understood also to apply where appropriate in these similar situations.

Disclosure of Personal Finance Interest

A. Whenever a Commissioner realizes that a possibility of such an interest exists, the nature and details of the involvement should be disclosed and recorded in the minutes of a standing committee and/or the Board, as appropriate.

B. Disclosure should be made even in situations which are unclear or arguable, because such disclosure may bring the situation to the attention of other decision makers and the public, whose concern or lack thereof can help determine whether the Commissioner needs to take further steps than mere disclosure.

C. Where the potential conflict falls within the provisions of MCL 15.323 (i.e., with full disclosure and approval by 2/3 majority vote), it is unlawful for the Commissioner to vote on the matter. If during the process of considering a matter, it is discovered that a Commissioner has possible interests which the Commissioner failed to voluntarily disclose, the fact that no disclosure was made strengthens the presumption that the Commissioner's involvement was improper.

Purchasing Process

A. Commissioners should be cautious in communicating with County staff regarding a pending purchase outside the setting of a public meeting. In particular they should consider whether a given communication might be interpreted as encouraging or pressuring staff regarding a decision which would tend to benefit a particular vendor, particularly one with whom the Commissioner has a relationship. It is

safest—to make communications regarding purchases during public meetings, where the Commissioner’s personal interests—if any—can be formally noted. Even in the context of a public meeting, Commissioners should generally avoid involvement in any decision which implicates any substantial personal interest.

B. If a situation involving a substantial and continuing conflict of interest is unavoidable—for example because of a Commissioner’s place of employment or the nature of a professional practice—the Commissioner should consider avoiding service on a liaison committee where the conflict is particularly likely to arise.

C. Even when no personal interests are involved, Commissioners should not in general have direct personal involvement in the selection of vendors, extended personal contact with the County staff during their process of formulating purchase recommendations, or unnecessary access to detailed information regarding a pending purchase which is not generally available to the public.

The County’s Purchasing Policy shall always be followed.

SECTION III. PERSONNEL

Because of the complex structure prescribed by Michigan law for County government, Commissioners necessarily assume a number of overlapping, and somewhat inconsistent roles in personnel matters. In Ingham County, Commissioners are directly and intimately involved in decisions to create, eliminate, reclassify, or reorganize positions. Under many of the County’s labor agreements, they hear grievances which reach a certain stage of appeal. The Commission approves compensation for non-union employees. But the Commission has no direct role in the vast majority of hiring, promotion, or discipline decisions. Finally, Commissioners should avoid moving toward a more active role in hiring County workforce, and must guard against creating a political patronage system.

By State law, or County practice, the Board is directly involved in hiring approximately nine people: the staff which works directly for the Board, the Controller, the Director of the Health Department, the Director of Animal Control, the Director of Equalization, the Director of the Ingham County Board of Commissioners’ Office, the Chief Public Defender, the Managing Director of the Road Department, the Parks Director and the Fairgrounds Events Director. In practice, even these positions are generally filled upon recommendation by other staff members. These direct employees of the Board should never become associated with any particular member or group of Commissioners, and the positions should not become politicized.

ROMANTIC INVOLVEMENT BETWEEN COMMISSIONERS AND COUNTY EMPLOYEES

It may be problematic for a Commissioner to become romantically involved with a person who happens to be a County employee, and experience has shown such involvement inevitably leads to tensions and may cause morale and management difficulties, particularly if the job involved has significant contact with the Board. Where such involvement occurs:

1. The Commissioner involved should recognize their responsibility for possible problems.
2. The Commissioner should be prepared to take strong steps to prevent either the reality or the perception that such involvement has affected any aspect of employment.
3. Where a Commissioner becomes romantically involved with a County employee, the Commissioner should consider private disclosure to the Board Chair, to facilitate steps which may insulate the employee from the Commissioner's direct influence.
4. Among the possible steps would be avoiding naming the Commissioner to Board Committees or Commissions where the involvement is likely to present a problem.
5. The Commissioner in such a circumstance should avoid any participation in any decision-making process or discussion which might appear to place another Commissioner or any County employee under pressure regarding the employee with whom the Commissioner is involved.
6. One effective preventative step is the avoidance of initial hiring of persons with whom Commissioners are romantically involved. Where a person already on the payroll is known by a decision maker to be romantically involved with a Commissioner, whenever an employment issue arises involving such an employee who falls within an area of discretion, County policy should be to err on the side of acting against the presumed interest of the romantically involved Commissioner.

