

## **ARTICLE 1-6 CODE OF ETHICS<sup>1</sup>**

### **1-6-1 Preamble.**

The citizens of Concord are entitled to a fair, ethical, and accountable city government. the effective functioning of democratic government requires that all of its officials, whether elected or appointed, comply with both the letter and the spirit of the laws and be independent, impartial, and fair in their judgment and actions. public office is to be used for the public good, not for personal gains. public deliberations and processes must be conducted in an atmosphere of respect and civility and openly, unless legally confidential. to this end, the city council adopts this code of ethics for all of its officers and officials, whether elected or appointed.

(Ord. No. 2950, § I, 8-10-15)

### **1-6-2 Purpose.**

This code establishes guidelines for the ethical standards of conduct for city officers and officials, whether elected or appointed, a course of action for resolving disputes in a manner that is fair to all.

(Ord. No. 2950, § I, 8-10-15)

### **1-6-3 Definitions.**

As used in this Article, the following terms are defined:

*Conflict of Interest.* A conflict of interest exists when an officer or elected official takes an action or makes a decision that would affect his or her financial interest, the financial interests of the officer or elected official's family member or the interests of any organization in which the officer or elected official or the officer or elected official's family member is an employee of the organization or a member of its governing body. For employment with the City of Concord and for other governmental entities, a conflict of interest shall exist when the matter before the Public Body involves the department for which the officer or elected official or officer or elected official's family member is employed. A conflict of interest shall also exist for an officer or elected official whose family member is employed in the City of Concord when such family member is a member of a union in the City and the Public Body is discussing any collective bargaining matters in a non-meeting, under RSA 91-A:2, I (a), relative to strategy or negotiations with respect to collective bargaining.

*Elected Official.* The Mayor, Mayor Pro Tem, and City Councilors.

*Employee of an Organization.* An officer or elected official or the officer or elected official's family member who is employed in any capacity by any organization.

*Family member.* Any person who is related to an officer or elected official in one of the following ways: spouse, mother, father, stepmother, stepfather, foster mother, foster father, father-in-law, mother-in-law,

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<sup>1</sup>Editor's note(s)—Ord. No. 2950, § I, adopted Aug. 10, 2015, amended Art. 1-6, §§ 1-6-1—1-6-7, in effect repealing and reenacting said article as set out herein. Former Art. 1-6 pertained to similar subject matter and derived from Ord. No. 2847, § I, adopted Sept. 12, 2011.

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grandmother, grandfather, grandchild, sister, brother, child, stepchild, foster child, or any other person living in the same household as the officer or elected official.

*Legislative matter.* A matter involving a policy or rule/law making decision. Common examples of a legislative function in the municipal context are City Council voting on an ordinance adoption or amendment, voting on the budget or the planning board adopting subdivision regulations.

*Officer.* Positions appointed by the Mayor and City Council or non-employee positions approved by the City Manager including members of the boards, commissions, and committees established pursuant to Article 30-3. Officer shall also include those residents appointed by elected ward officials to help on Election Days. Officers shall not include the City Manager and City Solicitor.

*Organization.* Any public, private, for-profit, or non-profit entity, including governmental entities.

*Public Body.* The Concord City Council, subcommittee, or subordinate body thereof, or advisory committee thereto and any City of Concord board, commission or committee.

*Quasi-judicial matter.* A matter wherein the Public Body is bound to notify and hear the parties, and can only decide after weighing and considering evidence and arguments presented to them. Common examples of quasi-judicial functions in the municipal context are planning and zoning boards acting on applications under their jurisdiction.

(Ord. No. 2950, § I, 8-10-15; Ord. No. 3145, § I, 2-13-23)

#### **1-6-4 Recusal.**

Whenever a matter comes before any City of Concord Public Body, no officer or elected official shall introduce, ask questions, speak on or vote on any motion, ordinance, resolution or issue in which he/she has a conflict of interest and shall disclose the reason for the conflict of interest prior to the Public Body's discussion on the matter, or if discussion has occurred, then as soon as the conflict becomes known to the officer or official. If the matter before the Public Body is a legislative matter, the officer or elected official who has a conflict of interest may remain seated on the panel during the term of the recusal. If the matter before the Public Body is a quasi-judicial matter, the officer or elected official who has a conflict of interest shall, subject to the final sentence of this Section 1-6-4, physically leave the room until consideration of the matter is completed. If, however, the recused officer or elected official is the applicant or an abutter in a quasi-judicial matter or otherwise recused in a legislative matter before a Public Body, then the recused officer or elected official may provide comment or testimony as a public citizen, representing their own interests and not that of a third-party, and, not as a member of the Public Body.

In acting upon a matter involving more than one subject, such disclosure and recusal are required only with respect to the portion or portions affected by a conflict of interest, and not to the matter as a whole.

When the City Council is in a non-meeting under RSA 91-A:2, I (a) or (b), or, in non-public session under RSA 91-A:3, II, any member of the City Council who has a conflict of interest, shall physically leave the room until consideration of the matter is completed.

(Ord. No. 2950, § I, 8-10-15; Ord. No. 2994, § I, 10-10-17; Ord. No. 3145, § II, 2-13-23)

#### **1-6-5 Representing Private Interest(s) Before A Public Body.**

An elected official shall not appear on behalf of another's private interests before any Public Body. Officers shall not appear on behalf of another's private interest before the Public Body of which they are a member. Officers appearing on behalf of another's private interests before any Public Body of which they are not a member shall disclose such interests prior to proceeding.

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(Ord. No. 2950, § I, 8-10-15; Ord. No. 3145, § III, 2-13-23)

### **1-6-6 Representing Private Interest Before Courts.**

An officer or elected official shall not represent private interests in any action, proceeding, or litigation in which the city is a party.

(Ord. No. 2950, § I, 8-10-15)

### **1-6-7 Gifts and Favors.**

An officer or elected official shall not within a one year period, accept any gift valued over two hundred fifty dollars (\$250.00) or multiple gifts that in the aggregate are valued over two hundred fifty dollars (\$250.00) whether in the form of service, loan, thing or promise, or any other form from any person, firm or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. Any gift over fifty dollars (\$50.00) must be reported to the City Clerk. Reimbursement for the cost of attending an event at which the officer or elected official is a speaker, member of a panel, or guest, shall not be considered a gift. Gifts shall not include political contributions as defined in Article 1-3-6 of the City Code of Ordinances.

(Ord. No. 2950, § I, 8-10-15)

### **1-6-8 Disclosure of Confidential and Other Information.**

An officer or elected official shall not intentionally disclose confidential or privileged information, or other information learned by virtue of his or her official position as defined in RSA 42:1-a, or information obtained in a session held pursuant to RSA 91-A:2 (l) (b) or (c), concerning the property, government or affairs of the city.

(Ord. No. 2950, § I, 8-10-15)