

RESOLUTION NO. 2003-122

SOLEBURY TOWNSHIP – ETHICS POLICY

WHEREAS, the Board of Supervisors of Solebury Township wishes to implement a uniform policy governing the responsibility of public officials, appointees and employees; and

WHEREAS, the Board of Supervisors of Solebury Township believes setting forth the policy in writing will promote good government;

NOW, T HEREOFRE, be it RESOLVED and it is hereby RESOLVED that the following be adopted as the Solebury Township Ethics Policy:

I. DECLARATION OF POLICY

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; government decisions and policy be made in the proper channels of the government structure; public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all Solebury Township officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees, and commissions of Solebury Township.

The purpose of this section is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Township and by directing disclosures by such officials and employees of private financial or their interests in matters affecting the Township.

II. RESPONSIBILITY OF PUBLIC OFFICE

(A) Public officials, appointees and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, State, and Township and thus to foster respect of all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

III. DEFINITIONS

(A) *Anything of Value.* Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, Excluded from this definition are compensation and expenses paid by the Township, fees and expenses which are permitted and reported under Commonwealth statute and law as political contributions, or hospitality extended for a purpose unrelated to Township business by a person other than an organization.

(B) *Associated.* When used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, any proportion of the outstanding equity which results in excess of five hundred dollars (\$500.00) in payment or payments to the individual or a member of his or her immediate family in a twelve (12) month period.

(C) *Business Entity.* Any corporation, general or limited partnership, sole proprietorship (including a private consultant operation) joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not organized for profit. Business entity does not include local, state or federal agencies or political subdivisions thereof.

(D) *Confidential Information.* All information, whether transmitted verbally or in writing, which is of such a nature that it is not, at the time, a matter of public record or public knowledge.

(E) *Gift.* Anything of economic value, regardless of the form, given without adequate and lawful consideration, but not including:

(a) The solicitation, acceptance, receipt, or regulation of political campaign finances; nor

(b) Any reasonable hosting, including travel expenses, entertainment, meals, or refreshments furnished in connection with appearances, ceremonies, and other occasions reasonably relating to official Township business, where otherwise prohibited by law.

(F) *Immediate Family.*

(a) an individual's spouse; and

(b) An individual(s) related by marriage, lineal descent or adoption.

(G) *Interest.* Except as otherwise specifically provided, means direct or indirect pecuniary or material benefit accruing to a public officer, appointee or employee as the result of a contract, transaction, zoning decision, or other matter which is or may be the subject of an official act or action by or with the Township, except for such contracts, transactions, zoning decisions, or other matters which by their terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For purposes of this ordinance, a public officer, appointee or employee shall be deemed to have an interest in the affairs of (a) the officers' or employee's immediate family; (b) any person or business entity with whom a contractual relationship exists with a public officer, a ppointee or employee; (c) any business entity in which the public officer, appointee, or employee is an officer, director, member, or employee; and (d) any business entity in which the public officer, appointee or employee is associated with.

(H) *Local Public Office.* Any elected or appointed office or position in Solebury Township .

(I) *Ministerial Action.* An action that an individual performs without regard to the exercise of his or her own judgment as to the propriety of the action being taken.

(J) *Official Act or Actions.* Any legislative, administrative, appointive, or discretionary act of any officer, appointee or employee of the Township or any agency, board, committee or commission thereof.

(K) *Public Appointee or Employee.* Unless otherwise stated in this Resolution, means any person, holding a position by appointment or employment in the service of the Township, whether paid or unpaid, including members of any board, committee, or commission thereof, such as, but not limited to the Planning Commission, the Zoning Hearing Board, the Land Preservation Committee and the Parks and Recreation Committee. The term "appointed public employee" means a person appointed as a consultant by the Board of Supervisors including, but not limited to, the Township Engineer, Township Solicitor, Solicitor to the Land Preservation Committee, Township Architect and the attorney and consultant retained by the Township to assist it in litigation such as the quarry, Route 202 and Fieldstone Farm matters.

(L) *Public Officer.* The Township Manager, the Township Treasurer, the Township Secretary, and the Township Board of Supervisors.

