



*Otsego*  
**COUNTY**  
M I C H I G A N

**Otsego County  
Personnel Committee Minutes  
May 21, 2019**

**Minutes**

A meeting of the Otsego County Personnel Committee was held on May 21, 2019, at 10:00a.m. in Room 100 of the County Building.

**CALL TO ORDER**

Mr. Liss called the meeting to order at 10:01a.m.

PRESENT: Paul Liss, Ken Borton, Doug Johnson, Duane Switalski, Rachel Frisch

OTHERS: Trisha Adam

**APPROVAL OF AGENDA**

Motion by Doug Johnson to approve agenda as presented. Motion Carried.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**a. Code of Ethics and Conduct Policy**

Rachel Frisch discussed the proposed Code of Ethics and Conduct Policy for Otsego County Board of Commissioners. Motion by D. Switalski to recommend the Code of Ethics and Conduct Policy for Otsego County Commissioners to the Otsego County Board of Commissioners. Seconded by D. Johnson. Motion passed unanimously.

Mr. Liss adjourned the meeting at 10:23 a.m.



**CODE OF ETHICS AND CONDUCT  
FOR OTSEGO COUNTY COMMISSIONERS**

**DATE**

**(A) Preamble.**

- (1) The citizens of Otsego County are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity.
- (2) Furthermore, the effective functioning of democratic government requires that public officials, both elected and appointed, be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.
- (3) The purpose of this Code of Ethics and Conduct is to establish standards of conduct to enhance public confidence in the integrity of County government, to avoid unethical conduct by County officials, and to avoid even the appearance of impropriety by County officials.

**(B) Code of Ethics and Conduct.**

- (1) Acts in the public interest. Recognizing that stewardship of the public interest must be their primary concern, County Commissioners will work for the common good of the people of Otsego County and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Board of Commissioners.
- (2) Compliance with law. County Commissioners shall comply with the laws of the nation, the State of Michigan, and Otsego County, in the performance of their public duties. Commissioners shall also comply with the Rules of Procedure as adopted by the Board.

(3) Respect for process. County Commissioners shall perform their duties in accordance with the Rules of Procedures established by the County Board of Commissioners governing the deliberation of public policy issues and meaningful involvement of the public.

(4) Conduct of public meetings. County Commissioners shall prepare themselves for the public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

(5) Full-disclosure.

a. A County Commissioner in the performance of his/her public duties shall not act upon any matter in which he/she may have a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the County Board of Commissioners on the official record. Such disclosures must be made before the time to perform their duty or concurrently with the performance of the duty.

b. The disclosure required by this subsection shall not supplant, but instead shall supplement any disclosure of a personal, contractual, financial, business, employment or pecuniary interest required by state statute and the Ethics and Conflict of Interest Policies included in the Employee Handbook, and the Otsego County Fraud Policy.

(6) Gifts, favors, and loans.

a. A County Commissioner shall refrain from financial and business dealings that would tend to reflect adversely on the Commissioner's impartiality, interfere with the performance of his/her public duties or exploit his/her official position. A County Commissioner should not take any special advantages of services, goods, or opportunity for personal gain that is not available to the public in general.

A County Commissioner, a family member of a County Commissioner, a Trust in which a County Commissioner or other family member may be considered as a beneficiary of a Trust, and an entity (corporation, partnership, sole proprietorship, LLC) in which the County Commissioner or other family member has a financial interest, shall refrain from soliciting **any** gifts, loan, or favors except that a Commissioner and a family member may:

- i. Accept a gift or honorarium, not exceeding a value of one hundred dollars (\$100.00), for services rendered in the performance of the public duties or other activity devoted to the improvement of communities and the lives of citizens.
- ii. Accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; a loan in the regular course of business from a lending institution on the same terms as generally available to the public; and a scholarship, grant or fellowship awarded on the same terms as applied to other applicants.
- iii. Accept any other gift, favor, or loan only if the donor is not a person of entity whose interests have come or are likely to come before the Board of Commissioners.
- iv. Solicit and accept campaign contributions in accordance with federal and state law.

(7) Confidential information.

- a. A public official shall not knowingly use confidential information for actual or anticipated personal gain, nor for the actual or anticipated personal gain of any other person.
- b. A public official shall not knowingly disclose to any unauthorized person confidential information that is acquired in the course of his or her position with the County, including but not limited to information provided, obtained, or discussed in closed session.

(8) Use of public resources. Public resources, including County staff time, equipment, supplies, and facilities, not available to the public in general shall only be used for the benefit of the public. County Commissioners may not use public resources for personal or private use.

