

Article 06: Charter Amendment 5:

Shall the Town of Salem approve the amendments to Article 6 of the Town Charter to revise and enhance the Code of Ethics for Elected and Appointed Officials (EAOs), providing clearer definitions, roles, and expectations? These amendments clarify the exclusion of Town employees from Article 6, establish mandatory annual ethics training for EAOs, and ensure more comprehensive guidance to support the Ethics Committee's responsibilities.

Recommendations: Town Council:

Budget Committee: N/A

Description

The proposed amendments to Article 6 of the Town Charter aim to modernize and clarify the Code of Ethics for Elected and Appointed Officials (EAOs). Key changes include:

- Refined Definitions: Ensuring consistency in the use of terms such as EAOs and excluding Town employees from the provisions of this Article.
- Annual Training Requirement: Mandating the Ethics Committee to provide annual training for all EAOs to strengthen understanding and adherence to ethical standards.
- Enhanced Ethics Committee Roles: Clarifying processes and responsibilities of the Ethics Committee, including investigation protocols, advisory opinions, and complaint handling.
- Alignment with Intent: Reinforcing the original goals of the Charter to promote integrity, transparency, and accountability among public officials.

These revisions are designed to better support ethical governance and uphold public trust in Salem's government.

Full Text of the Proposed Amendment to Article 6:

§ 6.1 Preamble

It is the policy of the Town of Salem to uphold, promote and demand the highest standards of ethics and conduct from all of its officials, whether elected **or** appointed. All members of the Town Council, Boards, Commissions, and Committees (hereafter Elected / Appointed Officials (EAOs)) shall maintain the highest standards of personal integrity, truthfulness, honesty, and fairness in discharging their public duties, and never abuse their positions or powers for improper or personal gain. EAOs 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

municipality and thus to foster respect for all government.

§ 6.2 Purpose

The purpose of this code is to establish guidelines for the ethical standards of conduct for

Elected /Appointed Officials (EAOs). The citizens expect public servants and volunteers to act in the best interest of the Town. EAOs should be loyal to the lawful objectives expressed by the residents/citizens, as applicable, and the programs developed to attain those objectives. The citizens expect EAOs to disclose any personal, financial, or other interests in matters affecting the Town that come before them for action. The citizens expect EAOs to remove themselves from decision making if they have a conflict of interest. The citizens expect EAOs to be independent, impartial, and responsible to their fellow townspeople in their actions. The citizens expect that the Town's official decisions and policies be made through the proper channels of government in full compliance with NH RSA 91-A. The citizens expect that public

office or a volunteer position in the Town is not to be used for personal gain. It is important that the public has confidence in the integrity of its government and that EAOs have an opportunity to protect their personal reputation. This code establishes a process by which one may obtain guidance regarding potential ethical issues, and it establishes a course of action for resolving disputes in a manner that is fair to all of the parties involved.

§6.3.2 No Conflicts of Interest

- A. EAOs of the Town of Salem shall avoid conflicts of interest. An EAO shall not participate in any matter in which they, or a member of their family, have a personal or financial interest that may directly or indirectly affect or influence the performance of their duties. In such instances, they shall recuse themselves from discussion and decision-making. Recusal means to remove themselves completely from all further participation in the matter in question. EAOs who have been recused shall immediately leave the room or shall seat themselves with the other members of the public who are present. When recused, they shall not participate in further discussions, unless they clearly state for the record that they are doing so only as a general member of the public. As a recused person, they shall not deliberate or vote on the matter in question.
- B. No EAO shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties.
- C. No board, committee or commission member EAO shall appear in their official capacity on behalf of any private interest(s) before any agency of the Town.

D. No EAOs may appear before Town agencies on behalf of constituents in the course of their duties as a representative of the electorate or in performance of public or civic obligations. However, no EAO shall receive any gift or compensation that is contingent upon a specific action by a Town agency.

§ 6.3.6-7 Use of influence .

No EAO shall attempt to use or threaten to use personal or political influence to secure any benefit. "Personal influence" under this section shall mean any activity inconsistent with recognized practices allowed by the laws of the State of New Hampshire and the Town of Salem.

§6.3.7 8 No Improper Gifts

No EAO shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town, nor shall any such EAO accept any gift, favor or thing of value that may tend to influence them in the discharge of their duties or grant in the discharge of their duties any improper favor, service or thing of value. As used in this section" valuable gift" shall mean a gift exceeding \$50 in the aggregate from any single source during any calendar year. "Valuable gift" shall not include tickets or free admission from any source to a charitable or ceremonial event provided that acceptance of any tickets or free admission as permitted by this section shall be limited to \$250 in the aggregate from any single source during any calendar year.

§6.3.8 9 Disposition of Fees

No EAO of the Town shall collect any fees, salaries, or other payments in connection with official duties for personal use, except as provided for by ordinance or State Law.

§6.3.9 10 A Duty to Cooperate

All EAOs of the Town of Salem shall cooperate with the Ethics Committee regarding any complaint or inquiry alleging violation of this Code of Ethics.

§6.3.10 11 Fair and Equal Treatment

Acting in their official capacity, all EAOs of Town government shall give each and every person fair and equal treatment. No EAO shall in the course of their official duties give or deny any person special consideration, advantage, or treatment as a result of the person's public status, position, sex, race, religion, creed, sexual orientation, or national origin.

§6.3.11 12 Future Employment

A. No EAO of the Town shall solicit, negotiate for, or promise to accept employment with any person, firm, or corporation with which the EAO's Council or Board is

engaged on behalf of the Town in the transaction of business which is, or may be, affected by the EAO's official action during their term.

B. No elected officer may become employed by the Town within one year after their term of office ends.

C. This section shall not apply to employment as a poll worker at any federal, state, or local election.

§6.3.~~12~~ 13 Municipal Code

Nothing in this charter shall prohibit the Town Council from establishing more stringent or specific ethics rules in a Municipal Code.

§ 6.5 Exclusions

The provisions of this Code of Ethics shall not be interpreted so as to bar:

A. Any EAO who is a Resident of the Town of Salem from fully participating in any public proceeding conducted by the Town.

§ 6.6 Ethics Committee

The Ethics Committee shall: Educate EAOs of the Town government regarding the provisions of the ethics code; Provide advice and counsel to EAOs regarding ethical issues with which they are confronted; and hear and resolve ethics complaints, which are filed against EAOs. officials, and board members and employees of Town government.