NEPOTISM

Nepotism, which may be narrowly defined as the hiring of immediate relatives of Commissioners, is severely damaging to employee morale and to the public's perceptions and is improper in the hiring of Board staff and general County employees. Every reasonable step should be taken to discourage such hiring, even by other elected officials or independent boards. The Human Resources Department, supported by the County Services Committee, constitutes the primary protection against such hiring.

More broadly, the same principles apply to hiring of friends of Commissioners, more distant relatives, business associates, former Commissioners, and political allies of Commissioners. Obviously, no single formal definition can correctly deal with every conceivable situation, so common sense and caution are necessary. Wherever the relationship between a Commissioner and another person is strong enough that it might potentially influence the hiring process, the hiring should be discouraged and all doubts resolved against such an applicant. The Commissioner with whom such relationship exists must avoid any involvement in the hiring process, and if such person is hired, must further avoid any participation in subsequent issues involving the person's employment status, such as grievances or reclassification requests.

Regardless of whether any Commissioner has expressed any interest in a particular hiring or promotion, the Human Resources Department and all other County officials should exercise their discretion against the hiring of former Commissioners, relatives or romantic interests of current Commissioners whenever such relationships are known to the person making the decision.

The model for proper Human Resources procedure is spelled out in existing County procedures:

1. Commissioners should restrict their involvement in personnel matters to the roles which are formally assigned to them.
2. Commissioners should avoid direct personal contact with job applicants, with departments which are considering a hiring decision, and with Human Resources Department staff other than the Director.
3. If for some reason Commissioner involvement is necessary, it is best that it occur in the course of Committee where it can be reflected in the minutes.

Union Contracts

Contracts are negotiated through County staff with the various bargaining and employee units. Commissioner input should be limited to providing direction to appropriate staff. Any deviation from this pattern should require advanced formal authorization by the County Services Committee. Commissioners who are personally involved for unavoidable reasons with the bargaining agents for an employee bargaining unit should ask not to serve on the County Services Committee.

Commissioner Involvement in Grievance Procedure

As the formal employer of many County employees, Commissioners have a formal role in dealing with employment grievances. As members of a quasi-judicial body, Commissioners must avoid discussion of the content of employee grievances outside the appropriate forum, until the grievances have been decided.

OTHER DEALINGS BETWEEN COMMISSIONERS AND EMPLOYEES

The Board of Commissioners possesses significant powers with respect to County employees. While friendships between Commissioners and staff are inevitable, and may result in shared activities and the exchange of minor favors, Commissioners must not use their influence to obtain personal benefits. Commissioners should be careful not to place employees in positions where they face confusion between a Commissioner's public and private roles. To that end:

1. Commissioners should avoid unnecessary involvement in business dealings with County staff.
2. Commissioners should refrain from asking for or accepting personal gifts, loans, or favors from employees in any circumstances which might appear to exploit their positions. Whether dealings between a Commissioner and an employee are improper may hinge on considerations such as these. Commissioners should not allow:
 - a. An employee to perform a non-public service unwillingly, or because they believe it is a requirement of their job.

- b. Should not have any suggestion that the benefit is provided in return for the Commissioner's action affecting the employee as a County employee, or affecting the employee's department, suggests impropriety.
- c. There should not be a private business relationship between a Commissioner and a County employee that is linked to County operations, appears to be disadvantageous to the employee, or provides profit to the Commissioner.

There is greater risk of improper involvement when the County employee is one whose job is directly controlled by the Board, without an intermediate buffer of an elected official or other department head. It should be kept in mind that the object of these guidelines is not to isolate Commissioners from staff, but to ensure that a Commissioner resists any temptation to use their public position to obtain personal benefit of a material nature.

SECTION IV. POLITICAL CONTRIBUTIONS FROM COUNTY EMPLOYEES AND UNIONS AND DISCLOSURE

Commissioners should never accept any contribution to the Commissioner's campaign which appears to be made with the hope or expectation that the contribution will result in action specifically benefiting the contributor. For example, while it would generally be ethical to accept a contribution from a labor union which seeks County policies which are more favorable to organized labor, it would be unethical if the Commissioner knew or suspected it was made in the hope of influencing the County to settle a particular labor contract on more favorable terms.

Principles Regarding Campaign Contributions and Disclosure

Problems can be avoided if Commissioners adhere to a few simple rules:

1. Commissioners should never solicit or accept campaign contributions from Board staff, from County employees for whom the Board serves as the sole employer, or from employees of departments whose directors or governing board members are appointed by the Board of Commissioners.
2. Commissioners should never solicit campaign contributions on County property or using County email or other County resources.
3. Commissioners should be sensitive to potential problems caused by accepting contributions from union locals which represent County employees.
4. A Commissioner who has accepted a contribution from a political action committee associated with a labor organization that represents or includes County employees should disclose that fact when appropriate to a matter under discussion in a Committee on which the Commissioner sits, or when such matters are discussed by the Board. The disclosure should be noted in the minutes of the meeting and indexed by Board staff.

5. Any Commissioner who receives endorsement or financial contribution from the political action committee of a labor organization which represents or includes County employees should be particularly sensitive to preserve the distinction between the Commissioner's political role and the Board of Commissioners' management role, and to avoid improperly mixing the two.

SECTION V. POLITICAL CONTRIBUTIONS FROM INDIVIDUALS OR PACS WITH FINANCIAL INTERESTS IN COUNTY DECISIONS

Contributions from people and political action committees associated with potential vendors can result in problems which are closely analogous to those posed by contributions received from labor unions. Commissioners should adhere to the following rules:

1. No contribution should be solicited, accepted, or retained if the recipient believes it was made in expectation or hope that it would influence the award of County business, or will especially benefit the donor.
2. A Commissioner who has accepted a contribution from a business interest within the past two years should disclose that fact when appropriate to a matter under discussion in a committee on which the Commissioner sits, or when discussed by the Board. The disclosure should be noted in the minutes of the meeting, and indexed by the Board staff.
3. A contribution made by, or solicited by, an owner, officer, representative, or manager of a given business should be treated as if it were made by the business itself.

SECTION VI. GIFTS OTHER THAN POLITICAL CONTRIBUTIONS

A Commissioner shall not solicit or accept a gift or loan of money, goods, services, benefits, privileges, favors or any other thing of value which may or tends to influence the manner in which the Commissioner performs official duties. This Section is not violated if a Commissioner takes prompt and reasonable action to donate or return a prohibited gift. Questionable situations should be referred to Corporation Counsel for review.

Rules Regarding Gifts

These rules apply to gifts given by a person with financial interest in the actions of County government. No problems arise from the receipt of gifts which are completely unrelated to the holding of public office.

1. Any direct gift of more than \$100 value from a person with a financial interest in the actions of County government is generally improper.

2. The fact that a Commissioner requests or suggests a gift suggests impropriety.
3. Any indication of attempt to conceal or disguise a gift is evidence that the gift was improper.
4. Impropriety is suggested by resort to procedurally or financially irregular actions by a business or corporate body. Any significant gift which appears to have a direct tie to the date, amount, or other detail of a County action is almost certainly improper.
5. If a Commissioner believes or suspects that the person making the gift expects or hopes it will influence a County action, it should be refused or returned.
6. If the person or organization making the gift has a clear private financial interest in a specific County action, greater suspicion is appropriate.
7. It is not proper for a Commissioner to permit a private party with any substantial interest in County business to routinely and repeatedly pay for meals, travel, entertainment or lodging.
8. It is inadvisable to allow a private party with an interest in County business to pay for alcohol or sexually-oriented entertainment, regardless of the value involved.
9. Some possible exceptions include:
 - (a) Opportunities, benefits, and services that are available on the same conditions as for the general public.
 - (b) Anything for which the Commissioner pays fair market value.
 - (c) A gift from a relative or family member. A relative or family member is defined as: spouse, children, parents, siblings, grandparents, grandchildren, aunts, uncles, first cousins, nieces and nephews (this definition includes "step", "adoptive", "half" and "in-law" relations).
 - (d) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:
 - (i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - (ii) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (iii) Whether to the actual knowledge of the recipient, the individual who gave the gift also at the same time gave the same or similar gifts to other Commissioners.

