

CITY OF DETROIT BOARD OF ETHICS

REQUEST FOR ADVISORY OPINION

Name* of Requestor: _____ Date of Request: _____

Requestor's Address: _____
Street City State Zip Code

Requestor's Telephone Numbers: (Home) _____ (Work) _____

Requestor's Status (Indicate facts which support status, such as current or former position/title):

Current Public Servant: Yes ____ No ____

Position/Title: _____

Former Public Servant: Yes ____ No ____

Position/Title: _____

Dates of Former Public Service: _____

Applicant/Candidate to be Public Servant: _____
Position or Office Sought

Date of Application for City Position: _____

Date of Filing Petition for City Office: _____

***Ethics Ordinance provides that the identity of a public servant, former public servant, or an applicant or a candidate to be a public servant who requests an advisory opinion is confidential, and any information that reveals the identity of the requestor is also confidential. A requestor who makes his or her identity public is deemed to have waived confidentiality, or may elect to waive this confidentiality. Do you waive confidentiality? ____ Yes ____ No.**

Requestor Seeks Advisory Opinion Regarding (check one):

____ Application of Disclosure Requirements (see Division 2, printed on the following pages), or

____ Application of Standards of Conduct (see Division 3, printed on the following pages)

Describe the Particular Facts and Circumstances that form the basis for the opinion request (attach separate sheet if needed):

Signature of Requestor

Submit Request to:

City of Detroit Board of Ethics
660 Woodward Ave.
First National Building, Suite 1537
Detroit, MI 48226
313-224-2376
313-224-2371 (fax)
Website: <http://www.ci.detroit.mi.us/BoardOfEthics/>

Dated: 4/07

CITY OF DETROIT ETHICS ORDINANCE

DIVISION 2. DISCLOSURE REQUIREMENTS

Sec. 2-6-31. Disclosure of interest in real and personal property.

(A) In accordance with subsections (B) or (C) of this Section, a public servant who exercises significant authority in the course of his or her duties over a decision by the City regarding the purchase, sale, lease, zoning, improvement, special designation, tax assessment or abatement, or development agreement with respect to any real property, or the purchase, sale, or lease of any personal property, shall disclose any ownership interest that he or she, or his or her immediate family, has concerning such real or personal property.

Sec. 2-6-32. Disclosure of interest in City contracts.

(A) In accordance with subsections (B) or (C) of this Section, a public servant who exercises significant authority in the course of his or her duties over the solicitation, negotiation, approval, amendment, performance or renewal of a City contract shall disclose any ownership interest that he or she, or his or her immediate family, has concerning such City contract.

Sec. 2-6-33. Disclosure of campaign contributions and expenditures.

In accordance with Section 2-106(3) of the 1997 Detroit City Charter, the Mayor, members of the City Council, the City Clerk, and candidates for election shall make campaign contributions and expenditures public by filing the appropriate report(s) as required by the Michigan Campaign Finance Act, being MCL 169.201 *et seq.*

Sec. 2-6-34. Appointees required to disclose relationship as immediate family member, or relative, of the Mayor, a City Council Member, or the City Clerk.

Within thirty (30) days of enactment of this section, or within thirty (30) days of appointment, whichever is earlier, each public servant, who 1) is an appointee and an immediate family member, as defined in Section 2-6-3 of this Code, of the Mayor, a City Council Member or the City Clerk, or 2) is an appointee and a relative, as defined in Section 2-6-3 of this Code, of the Mayor, a City Council Member or the City Clerk, shall disclose the relationship on a form that shall be created by the Law Department and made available at the Office of the City Clerk, at each City department and each City agency, and filed upon completion at the Office of the Board of Ethics.

DIVISION 3. STANDARDS OF CONDUCT

Sec. 2-6-61. Engaging in official duties for private gain prohibited.

A public servant shall not engage in any act or omission in the discharge of his or her official duties for private gain.

Sec. 2-6-62 Use of confidential information for private gain prohibited.

A public servant shall not use confidential information that is acquired in the course of his or her employment for private gain.

Sec. 2-6-63. Disclosure of confidential information prohibited.

