

**POLICY 2021-008**  
**VILLAGE OF ONTONAGON**  
**CONFLICT OF INTEREST POLICY**

**Approved:** June 28, 2021

**Last Modified:** June 7, 2021

**Article I: Purpose**

To ensure that the business of the Village of Ontonagon (“Village”) will be conducted in such a way that no Village Officer of the Village will gain a personal or financial advantage from his or her work for the Village and so that the public trust in Village officials will be preserved. It is also the intent of this policy to ensure that all decisions made by Village officials are based on the best interest of the community at large.

**Article II: Application**

This policy applies to all Village Officers as that term is defined below.

**Article III: Definitions**

For the purposes of this policy, the following definitions shall apply:

*Conflict of Interest:*

1. A direct or indirect personal or financial interest of a Village Officer, his or her spouse, household member, child, stepchild, parent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, employer or employee in the outcome of a cause, proceeding, application, or any other matter pending before the officer or before the public body in which he or she holds office or is employed.
2. A situation where a Village Officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall apply to a member’s particular political views or general opinion on a given issue.
3. A situation where a Village Officer has not disclosed ex parte communications with a party in a quasi-judicial proceeding.

*Emergency:*

An Imminent threat or peril to the public health, safety, or welfare.

*Ex Parte Communication:*

Direct or indirect communication between a member of a public body and any party, party’s representative, party’s council or any person interested in the outcome of a quasi-judicial proceeding that occurs outside the proceeding and concerns the substance or merits of the proceeding.

*Official act or action:*

Any legislative, administrative, or quasi-judicial act performed by any Village Officer while acting on behalf of the Village.

Public body:

Any Authority, Commission, Committee or Council of the Village.

Public interest:

An interest of the community as a whole, conferred generally upon all residents of the Village.

Village Officer:

A person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the Village. This term does not apply to Village employees who are not elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the Village.

Quasi-judicial proceeding:

A case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

**Article IV: Prohibited Conduct**

- A. A Village Officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- B. A Village Officer shall not personally – or through any member of his or her household, business associate, employer or employee – represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application, or other matter pending before the public body in which the Village Officer holds office.
- C. A Village Officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.
- D. A Village Officer shall not use resources unavailable to the general public – including but not limited to Village staff time, equipment, supplies, or facilities – for private gain or personal purposes.

**Article V: Disclosure**

A Village Officer who has reason to believe that he or she has or may have a conflict of interest in a particular matter shall, prior to participating in any official action on the matter, publicly disclose at a public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and disclose the nature of the actual or perceived conflict of interest. Alternatively, a Village Officer may request that another Village Officer recuse him or herself from a matter due to conflict of interest.

**Article VI: Consideration of Recusal**

Once there has been a disclosure of an actual or perceived conflict of interest, other Village Officers shall be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing conducted by a public body of the Village,

the public body shall take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

## **Article VII: Recusal**

### **Recusal of Appointed and Elected Officers**

After taking actions listed in Article V and VI, a Village Officer, whether appointed or elected, shall declare whether he or she will recuse him or herself and explain the basis for that decision. If the Village Officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. Otherwise, the Village Officer shall recuse him or herself from the matter under consideration. A Village Officer that recuses him or herself may, but not must, explain the basis for that decision.

### **Recusal of Appointed Officers**

The failure of an appointed officer to recuse himself or herself in spite of a conflict of interest may be grounds for discipline or removal from office.

## **Article VIII: Recording**

The minutes of the meeting or the written decision from the hearing shall document the actions taken in Articles V through VII.

## **Article IX: Post-Recusal Procedure**

- A. A Village Officer who has recused himself or herself from serving on a public body in a particular proceeding shall not sit with the public body, deliberate with the public body, or participate in that proceeding as a member of the public body in any capacity, though such member may still participate as a member of the public.
- B. The public body may adjourn the proceeding if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

## **Article X: Enforcement**

### **Enforcement Against Elected Officers; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures**

In cases where an elected Village Officer has engaged in any of the prohibited conducts listed in Article IV, or has not followed the conflict of interest procedures in Articles V through IX, the Village may take progressive action to discipline such elected officer as follows:

1. The President of the Village Council may meet informally with the Village Officer to discuss the possible conflict of interest violation. This shall not take place in situations where the President and the Village Officer together constitute a quorum of the public body.
2. The Village Council may meet to discuss the conduct of the Village Officer. Closed session may be used for this discussion if requested by the Village Officer. The Village Officer may also

request that this meeting occur in public. If appropriate, the Village Council may admonish the offending Village Officer in private.

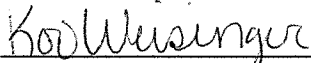
3. If the Village Council decides that further action is warranted, the Village Council may admonish the offending Village Officer at an open meeting and reflect this action in the minutes of the meeting. The Village Officer shall be given the opportunity to respond to the admonishment.
4. Upon majority vote in an open meeting, the Village Council may request (but not order) that the offending Village Officer resign from his or her office.

**Enforcement Against Appointed Officers**

The Village Council may choose to follow any steps articulated in Article X. In addition to or in lieu of any of those steps, the Village Council may choose to remove an appointed officer from office.

**Article XI: Exception**

The recusal provisions of Article XII shall not apply if the Village Council determines that an emergency exists and that actions of the public body otherwise could not take place. In such a case, a Village Officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article V.

  
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Kori Weisinger, Clerk/Treasurer