

**CITY OF HOUGHTON  
RESOLUTION 2025-1986**

**RESOLUTION RESCINDING RESOLUTION 2024-1946 AND 2025-1974, AND  
APPROVING CHARTER AMENDMENT NUMBER 2, AND THE BALLOT  
LANGUAGE FOR CHARTER AMENDMENT NUMBER 2**

A Resolution of the City of Houghton Council to rescind Resolution 2024-1946, adopted on September 25, 2024, and 2025-1974, adopted on April 9, 2025, and to amend the City of Houghton Charter Section 2.9 Conflict of Interest.

Section 11.13 of the Charter and Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes the City Council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

The Houghton City Council resolves that:

1. The following amendment to the City Charter shall, upon approval of the Governor, be submitted to the Electors of the City in accordance with the Home Rule Cities Act of the State of Michigan.

Amendment to the City of Houghton Charter Section 2.9 Conflict of Interest:

~~No member of the city council or other officer of~~ The duty of holding public office and employment is to represent the best interests of the city, and to serve the city shall be interested with the highest degree of loyalty. Therefore, the use of public office or public employment for private gain is prohibited. Upon determining that a conflict of interest may exist based upon any of the events set forth in (A), (B), (C), (D), (E), and (F) below, a councilor, elected official, appointee, or employee who may derive any income or benefit, directly or indirectly beyond a trivial extent, in the profits of any, from a contract, job, or work or in the sale to or by with the city of any land, materials, supplies,

~~or services, other than official services. Any member of the or from any city council or other officer action, shall notify the clerk detailing such income and benefit to be derived from:~~

- ~~(A) The bidding of a contract;~~
- ~~(B) The negotiation of the contract;~~
- ~~(C) The solicitation of the contract;~~
- ~~(D) The entry into the contract;~~
- ~~(E) Any city action by which the councilor, elected official, appointee or employee may derive any income or benefit directly or indirectly.~~
- ~~(F) Any other conflict between a personal interest and the public interest as defined by State law, this Charter, or ordinance.~~

~~Except as provided by law or this charter, no councilor, elected official, appointee, or employee of the city shall participate in, vote upon, or act upon any matter if a potential conflict exists.~~

~~The above provisions shall not apply to an individual or collective bargaining agreement pursuant to which an employee directly or indirectly receives income or benefits in the form of official remuneration as an employee, or any city action pursuant to which a city councilor, elected official, appointee, or employee directly or indirectly receives income or benefit as a member of the public at large or any class thereof.~~

~~Each councilor shall vote on each question before the council for a determination, unless excused therefrom by the affirmative vote of two-thirds of the members serving, except that no member shall vote on any question upon which that member has a potential conflict of interest as defined by (A), (B), (C), (D), (E), and (F) above. The councilor shall have an opportunity prior to the vote to present their case.~~

~~Any councilor, elected official, appointee, or employee who violates this provision the above provisions, except where the councilor, elected official, appointee, or employee was reasonably unaware, shall be deemed guilty of misconduct and shall forfeit his their office-or employment.~~

~~The prohibitions of this section shall not apply if the city council shall declare upon its records by a two-thirds vote of the members thereof, other than the member so interested, that the best interests of the city are served by allowing the individual to participate notwithstanding said personal interest. Except where authorized by law no councilman~~

~~The city council shall hold any other city office or employment during his term implement a conflict of office-interest and no former councilman ethics ordinance, applicable to all councilors, elected officials, appointees, and employees by a two-thirds vote of the members thereof, the terms of which shall hold any compensated appointive include restrictions on, but not be limited to: acting in an official capacity on matters in which the official has an interest separate from that of the general public; the acceptance~~



of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city office or employment until one year after the expiration of his membership on the council officials before other city agencies on behalf of private interests. The ordinance shall include a statement of purpose and shall provide for potential public disclosure of finances pertaining to the conflict by officials with major decision -making authority over monetary expenditures, and contractual and regulatory matters, insofar as permissible under state law.

2. If approved by the voters, Section 2.9 shall read as follows:

#### Section 2.9 Conflict of Interest

The duty of holding public office and employment is to represent the best interests of the city, and to serve the city with the highest degree of loyalty. Therefore, the use of public office or public employment for private gain is prohibited. Upon determining that a conflict of interest may exist based upon any of the events set forth in (A), (B), (C), (D), (E), and (F) below, a councilor, elected official, appointee, or employee who may derive any income or benefit, directly or indirectly, from a contract with the city or from any city action, shall notify the clerk detailing such income and benefit to be derived from:

- (A) The bidding of a contract;
- (B) The negotiation of the contract;
- (C) The solicitation of the contract;
- (D) The entry into the contract;
- (E) Any city action by which the councilor, elected official, appointee or employee may derive any income or benefit directly or indirectly.
- (F) Any other conflict between a personal interest and the public interest as defined by State law, this Charter, or ordinance.

Except as provided by law or this charter, no councilor, elected official, appointee, or employee of the city shall participate in, vote upon, or act upon any matter if a potential conflict exists.

The above provisions shall not apply to an individual or collective bargaining agreement pursuant to which an employee directly or indirectly receives income or benefits in the form of official remuneration as an employee, or any city action pursuant to which a city councilor, elected official, appointee, or employee directly or indirectly receives income or benefit as a member of the public at large or any class thereof.

Each councilor shall vote on each question before the council for a determination, unless excused therefrom by the affirmative vote of two-thirds of the members serving, except that no member shall vote on any question upon which that member has a potential conflict of interest as defined by (A), (B), (C), (D), (E), and (F) above. The councilor shall have an opportunity prior to the vote to present their case.

Any councilor, elected official, appointee, or employee who violates the above provisions, except where the councilor, elected official, appointee, or employee was reasonably unaware, shall be deemed guilty of misconduct and shall forfeit their office or employment.

The prohibitions of this section shall not apply if the city council shall declare upon its records by a two-thirds vote of the members thereof, other than the member so interested, that the best interests of the city are served by allowing the individual to participate notwithstanding said personal interest.

The city council shall implement a conflict of interest and ethics ordinance, applicable to all councilors, elected officials, appointees, and employees by a two-thirds vote of the members thereof, the terms of which shall include restrictions on, but not be limited to: acting in an official capacity on matters in which the official has an interest separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. The ordinance shall include a statement of purpose and shall provide for potential public disclosure of finances pertaining to the conflict by officials with major decision-making authority over monetary expenditures, and contractual and regulatory matters, insofar as permissible under state law.

3. The following language be placed upon the ballot at the November 2025 election in accordance with the Home Rule Cities Act:

## **CHARTER AMENDMENT PROPOSAL NO. 2**

### Amendment to the City of Houghton Charter Section 2.9 Conflict of Interest

It is proposed that this section be amended to (1) prohibit private gain by public officials and employees, specify events that create a potential conflict of interest, require officials and employees to notify the clerk of potential conflicts of interest, and prohibit officials or employees from participating in or voting or acting upon any potential conflict (excepting employment agreements and any action where a public official or employee receives a benefit as a member of the public); and (2) require the city council to create a conflict of interest ordinance.

Shall the amendment as proposed be adopted?

4. The City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment (MCL 117.21).



5. The proposed amendment shall be submitted to the qualified electors of the City of Houghton at an election to be held in the City in November 2025, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

6. The proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

Yes: All


No: None

Abstain: None

Absent: None

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and compared copy of a resolution duly adopted by the City Council of the City of Houghton, County of Houghton, Michigan at a regular meeting held on.

  
\_\_\_\_\_  
Amy Zawada, Clerk