



Communication to the City Commission

TO: City Commission
COPY: Lauren Tribble-Laucht, City Attorney and
Benjamin Marentette, Interim City Manager
FROM: Jackie Anderson, City Commissioner and
MEMO DATE: October 1, 2025
SUBJECT: Proposed Ethics Ordinance

EXECUTIVE SUMMARY:

The Ad Hoc Committee for Ethics Regulation was unanimously established on Feb. 18, 2025 with members Amy Shamroe (Mayor), Mitchell Treadwell (Commissioner), and Jackie Anderson (Commissioner/Chair) appointed to serve. Since that time, the Ad Hoc has met six times to discuss content and enforcement approaches for an Ethics Ordinance. In addition, language for a Charter Amendment requiring the City to enact an Ethics Ordinance was unanimously approved by this body on June 16, 2025 and appears on the Nov. 4 ballot.

The Ad Hoc Committee now brings before the full commission a proposed Ethics Ordinance. The scope of the ordinance includes:

- **Purpose of the Ethics Ordinance** – which is to place service to the public above service to oneself. It is intended to shield the public interest from unethical actions and not be used as a weapon to unfairly attack or unduly benefit a specific individual or agenda.
- **Coverage by the Ethics Ordinance** – it shall apply to all public servants including elected officials, including city board and committee members, appointed officials, and City staff.
- **Fiduciary Duty** – public servants have a fiduciary duty to prioritize the City's interests above their own, and to act with the utmost good faith, trust, and loyalty.
- **Conflicts of Interest** – are defined and specific procedures required to identify and disclose conflicts of interest.
- **Impartiality** – is expected in both actions and appearance, such that the confidence of the public in the integrity of their local government is not adversely affected.
- **Specific Standards** – are set for improper use of position, incompatible offices, nepotism, confidential information, use of public property, and media relations.

- **Annual Disclosure Statement** – of any financial interests in a company/business/entity that has had contracts with or sought licensing/approvals from the City during the prior two calendar years.
- **Enforcement** – violation reports shall be channeled through an independent Arbiter who will investigate, hold hearings and deliberations, and issue referrals for violations of this Ordinance and any State/Federal statutes.
- **Penalties** – while the City is obligated to comply with collective bargaining agreements, the Arbiter is empowered to recommend discipline up to and including termination or removal from position.

The full text of the proposed Ethics Ordinance is attached for your review. Further discussion and questions are encouraged at the October 6, 2025 City Commission meeting.

I would like to personally acknowledge and thank the individuals who contributed their time and expertise to creation of this proposed ordinance:

- Lauren Tribble-Laucht, City Attorney
- Benjamin Marentette, Interim City Manager
- Amy Shamroe, Mayor
- Mitchell Treadwell, Commissioner
- Mary Grover, author of Michigan Municipal League's *"Ethics Handbook for Michigan Municipalities"*
- Members of the public who attended ad hoc meetings and commented on work-in-progress

RECOMMENDATION:

that an amendment to the Traverse City Code of Ordinances, to Chapter 225 Ethics which establishes the Ethics Ordinance, be introduced and scheduled for possible enactment on October 20, 2025.

Chapter 225 Ethics

225.01 Purpose.

The chief function of local government is to always serve the best interests of the public. The City of Traverse City is committed to serve the public with respect, courtesy, and responsiveness, recognizing that service to the public is beyond service to oneself. The City recognizes the importance of transparency and fairness to building trust between government and the public. The City acknowledges that setting clear expectations and promoting civility increases trust and confidence in government. Civility is the baseline of respect owed in public life. It necessitates disagreeing without disrespect, seeking common ground as a starting point for dialogue about differences, understanding and avoiding biases and personal preconceptions, and teaching others to do the same. Public Servants shall conduct themselves civilly and treat one another and the public with civility at all times.

The purpose of this Chapter is to create standards and processes for evaluating ethical considerations to provide a framework for mutual understanding, communication, and accountability. This Chapter shall be used to shield the public interest from unethical actions and never as a weapon to benefit a particular person or agenda.

225.02 Application.

The provisions of this Chapter shall apply to public servants as defined herein, subject to the Charter and in particular [Section 37](#) of the Charter, which specifies that the City has a commission-manager form of government.

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All persons to whom this Ordinance applies shall respect and adhere to the commission-manager structure of government outlined by the City Charter. Under that structure, the City Commission determines the policies of the City with the advice, information and analysis provided by the public, subordinate boards, committees and commissions and City staff and the City Manager is the individual accountable for the implementation of City services, policies, and initiatives. The City Manager is the principal contact point between the City Commission and staff.

225.03 Definitions.

Agency means any department, office, multimember body, or other organization of the local government.

Appointee means one who holds either a compensated or an uncompensated position, including an individual who is appointed by the mayor, the legislative body, other elected officials, or a department, division or commission head.

City means the City of Traverse City.

Clerk means the clerk of the City.

City Commission means the legislative body of the City of Traverse City.

Commercial gain means the use by a public servant of any local government resource including, but not limited to, the local government's time, equipment, facilities, supplies or staff, which results or is intended to result in unauthorized income or other benefit to the public servant.

Confidential information means information that has been obtained by a public servant in the course of acting as a public servant, that is not available to members of the public pursuant to the Michigan Freedom of Information Act, being MCL 15.231 *et seq.*, or pursuant to other law, regulation, policy or procedure recognized by law, and that the public servant is unauthorized to disclose, including:

1. any written information, whether in document or in electronic form, which could be exempted from disclosure pursuant to state law or to other pertinent law, regulation, policy or procedure recognized by law, unless the public servant disclosing the information is permitted by such authority to make disclosure; and
2. any non-written information which, if written, could be exempted from disclosure pursuant to state law or to other pertinent law, regulation, policy or procedure recognized by law, unless the public servant disclosing the information is permitted by such authority to make disclosure; and
3. information which was obtained in the course of or by means of a written or electronic record or oral report of a lawful executive or closed session, whether or not the disclosure of the information would violate state law, unless the public servant disclosing the information is authorized by state law to make disclosure, or unless the public servant disclosing the information has been properly authorized to make disclosure pursuant to an applicable law, regulation, policy or procedure, except that when such information is available through channels which are open to the public, this provision does not prohibit public servants from disclosing the availability of those channels.

Decision means:

1. a determination, action, vote, or other disposition upon a motion, proposal, recommendation, resolution, or ordinance by members of the governing body, or of a governing body of a local government agency; or
2. a determination, action or other disposition taken by an elected official with the authority to do so, or a local government agency in the performance of its public duties.

Domestic Partner means individuals in a committed relationship between adults, not related to each other, who maintain a common residence, and intend to continue to do so.

Employee means a person employed by the City, whether on a full-time or part-time basis.

Fiduciary duty means a duty of utmost good faith, trust, confidence, and candor owed by a fiduciary (such as an agent, a trustee, or a member of the City Commission) to the beneficiary (such as the agent's principal, the beneficiaries of the trust, or the public); a duty to act with the

highest degree of honesty and loyalty toward another person and in the best interests of the other person (such as the duty that one partner owes to another).

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, favor, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, travel, lodging, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

Government contract means a contract in which the City acquires goods or services, or both, from another person or entity, but the term does not include a contract pursuant to which a person serves as an employee or appointed officer of the City.

Have a common residence means that two or more individuals share the same residence. Two or more people can have a common residence even if one or both have additional residences, or if they do not possess legal title to the common residence. Individuals do not cease to have a common residence if one leaves the common residence but intends to return to it.

Immediate family means:

1. a public servant's spouse or domestic partner, or
2. a public servant's relative by marriage, lineal descent, or adoption; or
3. an individual claimed by a public servant or a public servant's spouse as a dependent under the United States Internal Revenue Code, being 26 USC 1 *et seq.*

Mayor means the mayor of the City of Traverse City.

Officer or **Official** means a person who holds office, by election or appointment within the City regardless of whether the officer is compensated for service in his or her official capacity.

Ownership interest means a financial or pecuniary interest that a public servant has in the affairs of 1) any business entity (including profit or nonprofit) in which the public servant or a member of his or her immediate family is an officer, director, member, or employee; 2) any business entity in which the public servant or a member of his or her immediate family controls, or directly or indirectly owns, in excess of 5% of the total stock or an interest totaling \$10,000 or more in value; or 3) any person or business entity with whom the public servant has a contract.

Personal services contract means a contract for the retention of an individual to perform services on behalf of the local government for a fixed period and for fixed compensation.

Private gain means any benefit which is accepted or received by a public servant, or is perceived by a reasonable person to be accepted or received by a public servant, as remuneration for the purpose of improperly influencing an official action in a specific manner or for refraining from the performance of an official action in a specific manner, or as inducement for the public servant to act in favor of some interest other than in the public interest. To clarify, *unless the above-standard is violated*, the following types of benefits, monetary payments or reimbursements, gifts, awards or emoluments may be received by a public servant:

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1. payment of salaries, compensation or employee benefits to a public servant by the local government, or the payment of salaries, compensation or employee benefits to a public servant by an employer or business other than the local government pursuant to a contract where the payment is unrelated to the public servant's status as a public servant;
 2. authorized reimbursement by the local government to a public servant of actual and necessary expenses incurred by the public servant;
 3. fees, expenses or income, including those resulting from outside employment, which are permitted to be earned by, or reimbursed to, a public servant in accordance with the Code, policies, rules and regulations of the local government;
 4. campaign or political contributions which are made and reported by a public servant in accordance with state law;
 5. admission, regardless of value, to a charitable or civic event to which a public servant is invited in his or her official representative capacity as a public servant where any admission or other fees required of all persons attending the event are waived or paid for the public servant by a party other than the local government or the public servant;
 6. an award publicly presented to a public servant by an individual or by a nongovernmental entity or organization in recognition of public service, acts of heroism, or crime solving;
 7. an award, gift or other token of recognition presented to a public servant by representatives of a governmental body or political subdivision who are acting in their official capacities;
 8. a gift received from a public servant's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this article;
 9. a registration fee for a seminar or other informational conference that a public servant attends in a capacity other than as a speaker, panelist, or moderator, where such registration fee that is charged for the public servant's attendance is waived or paid for the public servant by a party other than the local government or the public servant;
 10. expenses or gratuities, including but not limited to admission fees, lodging, meals or transportation, that are paid for a public servant and are related to the public servant's participation at a seminar, conference, speaking engagement or presentation in his or her official capacity as a speaker, panelist or moderator where such expenses or gratuities are waived or paid for, as the case may be, by a party other than the local government or the public servant, provided that, within five business days after the conclusion of the seminar, conference, speaking engagement or presentation, such public servant files with the clerk a statement which contains the following information for each expense that is paid for or waived or for each gratuity that is provided: a) a description of the expense or of the gratuity; b) the amount of the expense or of the gratuity; c) the date that the expense was incurred or that the gratuity was received; d) the date that the expense was paid or waived, or that the gratuity was received; and e) the name and address of the party who paid or waived the expense or who provided the gratuity;
 11. meals or beverages provided to the public servant by an individual or by a nongovernmental organization during a meeting related to official local government business;

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12. anything of value, regardless of the value, presented to or received by a public servant on behalf of the local government where the thing of value is offered to, and accepted by, the local government;
 13. a gift to a public servant that either is returned to the donor or is donated to the local government or to a charitable organization within thirty days of the public servant's receipt of the gift, provided that the public servant does not claim the donation as a charitable contribution for tax purposes;
 14. complimentary single copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials that are received by a public servant;
 15. compensation paid to a public servant for work which did not involve the use of the local government's time, equipment, facilities, supplies, staff or other resources where the payment is arranged or paid for by the contractor for the work;
 16. compensation paid to a public servant for a published work which did involve the use of the local government's time, equipment, facilities, supplies, staff or other resources where the payment of the compensation to the public servant is lawfully authorized by a representative of the local government who is empowered to authorize such compensation;
 17. receipt by the public servant of anything of value, where the payment, gift or other transfer of value is unrelated to, and does not arise from, a public servant's holding or having held a public position, and where the activity or occasion for which the payment, gift or other transfer of value given does not involve the use of the local government's time, equipment, facilities, supplies, staff or other resources in any manner or degree that is not available to the general public;
 18. hospitality that is extended to a public servant by an individual, or by an organization, for a purpose unrelated to the official business of the local government, including a gift of food, beverage, or lodging; and
 19. receipt by a public servant of a devise, bequest or inheritance.

Public servant means the elected mayor, members of the City Commission, any member of any local government agency, board, commission, or other voting body that is established by the local government Charter or by the Code of Ordinances, and any appointee, or any employee.

Relative means a person who is related to a public servant as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, uncle, aunt, nephew, niece, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law.

