

Township Conflict of Interest Policy

Scope:

1. 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.
2. 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.
3. This policy shall cover the Easttown Township Supervisors, Township employees, volunteers, those providing professional services to or on behalf of the Township, as well as contractors and subcontractors.
4. 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.

5. 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.

Procedure:

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

1. The Township Manager or designee shall ensure that all current Township Supervisors, 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, volunteers, and those providing professional services to or on behalf of the Township, within thirty (30) days of the commencement of their employment/appointment.
2. The Township Manager or designee shall likewise ensure that all Township employees 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 annually report to the BOS indicating whether all Personnel Manual Acknowledgements for employees and all Conflict of Interest Acknowledgments for Supervisors, volunteers, and those providing professional services to or on behalf of the Township are completed.
4. 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 \$50 per gift, favor or thing (and \$250 in the aggregate, in any calendar year), in the discharge of his or her duties, any improper favor, service or thing of value.

D. Representing private interests. 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.

5. If any Township Supervisor, employee, volunteer or those providing professional services to or on behalf of the Township is engaged in a conflict of interest (as identified and defined above), such conflicts of interest shall be reported to and preliminarily investigated by the appropriate Township personnel and/or the State Ethics Commission.

Upon receipt of a complaint (whether verbal or written), the Township Manager shall notify the BOS and shall preliminarily investigate all complaints of potential conflicts of interest involving Township employees, volunteers, and those providing a professional service to or on behalf of the Township.

Upon receipt of a complaint (whether verbal or written), the BOS shall preliminarily investigate all complaints of potential conflicts of interest involving the Township Manager and Township Supervisors.

If any preliminary inquiry/investigation establishes reason to believe that the State Ethics Act and/or this Policy has been violated, the BOS may thereafter determine whether to initiate an investigation to determine whether there has been a violation of this Policy.

6. Violation of any provision of this Policy may constitute a cause for suspension, termination of employment or other disciplinary action to be invoked under applicable law by the BOS.
7. Notwithstanding this Policy, any alleged violation of the Pennsylvania Public Official and Employee Ethics Act may be reported by anyone directly to State Ethics Commission in accordance with the provisions of the State Ethics Act.
8. An acceptable, sample Conflict of Interest Acknowledgment, provides as follows:

Easttown Township Conflict of Interest Policy Acknowledgment

Name: _____

Twp. Role: ___ Supervisor ___ Employee ___ Volunteer
 ___ Professional Service Provider

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.

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

Conflict of Interest Provision

I, _____ (Contractor's or Subcontractor's Representative), certify that _____, (Contractor's or Subcontractor's Organization) (the "Organization") has a Conflict of Interest Policy in place, and that all employees and subcontractors to the 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: June 07, 2021

Latest Revision Date:

Latest Review Date: