

CITY OF CONCORD

In the year of our Lord two thousand and fifteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title I, General Code, Chapter 1, Government Organization, Article 1-6, Code of Ethics.

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title I, General Code, Chapter 1, Government Organization, Article 1-6, Code of Ethics, by amending it as follows:

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.

1-6-2 Purpose.

This code establishes guidelines for the ethical standards of conduct for city officers and officials, whether elected or appointed, ~~[and a process by which one may obtain guidance regarding potential ethical issues and]~~ a course of action for resolving disputes in a manner that is fair to all. ~~[Officers and Officials, whether appointed or elected, shall act in the best interest of the City.]~~ ~~[They shall disclose any personal financial or other interests in matters that come before them for action and shall remove themselves from decision making if they have a conflict of interest].~~

1-6-3 Definitions.

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

Conflict of Interest. A conflict of interest *exists* ~~[is defined as an actual conflict of interest]~~ when a person takes an action or makes a decision that would affect his or her financial interest, ~~[business or those of a]~~ ***the financial interests of the person's family member or the interests of any organization in which the person is a member of a governing body.*** ~~[An apparent conflict of interest is one that does not affect a person's financial interests, but does call into question his or her objectivity and independence.]~~

Elected Official. The Mayor, Mayor Pro Tem, City Councilors, and ward officials.

Family. 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, 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.

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.

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 as soon as it 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 physically leave the room until consideration of the matter is completed.

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.

1-6-[4]5 Representing Private Interest Before City Agencies.

An elected official shall not appear on behalf of another's private interests before the governing body or any land use regulatory board. Officers appearing on behalf of another's private interests before any city body shall disclose such interests prior to proceeding.

1-6-[5]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.

1-6-[6]7 Gifts and Favors.

An officer or elected official shall not within a one year period, accept any gift valued over \$250 or multiple gifts that in the aggregate are valued over \$250 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 \$50 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.

1-6-[7]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 (I) (b) or (c), concerning the property, government or affairs of the city.

SECTION II: This ordinance shall take effect upon its passage.

Explanation: Matter added to the current ordinance appears in *bold italics*.
Matter removed from the current ordinance appears in [brackets and ~~struck through~~].