

ARTICLE V
Code of Ethics

§ 5-82. Policy established.

- A. Public employment and public service are public trusts. It is the policy of the City of Laconia to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the city. Such a policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service, either as an elected official, an employee or appointed member of any City board, committee or commission.
- B. The Laconia City Council acknowledges that public confidence in and respect for all public employees and officials is fostered and maintained through the fair, impartial and equal treatment under the law for each citizen and through the avoidance by public officials and employees of real or perceived conflicts between their personal interests and those of the public.
- C. Therefore, to achieve the purposes of this article, all City employees and officials shall conduct themselves in accordance with the ethical standards prescribed in this article.

§ 5-83. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CITY BODY — Any office, department, council, commission, committee, authority, agency or board of the City of Laconia.

CONFIDENTIAL INFORMATION — Any legal contractual, personal or proprietary information that is available to an employee or an official only because of the employee's or official's status with the City and is not a matter of public record; and further, such information as is protected by the New Hampshire Right to Know Law and/or other state or federal right-to-privacy statutes.

EMPLOYEE — Any person in the regular employ of the city, whether full-time or part-time.

FINANCIAL INTEREST — Any financial, monetary, economic, commercial or property privilege, profit, gain or advantage retained or to be received by any employee or official or any member of the employee's or official's immediate family. The interest that all City

taxpayers share in the honest and prudent conduct of City business shall not, by itself, be considered a "financial interest" for purposes of this article.

IMMEDIATE FAMILY — All persons residing in the same household with an official or employee, and spouses or dependents of the official or employee, whether or not they reside in the same household with the official or employee.

OFFICIAL — Any person elected or appointed to service on any City body, whether paid or unpaid. The City Manager and all department heads are "officials" for purposes of this article.

OFFICIAL DECISION OR ACTION — An employee's or official's involvement through decisions, approvals, disapprovals, recommendations, preparation of any part of any purchase request or information or data for any public decision, any specification or procurement standard, rendering official advice, investigation, audit or any other decision or vote of any employee or official on behalf of the city.

PERSONAL INTEREST — Any privilege, profit, gain or advantage, other than a financial interest, retained or to be received by any employee or official or any member of the employee's or official's immediate family. The interest that all City taxpayers share in the honest and prudent conduct of City business shall not, by itself, be considered a "personal interest" for purposes of this article.

PROCUREMENT — A decision to purchase goods or services on behalf of the City or the decision to enter into a contract for any such purchase. The term "procurement" shall include negotiations, the bid process and any other discussions or processes that in the context will materially affect either the value of a purchase or contract for purchase or the identity of the vendor.

§ 5-84. Conflicts of interest.

No official or employee shall participate, in any procurement, decision or action when the person knows that:

- A. The person or any member of the person's immediate family has a personal or financial interest pertaining to the procurement, decision or action;
- B. A party whose financial interest will be affected by the procurement, decision or action is a business in which the person or any member of the person's immediate family has a present or prospective personal or financial interest, including employment; or

C. A party whose financial interest will be affected by the procurement, decision or action is an organization in which the person or any member of the person's immediate family is a member.

§ 5-85. Disclosure of conflicts; disqualifications.

Upon discovery of an actual or perceived conflict of interest, an official or employee shall immediately withdraw from all discussions or participation in any procurement, decision or action that represents the actual or perceived conflict. Employees, including department heads, shall immediately notify the City Manager of the conflict. Elected and appointed officials shall immediately give notice to the chair of the appropriate City body describing the conflict.

§ 5-86. Incompatible offices.

No employee or official shall hold two positions or offices if one position or office reviews or supervises the work of the other.

§ 5-87. Representation of private persons.

No employee or official shall represent any other person before any City body on which the employee or official is sitting as a permanent or alternate member.

§ 5-88. Gifts and favors.

No official or employee shall accept any gift, favor, contingent fee or any other benefit or reward, whether in the form of money, things, loans, promises, rights, travel, entertainment, hospitality or property from any vendor, party or source while serving the City of Laconia, if, in the circumstances, it is reasonable to infer or conclude that the gift was intended to influence the performance of an official duty or was intended to serve as a reward for any procurement, decision or action on the recipient's part.

A. This general rule shall not prohibit the acceptance of:

- (1) Any discounts provided to all City employees and/or officials and authorized by the City Manager;
- (2) Unsolicited advertising or promotional materials of nominal intrinsic value such as pens or calendars;
- (3) Unsolicited consumable items donated to an entire work group during holidays and consumed on the premises; or

(4) Election contributions or other gifts given to present or prospective elected officials in accordance with applicable state and federal election laws.

B. It shall be a violation of this article to solicit or request election contributions in return for a promise of continued or future public employment, a procurement, the award of a City contract, appointment to any City office or any other thing or expectation of personal or economic value.

§ 5-89. Confidential information.

No public official or employee shall knowingly use any confidential information regarding any other official or employee unless and until the particular official or employee authorizes the release of such information. No public official or employee shall knowingly use confidential information, obtained in his or her capacity as an employee or official, to promote or satisfy the personal or financial interest of any person.

§ 5-90. Nepotism.

No official or employee shall supervise, evaluate or vote to appoint any person in his or her immediate family to any public position, except for election officials who are paid no more than \$1,000 per annum.

§ 5-91. Voting.

A. No official or employee shall appoint or vote on the appointment of a member of his or her immediate family or any person with whom he or she has a personal or financial interest.

B. No official or employee shall vote on any matter in which he or she has a personal or financial interest.

§ 5-92. Remedies.

A. New Hampshire Statutes and the Laconia City Charter, Section 8:09, state the penalties for violations of this article.

B. Supplemental remedies may be warranted for violations of this article and may include any one or more of the following:

(1) For employees:

(a) Oral or written warnings or reprimands.

- (b) Suspension with or without pay.
- (c) Termination of employment.

(2) For appointed and elected officials: removal from office.

C. The City shall retain the right to recover the financial value of anything received by any official or employee through violations of the provisions of this article.