(9) Representation of private interests. In keeping with his/her role as stewards of the public interest, a County Commissioner shall not appear on behalf of the private interests of third parties, including a family member, a Trust in which a County Commissioner or other family member may be considered as a beneficiary of a trust, and an entity (corporation, partnership, sole proprietorship, LLC) in which the County Commissioner or other family member has an interest, before the Board of Commissioners or any board, committee, commission, or proceeding of the County.

(10) Advocacy. County Commissioners shall represent the official policies or positions of the Board of Commissioners to the best of their ability when designated as delegates for this

purpose. When presenting their individual opinions and positions, County Commissioners shall neither state nor imply that they represent the opinions or positions of the Board of Commissioners or Otsego County, and must affirmatively state that it is their own opinion or position, and not that of the Board of Commissioners. Commissioners shall always be mindful of the needs of the entire county, and not just the district they represent.

(11) Policy role of Board of Commissioners.

a. County Commissioners shall respect and adhere to the Board-Administrator structure of Otsego County government. In this structure, the County Board of Commissioners, by its vote taken at properly noticed public meetings, determines the policies of the County with the advice, information, and analysis provided by the administrator, the public, subordinate boards, committees and commissions, and County staff.

b. County Commissioners, individually or as a group, shall not interfere with the administrative functions of the County or the professional duties of County staff; nor shall they impair the ability of the County Administrator to implement Board of Commissioners policy decisions.

(12) Improper Use of Position. A public official shall not, either publicly or privately, use or attempt to use his or her position to secure, request, or grant any privilege, exemption, advantage, or preferential treatment for himself or herself, or any other person. A public official shall not act as an agent, attorney, or representative for another person or entity in any matter that is pending before the County.

(13) Independence of Boards, Committees and Commissions. Because of the value of the independent advice of subordinate boards, committees, and commissions to the public decision-making process, members of the Board of Commissioners shall, except when the Commissioner is a member of the public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings. The Board shall be vigilant to maintain a sense of independence, and monitor board appointments to ensure that no conflicts are present in committee appointments, keeping in mind any family, business, or personal relationships with committee members.

(14) Positive workplace environment.

a. County Commissioners shall support the maintenance of a positive and constructive workplace environment for the County employees and for citizens and businesses dealing with the County. County Commissioners shall recognize their

special role in dealings with County employees so as to in no way create the perception of inappropriate direction to staff nor give specific orders to subordinates of the County Administrator or Civil Counsel.

b. Because County Commissioner actions and comments contribute to the environment in which all County employees must work, in order to create and promote a positive work environment, no Board member shall give orders or direction to any subordinate of the County Administrator, either privately or publicly. Elected Officials may make inquiries or exchange information but cannot issue directives.

(15) Compliance and enforcement.

a. This Code of Ethics for Otsego County expresses standards of ethical conduct expected for members of the Board of Commissioners. County Commissioners themselves have the primary responsibility to assure that they understand and meet the ethical standards expressed in this code of ethics and that the public can continue to have full confidence in the integrity of government.

b. All County Commissioners have a responsibility to act when they learn of actions of another County Commissioner that appear to be in violation of the Code of Ethics. Upon being notified of reasonable suspicion of a violation of the Code of ethics, the Chairperson shall set, or any three Commissioners may require the setting of, a public hearing at a regular or special meeting of the County Board of Commissioners to determine whether a violation of the Code of Ethics occurred and, if so, what sanctions shall be imposed for the violation.

c. The Board of Commissioners may impose sanctions on County Commissioners whose conduct does not comply with the County's ethical standards. Sanctions may include reprimand, formal censure, loss of committee assignment, restrictions on budget or travel, and removal from office by the governor in the manner and for the causes provided by law.

d. A violation of this code of ethics shall not be considered a basis for challenging the validity of a County Board of Commissioners decision.

(16) Implementation.

a. As an expression of the standards of conduct for County Commissioners expected by the public, this Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when County Commissioners are thoroughly familiar with it and embrace its provisions.

b. For this reason, ethical standards shall be included in the regular orientations for newly elected or appointed County Commissioners. At the first organizational meeting of the Board of Commissioners in January of each year, County Commissioners entering office shall sign a statement affirming that they have read and understand the Code of Ethics for Otsego County Commissioners.

c. In addition, the Board of Commissioners shall annually review the Code of Ethics and Conduct for Otsego County Commissioners.

### **Commissioner Statement of Acknowledgment**

As a member of the Otsego County Board of Commissioners, I agree to uphold the Code of Ethics and Conduct adopted by the County Commission and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, County staff, and the public are free to express their ideas and work to their full potential;
- Respect the dignity and privacy of individuals and organizations;
- Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;
- Conduct my public affairs with honesty, integrity, fairness and respect for others;
- Avoid and discourage conduct that is divisive or harmful to the best interests of Otsego County; and
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.

I affirm that I have read and fully understand the Code of Ethics and Conduct for Otsego County Commissioners:

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Signature

Date