Except as authorized by law, a public servant shall not knowingly disclose to a third party confidential information that is acquired in the course of his or her employment.

Sec. 2-6-64. Use of City resources for commercial gain prohibited.

A public servant shall not use any City-owned real or personal property, City funds, City personnel, or any other tangible City resource for commercial gain.

Sec. 2-6-65. Incompatible employment or rendering services prohibited.

A public servant shall not engage in or accept employment, or render services, for a private or public interest where such employment or service is incompatible with the discharge of the public servant's official duties for the City, or where such employment or service is reasonably expected to impair the public servant's independence of judgment or action in the discharge of his or her official duties for the City.

Sec. 2-6-66. Representation of private person, business or organization prohibited; exceptions.*

A public servant shall not act, as an agent, attorney, or representative for another person, business or organization in any matter that is pending before a city agency, except that:

- (1) A public servant may represent another person, business or organization before a City agency where such representation is a required part of the public servant's official duties; or
- (2) A public servant who is an uncompensated member of a City board, commission, or other voting body may act as an agent, attorney, or representative for another person, business or organization in a matter that is pending before a City agency, other than the board, commission, or other voting body on which he or she is a member; or
- (3) A public servant who is compensated by the City may act as an agent, attorney or representative for another person, business, or organization in a matter that is pending before a City board, commission or other voting body, other than the board, commission or other voting body on which he or she serves as an appointee or as an employee, or under a personal services contract, as long as he or she does so, (a) without compensation; and (b) on his or her leave time; and (c) for appointees, in accordance with Chapter 13, Article V, of this Code; or (d) for non-union employees, in accordance with Chapter 13, Article V, of this Code and the City's Civil Service Rules; or (e) for union employees, in accordance with his or her respective union contract and the City's Civil Service Rules; or (f) for individuals who provide services to the City of Detroit pursuant to a personal services contract, in accordance with the applicable provisions of the contract.

Sec. 2-6-67. Self-interested regulation prohibited.

A public servant shall not make a loan of public funds, grant a subsidy, fix a rate, issue a license, permit or certificate, or otherwise regulate, supervise or participate in a decision that pertains to an entity in which the public servant, or a member of his or her immediate family, has an ownership interest.

Sec. 2-6-68. Improper use of official position prohibited.

A public servant shall not use his or her official position in violation of federal or state law, or to obtain a private gain for the public servant in return for improperly influencing a decision of the Mayor, of the City Council, of the City Clerk, or of a member of a City authority, board, commission, committee, council or group, or other City agency.

Sec. 2-6-69. Solicitation or acceptance of promissory note, written loan agreement, or monetary payment, from an individual or an entity that is providing service to, or receiving tax abatements, credits or exemptions from, the City prohibited; exceptions.*

In accordance with subsections (a)-(b) of this Section, a public servant, who exercises significant authority (*Sec. 2-6-3*) over City contracts, including but not limited to, the solicitation, negotiation, or approval of City contracts, shall not enter into promissory notes or loan agreements with, or solicit or accept monetary payment from a contractor, subcontractor, or bidder or the immediate family of a contractor, subcontractor or bidder.

In accordance with subsection (c)-(d) of this Section, a public servant, who exercises significant authority (*Sec. 2-6-3*) over development of real property within the City, including but not limited, the sale, purchase or leasing of real property, shall not enter into promissory notes or loan agreements with, or solicit or accept monetary payment from a developer or bidder, or the immediate family member of a developer or bidder.

Subsection (e) does not prohibit a public servant from entering into a promissory note or loan agreement, on terms that are available to the general public.

Sec. 2-6-70. Mayor, City Council Members, and City Clerk prohibited from influencing decisions to fill any civil service position with immediate family members or relatives.

The Mayor, City Council Members, and the City Clerk shall not influence any decision to fill any civil service position with 1) the Mayor, a City Council Member, or the City Clerk's immediate family member, as defined in Section 2-6-3 of this Code, or 2) the Mayor, a City Council Member, or the City Clerk's relative, as defined in Section 2-6-3 of this Code.