

**A. CALL TO ORDER:**

A Special Meeting of the Troy City Council was held electronically on Monday, February 1, 2021. Mayor Baker called the meeting to order at 6:01 PM.

**B. ROLL CALL:**

- (a) Mayor Ethan Baker
- Edna Abraham
- Mayor Pro Tem Theresa Brooks
- Rebecca Chamberlain-Creangă
- Ann Erickson Gault
- David Hamilton
- Ellen Hodorek

**C. PUBLIC COMMENT:**

Rodger Walters	Commented on his mayoral campaign
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**D. BUSINESS STATED IN THE SPECIAL MEETING NOTICE:****D-1 City Council Ethics Study Session**

City Attorney Bluhm presented the topic and provided discussion points.

Council Member Hamilton asked how to determine if gifts received by a member of City Council would become “corrupt intent”, and warrant removal from office. City Attorney Bluhm commented that perhaps a judge in a criminal case, or a decision after an investigation, would make that determination. She said that in some instances, an ordinance would have a specific dollar amount. She said it is difficult to write a code of ethics that would not have any ambiguity in it, and it’s very difficult to prevent someone from finding a way to circumvent the rules.

Council Member Chamberlain-Creangă asked if the goal is to meet the recommendation of Plante & Moran. City Attorney Bluhm commented that it is up to City Council to decide what they’d like to do, and to review the Code of Ethics annually.

City Manager Miller commented that he is having a meeting tomorrow with Asst. City Manager Bruner to discuss the Plante & Moran review. He said that many City departments have their own set of ethics and rules, for example the Police Department.

Council Member Hodorek emphasized having ethics training on an annual basis to help prevent encountering any gray areas. She encouraged City Council to be proactive on establishing and revisiting ethics training for current and future City Council Members.

Mayor Baker asked City Manager Miller and City Attorney Bluhm what ethics training they and other City Administration have received. City Attorney commented on her ethics training background. City Manager Miller commented on his ethics training background. City Attorney

Bluhm also commented that many professional organizations have their own code of ethics and City employees are required to sign off on the City Handbook, Ad Memos, and Code of Conduct. Mayor Baker commented that he would like to make ethics training a standard process going forward.

Mayor Baker asked about Ad Memos being available to City Council. City Attorney Bluhm raised concerns with some Ad Memos being available to the public; however, she said the Whistleblower and Discrimination Policy could be available on the website. City Manager Miller said the Ad Memos are electronic and available on the City's internal internet.

Council Member Hodorek reaffirmed that City Council is responsible for setting policy, and she commented on the importance of following the same code. She asked about the controller's role, professional training, and financial oversight. City Manager Miller commented that he can prepare a report for City Council. City Attorney Bluhm commented that Troy's finances are transparent and available on the Open Troy webpage on the City website.

Council Member Erickson Gault asked if there are any provisions in place for a member of the public to file an ethical violation against City Council that would be investigated, and how would the public know how to lodge a complaint. City Attorney Bluhm responded that the Ad Memos apply to Council Members and City employees and there is a Citizens Complaint/Inquiry portal on the City website where the public can lodge a complaint. Council Member Erickson Gault asked if there is a benefit for having an independent board where someone can file a confidential complaint. City Attorney Bluhm commented on some feedback from other communities that have boards of ethics.

Council Member Abraham asked what powers would a board of ethics have to investigate complaints. City Attorney Bluhm responded that the investigative powers depend on who the complaint is made against, whether it is an appointed or elected official or an employee.

Council Member Brooks commented that she was originally looking for more consequences for ethics violations and she was frustrated to learn the options are limited. She suggests focusing on being more proactive rather than reactive with the ethics policy.

Council Member Abraham commented that there are good protections in place for ethics violations by employees, but more is needed for violations by elected officials. She said one option available for a violation by an elected official is censure, and she asked what it entails and means for highlighting the ethics violation. City Attorney Bluhm said they would need to publicly detail the misconduct before censuring the individual, or if the actions warranted, direct that it be referred for criminal investigation.

The Meeting **RECESSED** at 7:18 PM.

The Meeting **RECONVENED** at 7:23 PM.

City Attorney Bluhm introduced the discussion point of continuing the separation of ethics provisions for employees and elected officials.

Mayor Baker asked the benefit for discontinuing the separation for employees and elected officials. City Attorney Bluhm said it would still be remanded to the City Manager for the administrative process for employees. City Manager Miller said Troy operates a Council-Manager form of government and other Strong Mayor form of governments have ethical boards because there is an added political dimension.

Council Member Erickson Gault said she is hesitant to have City Council micromanage how the City Manager and Department Heads conduct the business of the City. She said City Council's main role is to set policy, and it is the responsibility of the City Manager, City Attorney, and Department Heads to conduct business within their realm. She raised concerns about having one blanket code of ethics policy in that there are different ethical situations for elected officials versus employees.