IV. SUPPLEMENTAL REGULATIONS

(A) *Political Office.* No employee of Solebury Township, including the Township Manager and Chief of Police, of Solebury Township shall file and

campaign for the office of Township Supervisor, Tax Collector or Elected Auditor or School Board of Director representing Solebury Township (hereinafter called local office) or accept appointment to a local office to fill an un-expired term of a local office in or run for re-election to the local office after having been appointed to the local office. Any employee who wishes to run for or be appointed to local office must resign upon filing for election or taking office.

No employee of Solebury Township shall campaign for or against any candidate for the local offices listed above or engage in other campaign activities related to the election of such candidate.

No person shall solicit from any employee of Solebury Township, any contributions, assessments, services, ticket or raffle sales or other funds on behalf of himself or herself or other candidates for the local offices. Any employee of Solebury Township who is approached in this manner shall immediately report the incident to the Township Manager.

No public official, appointee or employee shall use any public property, materials or resources on behalf of any political party, political committee or candidate for local office.

(B) Conflict of Interest.

(a) Confidentiality and Disclosure: No public official, appointee or employee shall disclose, or use for his or her own benefit, or the benefit of others, confidential information acquired by reason of his public position.

(b) Gifts: No public official, appointee or employee shall accept any gift such as but not limited to, a gratuity, present, food, lodging, free or off priced service, or any other item for which a market price exchange is not made;

(i) from a person or Business seeking to obtain a contract, grant, loan, employment or any financial relationship from or within the Township;

(ii) from a person or Business having a financial relationship with the Township;

(iii) from a person or Business whose operations or activities are regulated or inspected by the Township;

(iv) from a principal and/or attorney or other professional in proceedings in which the Township is an adverse party.

(v) from any person or Business where the performance or non-performance of any official duty may be affected or influenced.

Exceptions

(i) The acceptance of a gift from a family member or close personal friend, when the circumstances make it clear that the motivation for the gift is due to the family relationship or traditional practices among close friends, such as the exchange of birthday or Christmas gifts.

(ii) Acceptance of an award for meritorious achievement from any charitable, religious, professional, recreational, social, fraternal, public service or civic organization.

(iii) Acceptance of a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance.

(iv) Small tokens or favors given to everyone attending a function or celebrating on occasion.

(v) A public official may accept a legal political contribution made to, and reported by, a duly registered campaign committee.

(vi) Items which are clearly in the name of de minimus, depending on the nature of the event or item, the personal nature of the occasion, gift, vent or item, and its reasonable market value. Reasonableness is the guideline in this regard. Cash and cash equivalent items such as gift certificates are never appropriate. The occasion for the gift should be considered. If there is a question as to the de minimus nature of an item, the determination should be made that the item is not de minimus.

(C) Solicitation.

(a) No person may offer or give to a local public official, appointee or employee directly or indirectly and no public official, appointee or employee may solicit from any person either directly or indirectly anything of value if it could reasonably be expected to influence the local public official, appointee or appointed employees vote, official actions, or judgment or could reasonably be considered as an award for any official action or inaction on the part of a local public official, appointee or employee. This paragraph does not prohibit a local public official or appointed employee from engaging in outside employment.

(b) No public official, appointee or public employee shall accept an honorarium, defined here as a payment for services for which is not legally or

traditionally required, for appearances related to the public official, appointee or public employee's official Township duties and responsibilities.

(c) No person shall solicit or accept a severance payment or anything of monetary value contingent upon the assumption or acceptance of public office or employment.

(D) *Contractual Relationships.* No public official or appointed employee and no business entity in which a public official or public employee, their spouses or their children are associated with may enter into a contract or subcontract with the Township involving a payment or payments of more than five hundred dollars (\$500.00) within a twelve month period unless said official or employee has first made a written disclosure of the nature and extent to such relationship or interest to the Board of Supervisors and to the department acting for the Township in regard to such contracts and unless the contract has been awarded through an open and public bid process. In such a case, the public employee or official shall not have any supervisory or overall implementation or administration of the contract.

