

**TOWN OF ROCKINGHAM
VILLAGE OF BELLOWS FALLS**

CODE OF ETHICS POLICY

Policy

It is the policy of the Town of Rockingham/Village of Bellows Falls (Municipality) to ensure that municipal employees:

- a.** Are aware of what constitutes a conflict of interest or breach of trust
- b.** Are aware of the level of conduct and integrity which is expected of municipal employees

1.0 Specific Objectives

1.1 The objectives of this policy are to:

- a) Provide municipal employees with guidelines for identifying potential conflicts of interest and breaches of trust
- b) Help ensure that municipal employees do not place themselves, or permit themselves to be placed, in a position which would constitute a conflict of interest or breach of trust
- c) Promote high standards of professional conduct and values among municipal employees

2.0 Responsibilities

2.1 The Rockingham Selectboard/Bellows Falls Village Trustees (or its designated committee) will:

- a) Review the municipality's Code of Ethics Policy as required and make any amendments considered appropriate
- b) Review, consider or take other action concerning any violation of the municipality's Code of Ethics Policy which is referred to Counsel by the Municipal Manager, or raised by a member of either board during the course of Counsel discussions

Where there is any conflict between the policies adopted by the Municipality and the policies set forth in the appropriate collective agreement, or policies set forth in a statute of the State or federal government, collective agreements or the State or federal statute shall supersede such other policies.

2.2 The Municipal Manager (or designate) will:

- a) Implement, administer and promote the Code of Ethics Policy
- b) Ensure that department heads promote the ethical standards expressed within the Code of Ethics Policy to their employees
- c) Recommend amendments to the Code of Ethics Policy to Counsel
- d) Investigate and review any reported violation of the Code of Ethics Policy and approve and/or administer any subsequent corrective action

2.3 Department heads will:

- a) Ensure that all employees of their department are familiar with the municipality's Code of Ethics Policy
- b) Advise the Municipal Manager of any perceived violation of the Code of Ethics Policy by a member of staff, and institute appropriate preventative or corrective action
- c) Recommend to the Municipal Manager any changes to the Code of Ethics Policy which are considered appropriate

2.4 Responsibilities of Municipal Employees and Officials

- a) Municipal employees and public officials are agents of the public whose primary objective is to address the needs of the citizens. As such, they are entrusted with upholding and adhering to the bylaws of the municipality as well as all applicable federal and State laws. As public servants, they must observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests.
- b) **Dedicated Service:** All officials and employees of the municipality should faithfully work towards developing programs to address the needs of its citizens. In the course of their duties, officials and employees should strive to perform at a level which is expected of those who work in the public's interest.
- c) Employees should not exceed their authority, breach the law, or ask others to do so, and should work in full cooperation with other public officials and employees, unless prohibited from doing so by law or by formally recognized rules of confidentiality.
- d) **Soliciting Appointments:** Soliciting members of Council directly or indirectly in order to obtain preferential consideration in connection with any appointment to the municipal service will disqualify the candidate from further consideration for the appointment.
- e) **Use of Public Property:** No employee shall request or permit the use of municipal-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public or with permission from the department head and/or municipal manager as outlined in the Town of Rockingham/Village of Bellows Falls Personnel Rules Section 13.A. (*amended 1/31/2012*)
- f) **Obligations to Citizens:** No employee shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.
- g) **Conflict of Interest:** No employee, whether paid or otherwise, shall engage in any business transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or would impair their independence of judgment or action in the performance of their official duties. Personal interest, rather than financial, includes any interest arising from family or marriage relationships or close business or political associations. The following are situations which constitute conflicts of interest for municipal employees:

- **Incompatible Employment:** No employee shall engage in or accept private employment or render services for private interests when such employment or services are incompatible with the proper discharge of their official duties or would impair his/her independence of judgment or action in the performance of his/her official duties.
- **Disclosure of Confidential Information:** No employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the municipality; nor shall he/she use such information to advance the financial or personal interest of him/herself or others.
- **Gifts and Favors:** In keeping with established private-public business practices, no employee shall show favoritism or bias toward any vendor, contractor, or others doing business with the municipality. Employees are prohibited from accepting gifts or favors from any vendor, contractor or others doing business with the municipality that would tend to influence them in the proper discharge of their official duties.
- **Representing Private Interests before a Municipal Agency:** No employee whose salary is paid in whole or in part by the municipality shall appear on behalf of private interests before any agency of the municipality without the consent of the Municipal Manager. The employee shall not represent private interests in any action or proceeding against the interests of the municipality or in any litigation to which the municipality is party. Furthermore, no employee shall accept compensation or a retainer which is conditional upon the actions of a municipal agency.
- **Contracts with Municipalities:** No officer, agent or employee of the municipality shall have any interest, direct or indirect, in any legal municipal contract issued by him/her or by any public committee, board, commission or department of which they are a member, agent, or employee.

However, an officer, agent, or employee of the municipality may enter into a legal contract with the municipality or any agency thereof for the sale and purchase of supplies, materials, or equipment or for the construction of public improvements if:

- they are not authorized by law to act on behalf of the municipality or any agent thereof in the awarding of the contract
 - the tender is let in a written, public, and openly competitive manner
 - all bids received and all documents pertaining to the awarding of the contract are made available for public inspection for at least three (3) months following the date of the awarding of the contract
 - **Disclosure of Interest:** Any municipal employee who has a financial or personal interest in any proposed Council legislation, and who participates in discussion with or gives an official opinion to Council, shall disclose on the records of Council the nature and extent of the interest.
- h) **Political Activity:** No employee of the municipality shall perform work, either volunteer or paid, on behalf of any political party during his/her hours of employment with the municipality.

3.0 Reporting Breaches of this Code

3.1 Employees who have reason to believe that this *Code of Ethics Policy* has been breached in any way are encouraged to bring their concerns to the Municipal Manager, or in the event that this breach is by the Municipal Manager, then concerns should be addressed to either the Rockingham Selectboard Chair or the Bellows Falls Village President, or both. No adverse action shall be taken against any employee who, acting in good faith, brings forward such information.

4.0 Corrective Action

4.1 Violation of this *Code of Ethics Policy* by a municipal employee may constitute a cause for corrective action (see *Town of Rockingham/Village of Bellows Falls Personnel Rules*). Any reported violation of this policy will be subject to investigation by the Municipal Manager and/or Council. If an investigation finds an employee guilty of a breach of the *Code of Ethics Policy*, the corrective action pursued against the employee shall be commensurate with the nature and severity of the violation.

5.0 Revisions

5.1 The municipality's *Code of Ethics Policy* and/or the sections contained therein will be reviewed and amended by Counsel, in consultation with the Municipal Manager, as required.

6.0 General

6.1 When administering this policy, employees must adhere to any provincial Acts governing municipalities and all relevant legislation pertaining to the subjects covered in this policy. The administration of this policy is further subject to the provisions of applicable collective agreements for unionized municipal employees.

Rockingham Selectboard

Bellows Falls Village Trustees

Date: March 8, 2016

Date: June 14, 2016