

# CITY OF MARQUETTE, MICHIGAN

## CITY COMMISSION POLICY

Policy Number: <b>2005-02</b>	
Date Adopted: June 13, 2005	
Department: Administrative	

**SUBJECT: CITY ATTORNEY POLITICAL INVOLVEMENT/CONFLICT OF INTEREST/LINES OF COMMUNICATION POLICY**

**PURPOSE:** This policy is the City Attorney Political Involvement/Conflict of Interest/Lines of Communication Policy for the City of Marquette.

I. **POLICY:** It is the policy of the City of Marquette to set parameters for the City Attorney in the areas of Political Involvement, Conflict of Interest, and Lines of Communication. The policy is intended to provide the City Attorney with the parameters in which to perform his/her function as City Attorney not covered in the City Charter or Code of Ordinances.

II. **SCOPE:** This policy applies to the City Attorney and all Assistant City Attorneys that work for the City of Marquette. The policy is intended to be inclusive of all legal counsel for the City of Marquette and not limited to a single firm or single individual hired by the City to perform legal services.

III. **OBJECTIVES:** The objectives of the policy is to provide the City Attorney with parameters that will allow him/her to determine whether or not a considered action by him/her may or should be taken because of his/her position as the City's legal counsel.

If such conflicts with the parameters exist then the City Attorney is expected to advise the City Commission or their designated representative, i.e.; City Manager, of such conflict. The City Manager is required to pass to the Commission any conflicts identified by the City Attorney at or before the next regularly scheduled Commission Meeting.

#### IV. PARAMETERS

A. Political Involvement: The City Attorney shall not become involved in the advocacy of any political campaign of any political candidate for election to the City Commission. Said City Attorney shall not be requested to, nor shall they make, contribution to any political campaign for an individual seeking election to the City

Commission. The City Attorney furthermore, shall not be requested to, nor shall they make, any contribution to any campaign, movement or cause concerning the payment or collection of taxes in the City, or the changing of any of the Charter or Code or Ordinances of the City. Nothing contained herein, however, shall prevent in any way, the City Attorney from giving legal advice, counsel or recommendations as required and provided for above.

B. Conflict of Interest: The City Attorney shall not represent a client if the representation of that client will be directly adverse to the City of Marquette, unless:

1. The City Attorney reasonably believes the representation will not adversely affect the City of Marquette; and
2. The Client and the City of Marquette consent after consultation.

The City Attorney shall not represent a client if the representation of that client may be materially limited by the City Attorney's responsibilities to the City of Marquette, or by the City Attorney's own interests, unless:

1. The City Attorney reasonably believes the representation will not be adversely affected; and
2. The City of Marquette consents after consultation. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

The City Commission shall be consulted on any actual or perceived conflict of interest and has the sole authority to decide whether the City Attorney may represent a client that falls within the parameters of this section.

Further, the City Attorney is prohibited from representing any governmental unit, including any community, municipality or authority that is contiguous with the boundary of the City of Marquette without prior approval of the City Commission.

C. Lines of Communication: The City Attorney shall notify the City Commission and City Manager in writing or by verbal conversation, if any of the following actions by any administrative employee, elected official, or hired professional service of the City of Marquette have been observed or discovered by the City Attorney.

1. Any illegal activity.
2. Any accidental, suspected or contemplated action that would have an adverse affect on the City of Marquette.
3. Any accidental oversight.

4. Any improper procedure, accidental or completed.

If the City Manager fails to take action to correct the problems to the satisfaction of the City Attorney, then said City attorney shall notify the City Commission in writing of the problem and send a copy of the notification to the City Manager.

V. ADDITIONAL INFORMATION: This policy is not intended to be all inclusive of the responsibilities of the City Attorney.

VI. ADOPTION: The City Attorney Political Involvement/Conflict of Interest/Line of Communication Policy shall be adopted by resolution of the Marquette City Commission.