- (e) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of a Commissioner), if the benefits have not been offered or enhanced because of the official position of the Commissioner, and are customarily provided to others in similar circumstances.
- (f) Admission to a charitable or civic event to which the Commissioner is invited in their official capacity where admission is waived or paid for by an entity other than the County.
- (g) Food or refreshments not exceeding \$50.00 per person in value on a single calendar month; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

If a Commissioner receives a gift under circumstances which are ambiguous, the best course of action is to return it. If it is impossible to return the gift, the Commissioner should disclose it, along with any relevant circumstances, in a letter to the Board, where it will be listed as a communication, recorded in the minutes, and indexed and filed by Board staff.

SECTION VII.

EMAIL POLICY AND COMMISSIONER COMMUNICATIONS

Ingham County government should be open, transparent, and accountable to County residents. The use of private email or other County media to conduct County business is inconsistent with these objectives. Moreover, Ingham County email accounts and servers are the property of Ingham County—not the personal property of individual Commissioners. As such:

Principles

1. Where State law provides guidance, it should be fully and generously followed, in a spirit of transparency and full disclosure.
2. Commissioners should not use private email for the conduct of County business. All County business conducted by email should be sent using a County email address. If a Commissioner inadvertently uses private email for County business, they must forward all relevant emails to their County email address as soon as the error is discovered. Conversely, Commissioners should avoid using County email for non-County activity whenever possible.
3. Commissioners must never use their County email account or other County media for political campaign purposes.

4. No elected official, or other person in position of responsibility, governed by this Ethics Policy, should deliberately employ a non-recorded channel of communication when instructing a County employee or contractor, with the purpose of concealing the existence or content of such communication.

5. In discussions among Commissioners conducted outside formal meetings, the requirements of the Open Meetings Act must be honored scrupulously and generously. A communication addressed to a majority of the Board, or to a standing Committee, may violate the OMA, if it amounts to “deliberation toward a decision”. Even if it does not meet that standard, any such communication addressed to a majority should be made using a recorded medium subject to the FOIA. Communications among groups of Commissioners which are smaller than a majority should not be used as subterfuge for addressing a majority by dividing the recipients into smaller groups.

6. County email, letterhead, or other media must not be used in ways which are likely to lead recipients to believe that the communication is an official statement of the County, or reflects established County policy when it does not, or where the sender does not actually have such authority. This applies also to misrepresentation of non-governmental media as being official.

7. Directing a public employee not to preserve a communication, or to destroy an existing copy, is almost certainly an indication of impropriety. In all doubtful or discretionary cases, the County should favor retention of communications and should facilitate the process of searching for them and providing copies to persons who request them. Michigan law (MCL 399.811 and 750.491) requires that all public records be listed on an approved Retention and Disposal Schedule that identifies the minimum amount of time that records must be kept to satisfy administrative, legal, fiscal and historical needs. The State publishes Record Retention and Disposal Schedules for Local Governments, including Schedules pertaining to specific public officers and local agencies.

8. Commissioners’ emails that pertain to County business should be retained indefinitely by the County's IT department. Commissioners are entitled to a complete archive of their own emails upon request, including upon leaving office.

SECTION VIII. RESOLUTION OF DISPUTES

General Principles

The focus of this policy is on preventing problems through institutional policies and procedures which guide Commissioners and staff. Where this focus on prevention fails, a mechanism is needed to provide an opportunity to resolve controversies and illuminate events which come to light.

Minor matters can be folded into the Board’s normal routine, while major ones can be accorded center-stage treatment. It is designed to make it difficult to sweep genuine controversies under the rug, while at the same time trying not to offer a publicity windfall to individuals who hold isolated points of view.

Problems which arise are likely to fall into two broad categories, with some area of overlap. First, it is inevitable that situations will arise which these guidelines fail to anticipate, or where their application turns out to be ambiguous, or where a Commissioner might not realize that a particular policy applies to the specifics of their conduct. Exploring the issue will serve to remind everyone of County policy, and may point out a need to clarify or modify certain policies to make them easier to apply in the future.

In other cases, which are likely to be rare, a Commissioner may have acted in a way which clearly violates these policies, or which most reasonable people would find ethically troubling. To deal with such circumstances, a mechanism is needed which can establish the facts of the conduct, determine whether policies were violated, and mobilize appropriate institutional responses.

Resolution Process

1. To begin the process, any person may complain in writing that one or more Commissioners or employees of the County of Ingham have acted unethically. If the Chairperson of the Board of Commissioners believes the complaint is credible and sets forth sufficient details to warrant prompt investigation, the Chairperson may appoint an ethics panel and refer the matter directly to them. In the event the complaint is against the Chairperson, then the Chairperson Pro Tem shall perform the duties referred to herein.

