

## ELMWOOD TOWNSHIP

### AN ORDINANCE TO DEFINE CONFLICT OF INTEREST AND ESTABLISH A CONFLICT OF INTEREST POLICY

ORDINANCE NO. 2023-0420

#### ELMWOOD TOWNSHIP ORDAINS:

##### Section 1. Purpose.

Elmwood Township (the "Township") adopts the following Ordinance pursuant to the authority granted to the Township Board under the Township Ordinances Act, PA 246 of 1945, MCL 41.181 et seq, as amended, the Michigan Planning Enabling Act, PA 33 of 2008, MCL 125.3801 *et seq.*, including MCL 125.3815(9), and the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 *et seq.*, (the "Acts") to define conflict of interest and establish a conflict of interest policy for the health, safety and welfare of Township residents.

The purpose of this ordinance is to define "conflict of interest," as applied to all Township officials, in order to provide for fair, ethical, and accountable decisions and operations. No public office shall be used for personal gain nor shall any public official gain personal or pecuniary advantage from his or her work.

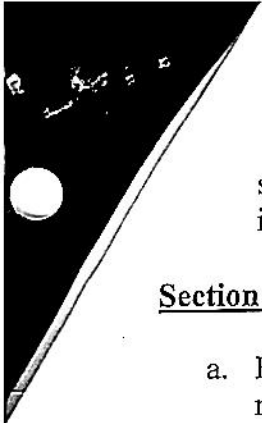
##### Section 2. Applicability

This ordinance shall apply to all members of the Township Board, Planning Commission, Zoning Board of Appeals, Board of Review, and Township committees or subcommittees, whether appointed or elected (hereinafter referred to as "Members"). The definition of "conflict of interest" in this ordinance supersedes any definitions of "conflict of interest" set forth in the by-laws, if any, of the Township Board, Planning Commission, Zoning Board of Appeals, Board of Review, or any other Township board, committee, or subcommittee.

##### Section 3. Conflict of Interest – Defined

A conflict of interest shall include, but is not limited to, a matter pending before a board, commission or committee identified in Section 2 in which:

- a. a Member has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the Member's private interests and the Member's fiduciary duties; or
- b. a person in the Member's immediate family has a direct pecuniary interest in the matter or in the outcome of the matter, known to the member at the time of voting, if such interest would result in an incompatibility between the Member's private interests and the Member's fiduciary duties. "Immediate family" means a Member's spouse, children,



stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent's in-law, or any individual living in the Member's household.

#### **Section 4. Procedure**

- a. Before participating in a decision, hearing, or casting a vote on a matter on which a Member may reasonably have a conflict of interest as identified in Section 3, the Member shall publicly disclose the potential conflict of interest to the board, commission, or committee on which the Member serves.
- b. The Member who has disclosed a conflict of interest shall disqualify himself or herself at the outset of the hearing or discussion and shall not participate in the deliberations or decision. The Member shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting. The presence of the disqualified Member at the meeting shall not be counted in determining the presence of a quorum for purposes of the vote on the matter presenting the conflict of interest. The Member's ineligibility to vote shall be reflected in the minutes of the meeting.
- c. If the Member is an applicant submitting an application, contract, transaction, or any other matter to the board, commission, or committee, the Member may be present in the meeting room during the discussion to make a presentation and answer questions.
- d. If a Member plans not to attend a meeting at which he or she has reason to believe that the board, commission, or committee will act on a matter in which the Member has a conflict of interest, the Member shall disclose to the chair of the meeting all facts material to the conflict of interest. The chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.
- e. If a majority of members are disqualified by reason of a conflict of interest and a quorum does not exist for the purpose of transacting business of the board, commission, or committee, then a non-conflicted member shall administer the selection of one or more conflicted members to participate in a matter, but only to the extent necessary to achieve a quorum. Selection of conflicted members shall occur at a public meeting by having the conflicted members draw straws of various lengths to ensure the selection of conflicted members is random. Conflicted members permitted to participate in the discussion and vote on any matter in which the member has a conflict shall be the conflicted members who draw the shortest to the longest straws, in that order. Conflicted members who are not necessary to achieve a quorum shall not participate in the discussion or vote on the matter in which they are conflicted.

#### **Section 5. Violation Constitutes Malfeasance**

Any violation of this Ordinance, including failure to disclose a conflict of interest, constitutes malfeasance in office that may result in disciplinary action including censure, reprimand, removal, dismissal, or discharge.

**Section 6. Validity and Severability**

A holding that any portion of this Ordinance is invalid has no effect on the validity of the remaining portions.

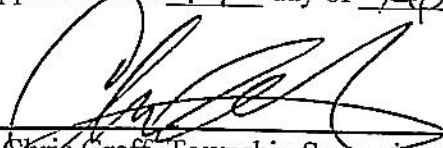
**Section 7. Repealer Clause**


Any ordinances, parts of ordinances or bylaw provisions of any board, commission, or committee outlined in Section 2 in conflict with this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

**Section 8. Effective Date**

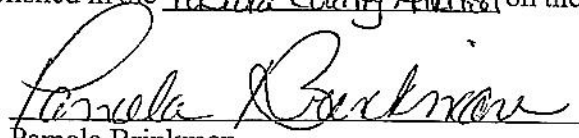
This Ordinance shall take effect immediately after adoption and publication in a newspaper of general circulation in the Township.

Approved this 19 day of April, 2023.

  
Chris Graff, Township Supervisor

  
Pamela Brinkman, Township Clerk

I, Pamela Brinkman, Clerk of the Township of Elmwood, Tuscola County, Michigan, do hereby certify that Ordinance No. 2023-0420 was published in the Tuscola County Advertiser on the ~~26<sup>th</sup>~~ day of April, 2023.

  
Pamela Brinkman,  
Elmwood Township Clerk