Town of Hampton

SELECTMEN'S RESOLUTION

In the year of our Lord Two Thousand Seven. We the Board of Selectmen of the Town of Hampton, do ordain the following resolution.

WHEREAS, municipal employment, elected or appointed, as a position of public trust. carries with it a duty to keep the public welfare as its primary focus, and

WHEREAS, public confidence in and respect for all public officials, members, employees, and volunteers is to be expanded and retained through (a) the fair, impartial and equal treatment under the law of each citizen, (b) the avoidance by officials of conflicts of personal interests and the public interest, whether they be actual or (merely) potential, and c) the making of an honest effort to refrain from making any innuendoes or derogatory remarks to or about any individual present or absent at any meeting of a public body, or questioning his or her integrity or intelligence; and

WHEREAS, the Board of Selectmen acknowledges that a Code of Ethics for Town officials, members, employees and volunteers and any elected public body or appointed personnel of the Town will serve as a guide for the appropriate conduct of all those engaged in municipal government,

NOW, THEREFORE, BE IT RESOLVED that all Town Officials, members, employees, volunteers, boards, and commissions, whether paid or unpaid, appointed or elected, should conduct themselves in accordance with the following Code of Ethics.

CODE OF ETHICS

Section 1. Definitions

A. **Official or Employee:** any person serving in a public office or a public body of the Town of Hampton, whether paid or unpaid, appointed or elected, full-time or part-time.

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B. **Public Body:** Any office, department, commission, committee, agency or board of the Town of Hampton.

C. **Interest:** any privilege, profit, gain or advantage one stands to receive if certain actions or events occur.

1. **Financial Interest:** any interest which, either directly or indirectly, promotes or obtains as monetary or material benefit due to its exercise (other than the authorized salary and benefits for public service to the Town) to the official or employee, the immediate family of the official or employee, or to anyone retaining the services of the official or employee.

2. **Personal Interest:** any interest created by blood, marriage, close business relationships, political associations, or household residence (either relatives of live-in boyfriends or girlfriends) regardless of whether or not a financial interest is involved.

3. **Immediate Family:** immediate family encompasses spouses, dependents, anyone residing in the person's household and anyone who, by virtue of blood or marriage, is such a direct relation as to be a parent, child, grandparent, grandchild, brother, sister, in-law, or step relative in the foregoing categories.

4. **Pecuniary Interest:** any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain, it does not include economic gain applicable to the public generally, such as tax reduction or increased prosperity generally

5. **Client:** means any individual or entity with which a public official has a professional, contractual relationship.

D. **Disclosure:** the revelation of an interest that could either bias or affect the outcome of a municipal decision. Disclosure must be public and must be confirmed in writing. Where appropriate and where time permits, disclosure is to be made to the Board, Commission, Committee, Agency or Public Body, both orally and in writing, before the public body with jurisdiction meets on the matter.

E. **Construction:** the use of "he" or any other pronoun is to be considered a neutral term, not designating a particular gender but applicable to all persons in general.

Section 2. Fair and Equal Treatment

All municipal officials and agents shall give each and every person fair and equal treatment. No official, employee or agent shall give any person special consideration, advantage or favor as a result of age, sex, race, color, martial status, physical or mental

disability, creed, national origin, public status, wealth, position, religion, family, personal or financial interest.

Section 3. Conflicts of Interest

A. **Financial and Personal Interest:** No person serving in a public position shall have, either for himself or for an immediate family member or for any other person, any personal, financial or pecuniary interest in any business, contract, or other transaction with any Town public body without the complete prior disclosure of same to the Board, Commission, Committee, Agency or Public Body disclosing in detail the extent and nature of his interest.

B. **Disclosure and Disqualification:** No public official shall advise, deliberate and/or vote on any matter in which he holds any interest, whether it be personal, familial, financial or pecuniary, and must publicly disclose to the public body with jurisdiction the nature and extent of that interest, and must disqualify himself from advising, deliberating and/or voting on the matter.

C. **Incompatible Employment:** No official or employee shall be active in private employment with, or render services for, any private citizen, immediate family member or household member having business contracts or transactions with any public body unless and until he publicly and fully discloses the nature and extent of his interest.

D. **Representatives of Private Persons:** No person serving in a public position shall represent any private citizen other than himself or an immediate family member before any public body of the Town without disclosures.

E. **Gifts and Favors:** No gifts, whether they be money, favors, things, loans or promises, are to be accepted by any public official, employee or board member while acting in his capacity as a public official or employee of the Town.

1. **Exceptions:** Any discounts provided to a whole class which has been appropriately authorized by the Board, Commission, Committee, Agency or Public Body, and three other exceptions: 1. Unsolicited advertising or promotional materials of normal intrinsic value such as pens and calendars; 2. awards for meritorious civic service contributions; 3. unsolicited consumable (except alcoholic beverages and tobacco products) items that are donated to the entire work group during holidays, and are consumed on the premises.

2. **Election Contributions:** This section shall not apply to election contributions or other gifts given to any person running for public office in accordance with applicable Federal or State Laws.

F. **Confidential Information:** No public official or employee shall disclose any confidential information regarding any other official, employee, board member, commission member, person, property or governmental affairs of the Town unless and until prior approval by the public body having jurisdiction or the Board of Selectmen permits disclosure.

Regardless of whether disclosure is involved, no official or employee shall allow or use any confidential information to advance his own personal gain or that of any other person

G. **Nepotism**

1. **Public Officials and Boards:** No person serving in a public position shall appoint or vote for appointment of any person in his/her immediate family to any public position. If a proposed appointee is a member of the immediate family of any Board member that member shall remove himself/herself completely from the appointment process.

2. **Public Employment by Department Heads:** When employing the members of the immediate family, Town public policy makes the appearance of fairness and conformity with Town policy mandatory. Thus, full-time employment of immediate family members shall not be approved if another member would have the practical authority to appoint, evaluate, supervise or discipline the other. If a need arises for part-time or seasonal employment by a Department, then any proposal to employ a member of the Department Head's immediate family shall be subject to prior approval by a majority of the Board of Selectmen. The Selectmen and Department Heads shall insure that the interests of the community and fairness to all seeking employment are the primary consideration.

H. **Voting:** No Town board, committee or commission member, employee or authority is permitted to vote on the appointment of a person with or in whom he has a personal or financial interest.

Section 4. Criminal Liability:

New Hampshire law provides that a person is guilty of a Class B felony if he either offers or accepts a bribe while acting as a public servant. In addition, a public servant may also be guilty of a Class B felony if he fails to report any bribes offered him while in the course of public service.

Section 5. Conduct of Public Officials

A. No Public Official Shall:

1. Participate in any hearing, debate, discussion or vote, or in any manner otherwise attempt to influence the outcome of a matter in which he or she has an interest, whether such interest be financial, personal, familial, or pecuniary;

2. Utilize information obtained in such capacity for his or her own personal benefit or that of his or her clients or the clients of the organization with which the public official is associated;

3. Appear on behalf of a client before any governmental body of which the public official is a member or whose members have been appointed by the governmental body of which the public official is a member;

4. Accept anything of value from any person or organization when the public official knows or reasonably should know that the offer is for the purpose of influencing the public official's actions or decisions;

5. Use his or her official position too influence or to attempt to influence any governmental body to act in favor of the public official or the public official's clients or clients of the organization with which the public official is associated.

B. Other individuals in the organization with which the public official is associated may not appear on behalf of the clients before the governmental body of which the public official is a member, or any governmental body whose members have been appointed by the body of which the public official is a member, unless the public official publicly disqualifies himself or herself and refrains from participation in the matter in accordance with A. Conduct of Public Officials of this policy, and otherwise conducts himself or herself with respect to the matter in accordance said paragraph.

C. Public Officials shall make an honest effort to refrain from making any innuendoes or derogatory remarks to or about any individual present or absent at any meeting of a public body, or questioning his or her integrity or intelligence.

Section 6. Implementation

To facilitate conduct in accordance with this voluntary non-binding resolution, a copy of this resolution shall be made available to Town Officials, employees, volunteers, boards,

committees and commissions upon hiring, appointment or election to office and at such other times as may be necessary

This resolution shall take effect upon its passage.

Enacted this 4th day of June in the Year of our Lord, Two Thousand Seven by the Board of Selectmen of the Town of Hampton, New Hampshire.

Board of Selectmen

Adopted: June 4, 2007