2. If the Chairperson elects to refer a complaint directly to an ethics panel, he or she shall appoint a Chairperson and two additional members to that panel, subject to confirmation by the Board of Commissioners. Each member of the panel may be a member of the Board of Commissioners, an employee of the County, or any other suitable person. In naming members of the panel, the Chairperson shall take into account the nature of the complaint and the identity of the person or persons complained of, and shall attempt to select persons who are in a position to render independent, informed, and considered judgment.

3. In the event that a matter has, or appears likely to develop, partisan overtones, the panel shall be chosen so that it includes no more than one person who can be fairly associated with each of the two major political parties. The Chairperson may ask the minority caucus and the majority caucus each to furnish a list of possible panel members.

4. If the Chairperson chooses not to refer a complaint directly to an ethics panel, it shall be referred to the County Services Committee. That Committee may take up the complaint itself and attempt to resolve it at the Committee level, within the Committee's regular course of business, or the Committee may recommend that the Board of Commissioners establish an ethics panel by resolution to take up the complaint. If such a resolution is adopted, the members of the panel shall be appointed in the same manner as if the Chairperson had referred the matter directly to an ethics panel.

If a complaint is referred to the County Services Committee and that Committee has not, within 45 days of its first meeting subsequent to the referral, recommended a resolution to the Board establishing an ethics panel, any member of the Board may bring such a resolution before the Board.

Members of an ethics panel shall serve without additional compensation for so long as it is necessary to consider a complaint and render recommendations, but in no event longer than a period of one year.

After completing its consideration and its report, the panel will not be automatically dissolved, but may be called back into action by the Chairperson of the Board or the Chairperson of County Services Committee if there are remaining questions related to the complaint for which they were established. If no such request is made within thirty days of the issuance of their report, the panel will be deemed to be dissolved.

An ethics panel shall consider the original complaint as well as such additional matters as are necessary to fully understand and resolve the complaint. They may act with the degree of formality which they deem appropriate under the circumstances, giving appropriate deference to the expressed procedural desires of the person or persons whose conduct is the subject of the complaint. In the absence of written authority from the Chairperson of the Board of Commissioners or a resolution by the Board, a panel shall not have the authority to expand the scope of a complaint to include persons not specified in the complaint, although the panel may communicate with and consider the views and conduct of such persons.

Ordinarily, a panel should contact the person who wrote the original complaint as well as the persons named or specified in it, setting up a meeting at which the complaint and any response to it may be aired. The panel may invite County staff or other persons to such a meeting, as appropriate.

In the absence of unusual circumstances, the person who wrote the complaint and the person or persons named in it should be invited to attend all meetings of the panel and permitted to fully express their views. Notices of the meeting should be posted appropriately and provided to all interested persons, and minutes should be kept. The Open Meetings Act shall be strictly complied with in such meeting.

The panel should fully consider the complaint, any response to the complaint, additional information which may be requested or supplied, and/or the expressed views of County staff, the County Corporation Counsel, or other persons.

5. Depending upon the circumstances, an ethics panel may appropriately take any of a number of alternatives in dealing with a complaint. By way of illustration, a panel might take one or more of these actions:

- a. Determine that the complaint was not well founded or that the actions complained in it were not unethical and therefore no correction is needed.
- b. Determine that, although these policies may have been infringed in a technical sense, that the matter complained of is immaterial, unavoidable, or insubstantial and determine that no corrective action by the panel is warranted.
- c. Mediate a resolution of a disagreement between the writer of the complaint and the person named in it.
- d. Accept an assurance from the person named in the complaint that such a situation will not arise again in the future.
- e. Suggest to County staff an improved way of dealing with a type of situation should it arise again.

f. Recommend to the County Services Committee or the Board of Commissioners an amendment of Board Rules, of the Ethics Policy, or of the other policies of the County to minimize the likelihood of future problems.

g. Issue a letter publicly criticizing a person specified in the original complaint, stating that the panel has determined that the person complained of committed a clearly unethical act, and providing appropriate supporting detail.

h. Recommend the adoption by the Board of Commissioners a resolution of censure.

i. Contact appropriate prosecutorial agencies, citing information in the panel's possession, and inviting criminal investigation.

The panel shall communicate its findings, recommendations, and actions to the Board of Commissioners by letter.