(E) *Appearances.* No public officer, or appointed public official, or public employee shall appear on behalf of any private person, other than persons related within the third degree of consanguinity or affinity, before any Township Board or Committee. However, a member of the Township Board of Supervisors may appear before a Township commission in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations. Such Township Board of Supervisors member shall not receive compensation for such appearances, unless specifically authorized by action of the Township Board of Supervisors.

(F) *Incompatible Service.* No public officer, or appointed public employee, or public employee shall engage in or accept private employment or render service for private interests, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as provided in this resolution.

G. *Financial Disclosure.* The requirements of disclosure of financial interests shall be those set forth in legislation of the Commonwealth of Pennsylvania.

H. *Business Transactions and Private Employment.* No employee, appointee or public official shall engage in any business transaction or private employment, or shall have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties. Nor shall employees use, or attempt to use, their position to obtain financial gain, a

contract, license, privilege or other private or personal advantage, either direct or indirect. Nor shall a public official, appointee or employee attempt to influence the course of any proposed legislation in which he or she or a family member or business associate has a present or potential interest, direct or indirect, except as provided under state law and disclosure rules herein.

I. *Disclosure.* Every public official, appointee or employee shall, in accordance with Commonwealth of Pennsylvania statutes governing same, publicly disclose any direct or indirect financial or other private interest in any proposed legislation coming before the Board of Supervisors and public officials shall not vote for or against legislation in which they have such an interest, unless such disclosure has been given.

J. *Patronage/Nepotism/Employment Restrictions.*

(a) No public official, appointee or employee shall exert his influence to gain or attempt to gain, preferential treatment on behalf of an applicant for full-time municipal employment. No family member of a subject employee, appointee or local official shall be permitted to obtain full-time employment with the Township or any authority of the Township or joint authority where the Township is a member.

(b) Exceptions:

(i) Where the family member is employed by the Township or authority prior to the official obtaining office.

(ii) Where, after the official has obtained elected or appointed office, an individual employed by the Township becomes a family member. However, members of the same family are not permitted to work in the same department.

(iii) For good cause shown, as determined by the Board of Supervisors, where the Township would suffer a hardship as a result of the prohibition.

(iv) *Outside Employment.* Full-time, paid, public officials, appointees and employees may engage in part-time, outside employment. They shall provide to the Township Manager written notification of a secondary position, noting the job classification, primary duties and hours of work, subject to IV.F above.

K. *"Fee for Service" Restriction.* No public official, appointee or subject employee shall, for a fee or other direct or indirect compensation, use the

influence of his or her official position to provide a special service or favor to an individual, group, partnership, Business, corporation or other entity.

L. *Use of Public Property* No public official, appointee or public employee shall use, request or permit the use of municipal property, including motor vehicles, equipment, materials or property, except for local government purposes, unless there is written permission from the Township Manager to do so.

M. *Equality of Treatment.* No public official, appointee or employee shall grant, offer or provide any privilege beyond that which is available to every other person or Business.

N. *Whistle Blowing.* Public officials, appointees and employees are encouraged to disclose information that may evidence a problem as cited below. Normally such disclosure shall be made to the Township Manager who shall investigate and inform the Board of Supervisors. If the information is about the Township Manager or one or more of the Board of Supervisors, the Solicitor shall instead be informed.

The following guidelines apply to whistle blowing:

(a) All public officials, appointees and employees should disclose any information that he or she believes evidences a substantive violation of a law, rule or regulation.

(b) All public officials, appointees and employees should disclose any information that he or she believes evidences a gross waste of funds, a significant abuse of authority or a substantial and specific danger to the public's health or safety.

(c) The identity of any complainant or whistle blower should not be disclosed without his or her consent.

(d) No public official, appointee or employee should be penalized or punished for whistle blowing, such as demotion or personal harassment.

(e) No public official, appointee or employee should use the whistle blowing procedure as a way to achieve personal gain or favor.

(f) No public official, appointee or employee should use the whistle blowing procedure as a way to retaliate against any other public official, appointee or employee.