Council Abraham agreed that that the roles are different and that employees and elected officials should be separated. She mentioned that different departments, such as police and finance, may have different training requirements and should be held annually at a minimum.

Council Member Chamberlain-Creangă commented that the organizational chart determines who City Council and employees are held accountable to and they are different, so it makes sense to keep them separate.

Mayor Baker summed up City Council comments and said they do not think a blanket policy is necessary, but training across the board is a good idea.

City Attorney Bluhm discussed the next discussion point and options for ethics training and asked if there is a need for a separate ethics ordinance.

Council Member Erickson Gault said she believes so. She said it is important to have one central location that covers ethics, such as an ordinance, that would be more difficult for future City Council Members to amend.

Council Member Hamilton agreed about having a comprehensive ordinance, but he also believes there is a role of having something in the City Charter allowing for more longevity.

Council Member Hodorek agreed with Council Member Erickson Gault with having one central location for ethics. She recommends having annual ethics training.

Mayor Baker asked City Attorney Bluhm the timeframe for amending current Code of Ethics versus drafting a new ordinance. City Attorney Bluhm responded with the timeframes. She also commented that there are State Law provisions that prohibit amending some of the critical elements of a code of ethics or conduct.

Council Member Chamberlain-Creangă commented that she supports having an ethics ordinance. She asked about the time and resources for initiating a Charter amendment. City Attorney Bluhm said there is a lot of work involved and some financial expenses for a proposed Charter amendment.

Council member Abraham said she would like to get some changes established or modified sooner than later. She recommends modifying the current code of ethics as a start and then continue discussions on whether to establish an ordinance or amend the City Charter. She

asked City Attorney Bluhm on the timeline to amend or draft an ordinance. City Attorney Bluhm responded that it is difficult to determine a timeframe due to limitations on staffing and current workloads.

Mayor Pro Tem Brooks supports having an ethics ordinance and would like to think further on a Charter amendment.

Mayor Baker supports a comprehensive ethics ordinance and agrees with required annual training, and he supports making changes in stages. He said from a policy standpoint, an ethics ordinance should be high priority.

Council Member Hodorek said the Code of Ethics is on the City Council webpage, and she recommends adding the background materials for this meeting to the webpage.

City Attorney Bluhm introduced the next discussion point on establishing an Ethics Board.

Council Member Chamberlain-Creangă commented that she would like more information on an Ethics Board. She commented that she would like a mechanism in place to hold City Council and their direct reports accountable. She said she would like to know more background on other communities and why they have Ethics Boards.

Council Member Hamilton commented on finding out why some of the surrounding communities' Ethics Boards are not very active. City Attorney Bluhm commented that the ICMA survey results indicated that a low percentage of communities have an Ethics Board. Assistance City Manager Bruner commented that it is less important to have a Board of Ethics and more important that there is a clear process for reporting issues. He commented that people feel censure is unfulfilling, but it does send the message that ethical behavior is important to the organization and will not go unchecked.

Mayor Pro Tem Brooks commented that she originally thought an Ethics Board was a great idea, but has since decided that having a process is most important.

Council Member Erickson Gault questioned if it would be best to establish an ordinance and spend more time discussing the option of an Ethics Board. She said she also agrees with making the changes in steps by starting with amending the Code of Ethics.

Council Member Abraham said she was originally intrigued by an Ethics Board. She said she has questions and expressed concerns with creating an Ethics Board.

Council Member Hodorek commented it is worth exploring, but she is not sure the City needs an Ethics Board.

Mayor Baker commented that City Council is in support of establishing an ethics ordinance. He also said that there are processes currently in place and noted that the City had a successful recall election not too long ago.

City Attorney Bluhm introduced the next discussion point on the Code of Ethics and Rules of Procedure.

Mayor Baker asked about requiring training and if it could be incorporated in the Code of Ethics or Rules of Procedure. City Attorney Bluhm commented that it can be in both, and she also commented that the Rules of Procedure can be waived.

Council Member Erickson Gault commented that there is consensus for adding a training element and where should it be incorporated. City Attorney Bluhm responded that it could be in the Code of Ethics or Rules of Procedure, or both. She said that an element of ethics training for employees can be added to Chapter 4 of the Code of Ordinances.

City Council reviewed the Council Code of Ethics.

Mayor Baker questioned de minimis gifts, specifically referencing only food and beverage. City Manager Miller provided an example where a local business sent him a package of candy, coffee and sauces, and he commented that he makes it available to and shares it with line staff. City Attorney Bluhm commented that the ethics can be clarified and tweaked.

Council Member Hodorek commented on the ICMA Code of Ethics, the reason why it was added to the Council Code of Ethics, and the importance of reviewing it annually.

Council Member Abraham commented on de minimis gifts and if it is possible to deter business owners from offering gifts to elected officials or employees. Mayor Baker provided an example where a business owner offered gift cards, and it was suggested that they donate it to a non-profit organization.

Mayor Baker asked if there are any thoughts on adding language in the Code of Ethics regarding de minimis gifts. Assistant City Manager Bruner commented that having a specific gift policy or monetary gift threshold in place will help. City Manager Miller commented that some restaurants will invite elected officials and City Staff to a trial run dinner prior to their grand opening. He welcomed City Council's input and guidance for those situations.

Council Member Hodorek commented that there is a difference between partnering with a business by providing bodies to help train staff, etc., to help them during their startup versus businesses giving away gifts.

Council Member Erickson Gault said de minimis gifts should be incorporated into ethics training to cover the gray areas.

Council Member Hodorek commented on the importance from an economic development relationship standpoint that elected officials support new businesses during their startup. She said it is not a situation where the business is receiving something from the City in return. She said Council Members can go to the City Manager, City Attorney, and Assistant City Manager to talk through any ethical issues.

Council Member Chamberlain-Creangă asked about duty of impartiality as elected officials and does it exist in the current Code of Ethics. City Attorney Bluhm responded that one component in the Code of Ethics is to treat all people fairly and with dignity and respect. She said it is helpful to have this discussion and convey to the public that ethics is high on City Council's list of priorities.

City Manager Miller commented on his ethical obligations as a City Planner. He said they are exploring citizen engagement and equity and inclusion and that may feed into the Code of Ethics. He asked Assistant City Manager Bruner to provide more information. Assistant City Manager Bruner commented that they reached out to Gov HR to provide a proposal to look at the goals and best practices for public engagement and equity and inclusion and provide recommendations on how to proceed with the items discussed back in November. City Manager Miller commented that from a professional standpoint, doing this achieves part of their ethical obligations.

Council Member Hodorek commented if a bullet point in the Code of Ethics hits on the point that Council Member Chamberlain-Creangă mentioned. Council Member Chamberlain-Creangă commented that there are hints in the current language, but she recommends addressing impartiality since it is a fiduciary responsibility.

Mayor Baker asked for consensus from City Council to have City Attorney Bluhm add some language addressing impartiality. There was consensus of City Council.

Mayor Baker asked if it is possible to include the Council Code of Ethics in the City Council Agenda for each meeting.

Council Member Hamilton commented to have City Council and City Staff consider adding provisions to the City Charter since has more long-term effect.

Mayor Baker commented that City Council discussed issues and potential amendments to the Charter back in 2019. He said a lot has changed since then and City Council will need to revisit that discussion.

Council Member Hamilton also noted the importance for being very careful with changes to the City Charter.

City Attorney Bluhm consolidated the discussion from tonight's meeting and highlighted some of the proposed revisions to the current Code of Ethics, adding language regarding ethics training into the Code of Ethics and/or Rules of Procedure, eventually create an ethics ordinance for Council Members and appointed officials, and add training information to the employee Code of Conduct. She added about a possible Charter amendment if City Council provides direction.

Council Member Erickson Gault said she is grateful to serve on a Council that prioritizes ethics.

Mayor Baker expressed his appreciation for having a City Manager, Assistant City Manager, and City Attorney that values ethics.

Mayor Baker reminded everyone of the February 3, 2021 Special Joint City Council and Downtown Development Authority Meeting.

## **E. OTHER BUSINESS:**

**F. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:09 PM.

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Mayor Ethan Baker

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M. Aileen Dickson, MMC, MiPMC II  
City Clerk

**2021 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

February 3, 2021 .....Joint Meeting with Downtown Development Authority  
March 10, 2021 ..... Joint Meeting with Global Troy Advisory Committee  
March 23, 2021 ..... Personnel Evaluations  
April 19, 2021 .....Budget Discussions  
April 22, 2021 .....Budget Discussions

**2021 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

February 8, 2021 .....Regular Meeting  
February 22, 2021 ..... Regular Meeting  
March 8, 2021 .....Regular Meeting  
March 22, 2021 .....Regular Meeting  
April 12, 2021 ..... Regular Meeting  
April 26, 2021 .....Regular Meeting  
May 10, 2021..... Regular Meeting  
May 24, 2021..... Regular Meeting  
June 14, 2021 ..... Regular Meeting  
June 28, 2021 ..... Regular Meeting  
July 12, 2021 ..... Regular Meeting  
July 26, 2021 ..... Regular Meeting  
August 9, 2021 ..... Regular Meeting  
August 30, 2021 ..... Regular Meeting  
September 13, 2021 ..... Regular Meeting  
September 27, 2021 ..... Regular Meeting  
October 11, 2021..... Regular Meeting  
October 25, 2021..... Regular Meeting  
November 8, 2021 ..... Regular Meeting  
November 22, 2021 ..... Regular Meeting  
December 6, 2021 ..... Regular Meeting  
December 13, 2021 ..... Regular Meeting