

SAMPLE CODE OF ETHICS FOR MUNICIPALITIES

Outline of Provisions ¹

1. Conflicts of Interest

No official ² may take action that provides a financial or other personal benefit to the official, relatives (define), customers, clients, an employer, or a person who has made campaign contributions to the official within a 12 month period.

2. Appearance of Impropriety

An official must avoid circumstances that compromise his ability to make decisions solely in the public interest or create an appearance of impropriety.

Note: Although sections 1 and 2 are included in most codes of ethics, they require consideration of specific facts and circumstances. This is the role of a board of ethics, which can engage in fact-finding and issue an advisory opinion.

3. Recusal

An official must recuse himself when faced with the above conflicts.

Recusal Defined

Recusal means that the official may not deliberate, vote or participate in any way in that matter. The official should disclose his conflict and remove him or herself from the board. He should not provide input regarding the matter from the audience in his capacity as a member of the public.

4. Town Property and Resources

¹ This is a bare-bones sample that requires definitions and elaboration of some provisions. It is intended only as a guide.

² "Official" includes officers and employees.

No employee may use town-owned property, assets or any resources for personal purposes or profit or to benefit any person. Use of these resources is restricted to the conduct of official business, for the benefit of all residents and to further an authorized public purpose.

5. Nepotism

Spouses and other family members of the municipal official may not serve in positions whose duties conflict or appear to conflict within the duties of the official. They may not serve on a commission, board or body of which the official is a member.

6. Gifts

An official may not solicit any gift nor may he receive any gift, whether financial or in any other form from any person who is doing or seeking to do business of any kind with the town including applications for permits or approvals; has done business with the town during the last (fill in) months; or from a lobbyist representing a person before a town agency. An official may not solicit or receive any gift or payment as a reward for exercise of official duties. Generally, an official may not receive or solicit any gift, creating the appearance that his official duties may be influenced or that his responsibility to make impartial decisions solely in the public interest is compromised.

* Gift must be defined, for example, to exclude gifts from family members; attendance at local social events such as holiday festivities; benefits available to the general public; functions that officials routinely attend, such as chamber of commerce events; and an event or activity fulfilling a public purpose.

7. Private Employment

An official shall not solicit, negotiate for or commit to accept private employment from any person doing business with or having any matter pending with the town.

8. Representation

An official shall not appear on behalf of, or represent a person in any matter before a municipal agency except on his own behalf.

9. Confidential Information

An official or former official may not disclose confidential information or use it to further his or another persons private interests or in any way utilize the information for non-public purposes.

10. Subordinates

No official shall solicit political contributions from subordinates or request that they attend political functions or engage in any political activity.

11. Revolving Door

No official who has left municipal service shall appear before or receive compensation in a matter before his former agency for a period of 1 year after departure. He is permanently barred from appearing or receiving compensation regarding a matter he was personally involved in as a town official.

12. Incompatible Positions – Judicial Standards

An official is prohibited from:

a. Holding more than one position with the town when one is subordinate to the other

b. Holding more than one position with the town when the duties of the positions conflict

13. Board of Ethics

(Specify procedure for seeking advisory opinions or making complaints with the board of ethics.)

14. Training

Each municipal official annually shall receive training concerning the requirements of the code of ethics and the procedure for seeking an opinion or investigation by the board of ethics. Copies of the code and amendments to the code shall be provided to all officials.