

Town of Brentwood
Conflict of Interest Ordinance

To see if the Town will vote to adopt the following Conflict of Interest Ordinance for the Town of Brentwood employees, elected and appointed officials.

The **Conflict of Interest Ordinance for the Town of Brentwood** is adopted under the authority of New Hampshire RSA 31:39a, and shall not supersede any existing State of New Hampshire RSA's pertaining to a code of ethics. This policy shall supersede any and all Conflict of Interest Ordinances in the Town of Brentwood and shall be maintained and overseen by the Brentwood Selectboard. As required by RSA 31:39-a, any affected officials who are already in office at the time of adoption of this ordinance are exempted from its effect for a period of one year from that adoption.

Declaration of Ordinance – The proper operation of a democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of governmental structure; that public office not be used for personal gain; that the public have confidence in the integrity of its government; and that officials perform their duties without conflicts between their private interests and those of the citizens they serve.

I. Purpose.

The purpose of this ordinance is to establish guidelines for all officials of town government pertaining to and to avoid conflicts of interest; and also requiring disclosure by such officials of town government of personal financial interests or quid pro quo in matters affecting the Town that may appear to be a conflict of interest.

II. Prohibited Conduct.

Participating in prohibited conduct constitutes a conflict of interest with the Town.

A. It is in violation of this policy for any official of town government to:

- (1) In his or her official capacity: approve or vote upon any matter in which he or she or any family member has personal financial interests or quid pro quo, and known conflicts that may exist between the official of town government and his or her family members, the principals and the issue under deliberation.
- (2) Knowingly enter into any discussion, testimony or deliberation without first, publicly and for the record, stating all personal financial interests or quid pro quo, and known conflicts that may exist between said official of town government and his or her family members, the principals and the issue under deliberation, as may be known by the official of town government.
- (3) Knowingly participate in the conduct of business of the town without disclosing all known conflicts of interest.
- (4) Knowingly using town property or labor for personal use.

- (5) Knowingly use town property or labor to unfairly influence the political cause of any candidate for public office or any political party. Nothing in the foregoing sentence shall prevent political candidates or parties from holding public meetings on town owned property or prevent an official of town government from exercising and carrying out the responsibilities and obligations of his or her office.
 - (6) Use any proprietary information acquired through or by virtue of his or her official position for his or her pecuniary benefit or for the pecuniary benefit of any other person or business. The foregoing does not apply to information available to the general public.
 - (7) Otherwise than provided by law for the proper discharge of his or her official duties, directly or indirectly request or receive any compensation from anyone other than the town in relation to any particular matter in which the town is a party or has a direct and substantial interest.
 - (8) Otherwise than provided by law for the proper discharge of his or her official duties directly promise or offer compensation as referred to in this policy.
 - (9) Knowingly accept a gift with a value in excess of ten dollars (\$10.00), or allow acceptance of such a gift by a family member from any individual, group or corporation knowingly dealing with an area of town government in which the official of town government has an interest or jurisdiction. The foregoing does not apply to gifts from family members.
 - (10) Knowingly give false information concerning interests, and known conflicts.
 - (11) Knowingly sign a purchase order where there is a pecuniary interest with the vendor(s) or supplier(s).
- B. Officials of town government, whose compensation is paid in whole or in part from the town treasury, shall not appear in his or her official capacity on behalf of a private interest before any town board. Selectmen, however, may appear without compensation or favor, on behalf of constituents or in the performance of public or civic obligations.
- C. Officials of town government, whose compensation is paid in whole or in part from the town treasury, shall not represent private interests, other than his or her own, in any actions or proceedings against the interest of the town in any litigation to which the town is a party.

III. Exclusions.

- A. The prohibition against gifts or favors shall not apply to an occasional non-pecuniary gift, insignificant in value, or an award publicly presented in recognition of public service or any gift which would have been offered or given to him or her if he or she was not an official of town government or unsolicited advertising or promotional items or materials of nominal intrinsic value.
- B. It shall not be a violation for elected officials to accept donations for the expressed purpose of financing a political campaign, provided that such contributions are reported in accordance with all local, state and federal laws pertaining to such donations or services and / or financial value.
- C. The mere purchase of goods or services from a person or business in the ordinary course of that person's or business' retail or service business shall not prevent an official of town government from introducing, discussing, approving or voting upon a matter which relates to that person or business.

IV. Distribution of Conflict of Interest Ordinance.

- A. All officials of town government, as defined in Section VI. Definitions, shall be furnished with a copy of the Conflict of Interest Ordinance prior to assuming their respective duties. Copies of the Conflict of Interest Ordinance can be obtained from the Town Clerk's Office.
- B. Failure to be furnished a current copy of the Conflict of Interest Ordinance shall not be grounds for relief from observing and compliance with the policy, amendments, and changes.

V. Definitions.

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

Board: Any Town board, committee or commission, elected or appointed, including subcommittees or any subordinate body thereof established by the Brentwood Selectmen, Town Election or New Hampshire law.

Conflict of Interest: A situation, circumstance, in which a Town official has a financial interest in his official activity.

Compensation: Any money, gift, things of value or economic / pecuniary benefit, or favor, conferred on or received by any person in return for services rendered or to be rendered by him or herself or another, in excess of ten dollars (\$10.00).

Family Member(s): Include spouse, children, stepchildren, grandchildren, parents, stepparents, grandparents, brothers, sisters, stepbrothers, stepsisters, nephews, nieces, father in-law, mother in-law, brother in-law, sister in-law, son in-law, daughter in-law, any member of the official's household.

Interest: A reasonably foreseeable direct material financial effect or benefit.

Quid pro quo: Something given or received for something else.

Town Official: (Also referred to as "official", or as "official of town government").

Any elected or appointed official, whether of any town board, commission, or committee, whether full or part time, permanent or temporary, including those paid by federal or state assisted programs.

ACKNOWLEDGMENT OF POLICY

I hereby acknowledge that I have read and understood the Town of Brentwood's Conflict of Interest Ordinance.

Printed Name: _____

Signature: _____

Date: _____