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Policy #

Township Conflict of Interest Policy

Background: *[for introductory purposes to BOS – to be deleted]*

- Easttown does not currently have a conflict of interest policy;
- There are Pennsylvania ethics laws that govern conflicts of interest, see: The Pennsylvania Public Official and Employee Ethics Act, Act 170 of 1978; and
- Generally, a conflict of interest in Pennsylvania is defined as:

Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated. The term does not include an action having a *de minimis* economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he or a member of his immediate family is associated.

65 Pa.C.S.A. § 1102.

Objectives: *[for introductory purposes to BOS – to be deleted]*

- To ensure that all conflicts of interest are properly recognized and addressed;
- To stay within the bounds of existing laws;

- To not be overly burdensome or disrupt the efficient operation of Township administration and government; and
- To ensure annual review and acknowledgement of the Township's Conflict of Interest Policies.

Scope:

1. Conflicts of interest that have a financial impact on Easttown Township (Township).
2. To include and govern the Easttown Township Board of Supervisors (BOS), Township employees and volunteers, those providing professional services to or on behalf of the Township, as well as contractors and subcontractors.
3. Public office and the operation of local government is a public trust, and any effort to realize personal financial gain through public office or the operation of local government (other than compensation provided by law) is a violation of that trust.
4. Individuals served by the Township have a right to be assured that the financial interests of those holding public office and/or participating in the operation of local government do not conflict with the public trust.
5. These policies are intended to prevent "conflicts of interests," which, as defined by the Pennsylvania Public Official and Employee Ethics Act (Ethics Act) (65 Pa.C.S. § 1101, *et seq.*), include:

Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated. The term does not include an action having a *de minimis* economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or

a business with which he or a member of his immediate family is associated.

6. This Conflict of Interest Policy exists in conjunction with and as a supplement to the 'Conflicts of Interest' provisions of the Easttown Township Personnel manual, contained on page 4 thereof.

Procedure:

Generally

1. The Township Manager shall notify the BOS in a public meeting of any updates to the Township's Conflict of Interest Policy.
2. The Township Manager shall review the Township's Conflict of Interest Policy at least one (1) time per calendar year, notifying the Board of any required or recommended revisions and/or supplementation.

Applying to the Township BOS, employees and volunteers, as well as those providing professional services to or on behalf of the Township

1. The Township Manager shall ensure that all Township employees, volunteers, and those providing professional services to or on behalf of the Township annually provide a signed Conflict of Interest Acknowledgement. The same requirement shall exist for all new Township Supervisors, employees, volunteers, and those providing professional services to or on behalf of the Township, within thirty (30) days of the commences of their employment/appointment.
2. The Township Manager shall likewise ensure that all Township personnel annually provide their "Acknowledgment of Receipt and Review of Personnel Manual", a template of which is provided within the Township's Personnel Manual.
3. The Township Manager shall report to the BOS at the second meeting in February of each year indicating whether all Personnel Manual Acknowledgements and Conflict of Interest Acknowledgments are completed.

4. The BOS shall annually review the Township's Conflict of Interest Policy.
5. No Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township, whether paid or unpaid, shall engage in any business transaction nor have a financial or other pecuniary interest, direct or indirect, which in any way involves the improper discharge of his or her official duties in the public interest, or which would tend to impair his or her independence of judgment or action in the performance of his or her official Township duties (other than compensation provided by and in accordance with law).

Specifically-prohibited conflicts of interest include, but are not limited to, the following:

A. Incompatible employment. No Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township shall engage in or accept public or private employment or render services for public or private interests when such employment or service would conflict or interfere with or influence him or her in the proper discharge of his or her official duties or which would tend to impair his or her independence of judgment or action in the performance of his or her official duties. This includes acting in matters where there is a promise of future business arising from the action taken, of a reciprocal nature or otherwise. Any such Supervisor, employee, volunteer or professional service provider shall abstain from voting and/or taking official action in all such instances.

B. Disclosure of confidential information. No Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Township, nor shall he or she use such information to advance the financial or other private interests of him or herself or others.

C. Gifts and favors. No Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township shall accept any valuable gift, whether in the form of service, loan or promise, from any person, firm or corporation which to his or her knowledge is interested directly or indirectly, in any manner whatsoever, in business dealings with the Township; nor shall any Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township accept any gift, favor or thing of value in excess of \$75 per gift, nor grant, in the discharge of his or her duties, any improper favor, service or thing of value.

D. Representing private interests before boards, commissions or judicial bodies. No Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township shall represent both the Township and a private party before boards, commissions or judicial bodies.

E. Contracts with the Township. Any Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township who have any financial interest in any business entity, transaction or contract with the Township or in the sale or rental of real estate, materials, supplies or services to the Township, or whose immediate family (defined to include spouse, children, spouses of children, and parents) has such an interest, shall make known to the BOS such interest in any matter on which he or she may be called to act in his or her official capacity. He or she shall refrain from voting, taking official action or otherwise participating in the transaction or the making of such contract or sale.

F. Disclosure of interest in legislation. Any Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township who have a financial or other private interest, directly or indirectly, or has an immediate member of his or her family

who has such interest, in any legislation, either pending or proposed, on which the Township is expected to take any action or make any recommendation, shall disclose on the record, the nature and extent of such interest as soon as possible, and prior to the BOS or appropriate authority's voting on any related action or recommendation.

G. Disclosure of other interests. Any Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township who has a financial or other private interest, or whose immediate family has such an interest, and who participates in discussion with or gives an official opinion to the BOS, shall disclose on the record and to other, appropriate authority, the nature and extent of such interest.

6. Violation of any provision of this Conflict of Interest Policy may constitute a cause for suspension, termination of employment or other disciplinary action to be invoked under applicable law by the BOS.
7. A standard, sample Conflict of Interest Acknowledgment, deemed acceptable, provides as follows:

Easttown Township Conflict of Interest Policy Acknowledgment

Name: _____

Position: _____

Period Covered: _____ to _____

I, _____, have received a copy of the Easttown Township Conflict of Interest Policy. I have read and understand the Policy, and I agree to comply with it. I will recuse myself from deliberations, voting, and taking action on decisions, activities, transactions, and arrangements that give rise to a conflict of interest.

Signature: _____

Date: _____

Applying to contractors and subcontractors providing services to or on behalf of the Township

1. The Township Manager shall ensure that all contracts between the Township and contractors or subcontractors contain a Conflict of Interest provision. A standard, sample Conflict of Interest provision, deemed acceptable, provides as follows:

Conflict of Interest Provision

I, _____, certify that _____, (“Organization”) has a Conflict of Interest Policy in place, and that all employees and subcontractors to “Organization” have received and acknowledged the Policy within the past year and/or that the professional employees or subcontractors of “Organization” have read and acknowledged the professional code of ethics of their respective professional organization. Such policy or code of ethics is sufficient to cover any conflicts of interest that may arise with respect to the work being conducted for/contracted with Easttown Township. Easttown Township supervisors or administrative personnel may examine said policy, code of conduct, and/or acknowledgments upon request. The scope of any such examination shall be limited to those employees or subcontractors who have or are currently performing services for Easttown Township.

Offeror’s Name: _____
RFP/Contract No.: _____
Signature: _____
Title: _____
Date: _____

Date Adopted:
Latest Revision Date:
Latest Review Date: