

TOWN OF ALBANY, NEW HAMPSHIRE

CODE OF ETHICS AND STANDARDS OF CONDUCT:

PREAMBLE:

The proper operation of democratic government requires that public officials and employees 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; and that the public have confidence in the integrity of its government members to perform their duties without conflicts between their private interests and those of the citizens they serve. In recognition of these goals, a Code of Ethics and Standards of Conduct for all town officials and employees is adopted in accordance with RSA 31:39A.

PURPOSE:

The purpose of this code is to establish guidelines for ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interest of the town, thereby regulating conflicts of interest or the appearance of conflicts; and also requiring disclosure by such officials and employees of private financial or other interests in matters affecting the town that may be or appear to be a conflict of interest.

Be it resolved that all Town officials, members, employees, volunteers, boards and commissions whether paid or unpaid, appointed or elected shall conduct themselves in accordance with this Resolution.

A: PERFORMANCE:

Perform all duties in accordance with applicable laws and regulations and apply them uniformly and fairly. Perform all assignments to your best ability and in accordance with recognized standards of professional practice. Albany citizens expect Town Officials to always act in the best interests of the town when executing their duties as a town officer or employee.

B: PROHIBITED ACTIVITIES:

I. Accept no assignment that could reasonably be construed as being in conflict with your responsibility to the Town of Albany, or in which there is an unrevealed personal interest or bias, or which you are not qualified to perform.

a. You must report in writing to your immediate supervisor or in the case of Selectmen, have it written into the Board meeting

minutes those assignments in which you have a personal interest or bias. A personal interest or bias includes any current, prospective or contemplated interest or bias in the matter. A personal interest includes any ownership interest in property, employment, agency (such as an independent contractor), or business affected by the matter of the assignment. A personal bias includes a personal interest or a familial relationship to a person having a personal interest.

b. The restriction is not intended to prohibit activities in which you have a personal interest or bias. It is intended to require disclosure of a personal interest or bias.

II. Prohibited activities shall include those activities specifically identified by state law limiting acts of public employees:

RSA 95:1 PUBLIC OFFICIALS BARRED FROM CERTAIN PRIVATE DEALINGS

RSA 640:2 BRIBERY IN OFFICIAL AND POLITICAL MATTERS

RSA 640:3 IMPROPER INFLUENCE

RSA 640:4 COMPENSATION FOR PAST ACTION

RSA 640:5 GIFTS TO PUBLIC SERVANTS

RSA 640:6 COMPENSATION FOR SERVICES

RSA 641:7 TAMPERING WITH PUBLIC RECORDS OR INFORMATION

RSA 643:1 OFFICIAL OPPRESSION

RSA 643:2 MISUSE OF INFORMATION

III. Prohibited activities include violation of any federal, state or local law. Prohibited activities include any felonious criminal act, regardless of whether such act was committed while you were on duty with the Town.

IV. Prohibited activities including, inducing another to commit an act in violation of the law or these codes of ethics.

V. Prohibited activities include sexual harassment.

C: ACCESS TO INFORMATION AND RECORDS:

Make available all public records in their custody for public review, unless access to such records is specifically limited or prohibited by law, or the information has been obtained on a confidential basis and thus permits such

information to be treated confidentially. Make every effort to inform the public about their rights and responsibilities under the law.

D: COMMUNICATION

Town officials shall be truthful in communicating with public officials and with other interested persons and shall seek to provide factually correct, current and accurate information.

I. If a town official determines that another town representative has provided a public official, resident or other interested person with factually inaccurate information of a significant, relevant, and material nature, the representative shall promptly provide the factually accurate information to the interested person.

II. If a material change in factual information that the town official provided previously to a public official causes the information to become inaccurate and the public official knows that others may still be relying upon the information; the official shall provide accurate and updated information to the interested party.

E: RESPECTFUL ATTITUDE:

Maintain an open, courteous and respectful attitude in dealings with the public and require the same of subordinates. Any elected public body or appointed personnel of the Town, shall honor the Public Trust allowed them when he or she was elected or appointed to their respective position by making an honest effort to refrain from making any innuendos, inferences, **or** derogatory remarks to any individual present or absent at any meeting of a public body, or question his or her integrity or intelligence.

F: CONDUCT AND PROPRIETY:

Conduct duties and activities in a manner that shall reflect credit upon yourself and upon the Town. Avoid the appearance of impropriety.

I. Shall not accept outside employment which will impair independence of judgment as to official duties or require or induce disclosure of confidential information gained in state service. (Generally outside employment is barred if the private employer can benefit from the town representatives official actions. For example, if the individual in his or her town capacity has regulatory or contractual authority over the private entity. A town servant is not prohibited, however, from using his or her expertise for private gain, as long as no provision of the Code is violated in the process

III. Shall not use public position or confidential information gained in town service for the financial benefit of the individual, his or her family (spouse, child, child's spouse, parent, brother or sister), or an "associated business" (defined to include any entity through which business for profit or not for profit is conducted in which the town servant, or an immediate family member, is a director, officer or owner).

G: FAIR AND EOUAL TREATMENT:

All town officials, employees and agents shall give each and every person fair and equal treatment.

I. No official, employee or agent shall give any person special consideration, advantage or favor as a result of public status, wealth, position, religion, family, personal or financial interest.

II. No town official shall use their standing within the town to bully, intimidate or in an illegal or unethical manner sway the stance of a resident of the town, on town issues.

III. No town official will use their personal standing within the community to intimidate or bully another resident so as to sway their stance on town issues.

H: REPORTING UNETHICAL PRACTICES:

Report to your immediate supervisor and/or to the Board of Selectmen for public record any unethical practice that shall reflect discredit upon the Town.

I: RESPONSIBILITY OF TOWN OFFICIALS:

Subscribe to this Code of Ethics and Standards of Conduct as they may be amended from time to time. To be independent, impartial and mindful, that they are ultimately responsible to their fellow townspeople for all actions taken in their official or employment capacity.

J: INFRACTIONS

The town establishes as a process to address infractions of the above standards and codes provisions for the removal of town officials as outlined in personnel policies and the Albany ordinance for the recall of elected officials

K: EFFECTIVE DATE

This ordinance shall become effective upon its adoption by the voters of the Town of Albany.