Voting body means the governing body and any other local government authority, board, commission, committee, council or group, regardless of whether its function is legislative, administrative, quasi-administrative, or quasi-judicial or any combination thereof, which, in order to take any official action, even where the action is advisory, must act as a body on the basis of a vote of some or all of its members.

225.04 Fiduciary duty.

Public servants have a fiduciary duty to prioritize the City's interests above their own, and to act with the utmost good faith, trust, and loyalty. They shall at all times act in accordance with such duty.

225.05 Conflicts of Interest.

- a. Conflicts of interests exist where:
 - (i) a public servant has any present or future material beneficial interest beyond ownership of his or her place of residence, in the outcome of a matter currently before that public servant or is associated as owner, board member, director, member, partner, officer, employee, broker or stockholder in any entity the public servant is directly or indirectly involved with or employed by that will be affected by the outcome of such matter, or
 - (ii) a public servant has reason to believe or expect that he or she will derive a direct or indirect monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity, or
 - (iii) a public servant has any other prohibited interest as defined by state statutes relating to conflicts of interest.
- b. Procedure:
 - (i) Individual public servants are responsible for identifying conflicts of interest and to thereafter take the appropriate steps as required by law, Charter, or this Chapter.
 - (ii) Whenever a disclosure is required by this Chapter, it shall be made in writing and filed with the City Clerk on a form provided on the City's website. OR If it is determined that a conflict exists, the affected public servant shall disclose the conflict on the record at an open meeting, shall recuse him or herself from participating in the discussion related to the issue, and shall leave the room while the discussion and vote take place.

225.06 Impartiality.

a. It is the intent of this Chapter that a public servant, regardless of whether specifically prohibited by this Chapter, shall avoid any action which might result in, or create the appearance of,

1. Using public office or employment for private gain.
2. Giving improper preferential treatment to any person or organization.
3. Impeding government efficiency or economy.
4. A lack of independence or impartiality of action.
5. Making a government decision outside of official channels.
6. Affecting adversely the confidence of the public in the integrity of the local government.

b. It is not the intent of this Chapter to limit the right or ability of any public servant to exercise his or her discretion in making legitimate decisions which are within their discretion so long as such action does not provide a special benefit to that person, relieve the public servant of a particular duty, or treat that person differently than other similarly situated residents in the community.

c. Disclosure Process. In the event of an appearance of a conflict, the public servant shall promptly disclose any interest he or she may have in the matter and the disclosure shall be made part of the public record of the governmental decision to which it pertains. The public servant shall explain the reasons for their decision to recuse themselves from the decision or to participate in the decision. If there is no objection to the public servant's decision, the participation of the public servant in the decision shall not be subject to the penalty provisions of this Chapter.

225.07 Improper use of position.

a. A public servant shall not make any policy statements which promise to authorize or to prevent any future action, agreement or contract, when, in fact, the public servant has no authority to do so.

b. A public servant shall not use his or her official position in violation of federal or state law, or to obtain or to create the appearance to obtain a private gain for the public servant in return for improperly influencing a decision of another public servant.

c. A public servant shall not use, or attempt to use, his or her official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for himself or herself, a relative, his or her immediate family, or others.

d. A public servant shall not use his or her public office and employment for personal, private, or economic gain, or use or attempt to use his official or her official position to secure special privileges or exemptions for himself or herself, or others, except as provided by law.

e. A public servant shall not take any action or create the appearance of giving preferential treatment to any organization or person.

f. A public servant shall not interfere with the ordinary course of law enforcement within the City, and shall not suggest or request special favors or consideration or disposition of any law enforcement person of the City, including the City Manager, Chief of Police, police officers, code enforcement officers, City Attorney or administrative staff, concerning any City law enforcement matter including, but not limited to, parking tickets, traffic tickets, ordinance tickets, or the enforcement of City codes.

225.08 Incompatible offices.

Subject to the Incompatible Public Offices Act (Act 566 of 1978), public servants shall not engage in employment or rendering services that are incompatible or in conflict with the discharge of their official duties on behalf of the City.

225.09 Nepotism.

The following relatives of any elected or appointed officer are disqualified from holding any appointed office, excluding appointed employees, during the term for which said elected or

appointed officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spouse of any of them. However, the City Commission may, by a 2/3 vote, which shall be recorded as part of its official proceedings, determine that the best interests of the City shall be served and the individual considered by such a vote has met the qualifications for appointive office. This provision shall not disqualify such relatives or their spouses who are bona fide appointed officers of the City at the time of the election or appointment of said officer to office.

225.10 Confidential information.

A public servant shall not divulge to an unauthorized person, confidential information acquired in the course of employment or service to the City in advance of the time prescribed by the City Commission or by law for its authorized release to the public.

Releasing confidential material received by a public servant is a breach of the fiduciary duty.

225.11 Public property.

A public servant shall use City resources, property, and funds under their care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit. A public servant shall not use City property or use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the general public.

225.12 Media relations.

A public servant shall not represent their personal opinion as that of the City.

225.13 Annual Disclosure Statement.

Elected and appointed officers, the City Manager, City Attorney and Department Heads shall file an annual disclosure statement no later than July 31 of each calendar year.

The annual disclosure statement shall disclose the following financial interest of the officer or employee or his or her 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 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; and
- (d) Legal or beneficial ownership of 5% [to be determined by the CC]% or more of the total outstanding stock or a corporation.

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 officer or employee and/or the immediate family member of the officer or employee during the two prior calendar years.

Commented [LT2]: For reference, the definition of "Ownership Interest" is 5% but this could be up for the Commission to discuss and change.

If there is no reportable financial interest or transaction applicable to the officer or employee and/or the immediate family of the officer or employee, the annual disclosure statement shall contain a certification to that effect.

The annual disclosure statement required under this section shall include the following certification: "I certify that the statements I have made in this disclosure statement are true, complete and correct to the best of my knowledge and belief, and that I have not moved assets during the reporting period for the purpose of avoiding disclosure under this ordinance."

225.14 Enforcement.

a. There is no private right of action, either at law or in equity under this ordinance. The remedies provided herein are the exclusive means by which this ordinance may be enforced and by which any harm resulting from a violation of this ordinance may be addressed.

b. The City Attorney shall recommend a qualified neutral third party (the "Arbiter") at the first business meeting in January of each year, subject to approval of the City Commission. The Arbiter shall be retained to be on call to provide services necessary to carry out the enforcement processes under this ordinance. Complaints regarding the City Attorney shall be made to the Human Resources Director and be forwarded to an Arbiter recommended by the City Manager and subject to the approval of the City Commission.

c. The Arbiter shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, written complaint against a public servant, to investigate, conduct hearings and deliberations, issue referrals for disciplinary hearings and refer violations of this Ordinance or state or federal statutes to the attention of the appropriate authority. The Arbiter shall, however, act only upon the receipt of a written complaint alleging a violation of this ordinance and not upon its own initiative.

(3) To receive information from the public pertaining to its investigations and to seek additional information and documents from officers and employees of the City.

(4) To request the attendance of witnesses and the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the City to cooperate with the Arbiter during the course of its investigations. Failure or refusal to cooperate with requests by the Arbiter shall constitute grounds for discipline or discharge of appointed officers and employees of the City.

(5) The powers and duties of the Arbiter are limited to matters clearly within purview of this ordinance.

d. A person may file with the City Attorney a complaint that alleges a violation of this ordinance within one month of the alleged violation. If the complaint is regarding the City Attorney, the complaint shall be filed with the City Clerk. The City Attorney or City Clerk shall promptly forward the complaint to the Arbiter. Not later than 5 business days after a complaint that meets the requirements of subsection e is received by the Arbiter, the Arbiter shall mail notice to the person against whom the complaint is filed. The notice must include a copy of the complaint. Not later than 15 business days after the notice is mailed, the person against whom the complaint was filed may submit a response to the Arbiter. The Arbiter shall mail a copy of a response

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received to the complainant. Not later than 10 business days after the response is mailed, the complainant may submit a rebuttal statement to the Arbiter. The Arbiter may extend the period for submitting a rebuttal statement an additional 10 business days for good cause. The Arbiter shall provide a copy of the rebuttal statement to the person against whom the complaint was filed. If, on review of the complaint, the Arbiter determines that the complaint is frivolous, illegible, indefinite, or unsigned, or does not identify an alleged violator, allege a violation of this ordinance, or contain a verification statement, the Arbiter may summarily dismiss the complaint without prejudice. If a complaint is summarily dismissed, the complainant must be notified in writing as to the reason the complaint was dismissed. The Arbiter may consolidate similar complaints. The Arbiter may refer the complaint to another agency or human resources department if appropriate. Notice will be provided to a complainant in the event the complaint is resolved administratively. If so, the hearing process would stop.

e. A complaint filed under subsection d must satisfy all of the following requirements:

1. Be signed by the complainant.
2. State the name, address, and telephone number of the complainant.

3. Include the complainant's certification that, to the best of the complainant's knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence. However, if, after a reasonable inquiry under the circumstances, the complainant is unable to certify that certain factual contentions are supported by evidence, the complainant may certify that, to the best of the complainant's knowledge, information, or belief, there are grounds to conclude that those specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry.

f. The Arbiter shall investigate allegations brought under this ordinance.

g. Not later than 45 business days after receiving a rebuttal statement submitted under subsection d or, if no response or rebuttal is received under subsection d, 45 business days after receiving a complaint under subsection c, the Arbiter shall endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the person involved. If, after 90 business days, the Arbiter is unable to correct or prevent further violation by these informal methods, the Arbiter may commence a hearing as provided in subsection h for enforcement of this ordinance.

h. The Arbiter may commence a hearing to determine whether a violation of this ordinance occurred at which the individual against whom the complaint was filed may appear in person and may be represented by counsel. The hearing shall be open to the public and shall be recorded but not broadcast simultaneously.

i. A final decision or order issued by the Arbiter under this ordinance is final and is subject to judicial review.

j. Public servants must not issue threats of charges that have no substantial purpose other than to embarrass or harm another person or that violate other substantive laws, such as criminal statutes that prohibit extortion. Threatening enforcement of this ordinance to gain strategic or other advantage or concession is a violation of this ordinance. Public servants may not threaten ethical charges under this ordinance unless they have a good faith belief that another is engaged in conduct that has violated this Chapter.

225.15 Penalty.

a. Sanctions shall not be construed to diminish or impair the rights of an officer or employee under any collective bargaining agreement, nor the City's obligation to comply with such collective bargaining agreements.

b. Upon a finding of a violation of any provision of this chapter, the Arbiter is empowered to recommend any one or more of the following actions:

(1) Discipline up to and including termination or removal from any position whether paid or unpaid, excluding elected positions, only after notice and hearing as provided by law; and/or

(2) Termination or invalidation of contract(s) entered into in violation of this chapter.

c. Upon a finding of a violation of the applicable provisions of this chapter, the District Court is empowered to assess the following penalties:

(1) Any public servant who violated a provision of this chapter may be subject to [a civil infraction] OR [a misdemeanor] ...

(2) Any public servant who fails to file an Annual Disclosure Statement required by section 225.13 may be fined \$10 per day, up to a maximum of \$500, from the first day the Annual Disclosure Statement is due until the Annual Disclosure Statement is filed; and

(3) Any public servant who is found to have violated a provision(s) of this ordinance shall be deemed guilty of misconduct.

d. The various penalties provided under this division are cumulative to other remedies provided under state law or under the Charter and ordinance of the City.

225.16 Exclusions.

This ordinance is not intended to cover the following:

a. This ordinance shall not prohibit a City officer, official, candidate or employee from accepting minor gifts such as meals, awards, pens, pencils, and other token items valued at \$25 or less when the gift is extended during the course of City business and no return promise is made by the recipient.

b. This ordinance shall not prevent any officer, official or employee from accepting their regular compensation.

c. This ordinance does not prohibit the expression of views and opinions or communications of plans for future action, nor does it prohibit contributions to political parties or candidates as permitted by law.

d. This ordinance shall not apply to a City officer, official or employee who in the course of decision making discloses a direct or indirect conflict of interest or potential conflict of interest in any matter before the City Commission, advisory board or commission and is permitted to continue participating in the decision making.

e. This ordinance shall not prohibit the City Manager, City Attorney and all law enforcement officials from exercising their usual power, control and discretion which are part of their duties.

f. This ordinance shall not prohibit the Mayor and City Commission from making policy decisions, enacting legislation, and directing the affairs of the City in accordance with their legal powers and responsibilities as provided in the City Charter or State statutes.

g. This ordinance shall not be enforced to cause any person to be favored or discriminated against because of their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity.

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