

CITY OF LOCK HAVEN CODE OF CONDUCT

I. INTRODUCTION

The City of Lock Haven Code of Conduct (the "Code") was established to promote public confidence in the proper operation of our local government. The Code mandates the independent, impartial and responsible conduct of public officials and employees. This prevents both conflicts of interest that interfere with a public servant's duties and the use of public office for financial gain.

If you need further information or if you have a specific situation that you would like addressed, please contact the City Manager.

II. CODE OF CONDUCT

The City of Lock Haven Code of Conduct is applicable to public officials and employees of the City of Lock Haven. All complaints under the Pennsylvania Public Official and Employee Ethics Act are within the sole jurisdiction of the Pennsylvania State Ethics Commission.

III. DEFINITIONS

The following terms aid understanding of this summary.

"Agent" means all agents of or persons of entities that enter into agreements with or otherwise act in a fiduciary capacity for the City in connection with contracts supported in whole or in part by public funds. For the purposes hereof, this term includes subrecipients, subgrantees and subcontractors of the benefits of City agreements.

"City employee" means any individual employed by the City in any capacity. A City employee may or may not also be a "public employee."

"Confidential information." Information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.

"Direct family" means a spouse or child.

"Financial interest." Any financial interest in a legal entity engaged in business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

"Gift." Anything which is received without consideration of equal or greater value. The term shall not include a political contribution otherwise reported as required by law or a commercially reasonable loan made in the ordinary course of business.

"Influence" means the proposal of, the voting on or the participation in any legislative discussion of or attempt to influence the course of any proposed legislation of the City; the participation in the selection, award or administration other than of a ministerial nature, of any contract, benefit or award to which the City is a party or which is supported by any public funds administered by the City; and participation in any matter involving, other than on a ministerial basis, the inspection, regulation, licensing or auditing of an entity by or as required by the City.

"Public employee" means any person employed by the City who is responsible for taking or recommending official action of a non-ministerial nature with regard to:

- i. Contracting or procurement;
- ii. Administering or monitoring grants or subsidies;
- iii. Planning or zoning;
- iv. Inspecting, licensing, regulating or auditing any person; or
- v. Any other activity where the official action has an economic impact of a greater than *de minimis* nature on the interests of any person.

"Public official" means any person elected by the public, or appointed by the Mayor and/or City Council to any board or commission, or any appointed official in the Executive or Legislative branch of the City.

IV. DISCLOSURE OF INTERESTS

A. May1 Filing

Each Lock Haven public official and City employee who is responsible for taking or recommending official action of a non-ministerial nature with regard to:

1. Contracting or procurement;
2. Administering or monitoring grants or subsidies;
3. Planning or zoning;
4. Inspecting, licensing, regulating or auditing any person; and
5. Any other activity where the official action has economic impact of greater than a *de minimis* nature on the interests of any person, shall file with the City Manager a Statement of Financial Interests for the preceding calendar year in the form and manner provided by the State Ethics Statute. This filing must be done by May 1 of each year.

V. RESTRICTED ACTIVITIES

A. Receipt of Benefits or Compensation

- No contract shall be made with any City elected or appointed official, officer or employee, or with any corporation, partnership or other nongovernmental entity of which he/she is a member.

No elected official, officer or employee shall:

1. Benefit from any contract, job, work or service for the City, or accept any service or accept anything of value, directly or indirectly, upon more favorable terms than those granted to the public generally, from any person, firm or corporation having dealings with the City; or
2. Solicit or receive any compensation, gratuity or other thing for any act done in the course of public work.

B. Gifts and Favors

No public official, City employee or agent of the City shall solicit or accept from an interested party, nor shall an interested party offer or give anything of value to a public official, City employee or agent, subject to the following exceptions:

1. Gifts from direct family members;
2. Non-pecuniary awards publicly presented, in recognition of public service;
3. An occasional non-pecuniary gift of nominal value;

C. Conflict of Interest

- No public official or public employee shall exert influence with respect to property or a business with which he/she or a member of his/her direct family is associated.
- Members of City Council and members of boards and commissions shall resolve voting conflicts in the manner provided in the State Ethics Statute and the Third Class City Code.
- Any other public official or public employee shall disclose the nature and extent of his/her conflict of interest with respect to proposed action of the relevant body when, in the discharge of his/her official duties, he/she would participate in discussions or give official opinions or recommendations to City Council or a board or commission.

D. Misuse of Authority and Public Property

No public official or public employee shall:

1. Appear for compensation on behalf of any private person other than himself or his direct family, before any quasi-judicial tribunal of the City;
2. Accept a fee from another for referring a matter to such person.
3. Use or permit the use of his/her title; insignia or position in connection with any private business from which he/she receives compensation; or
4. Use or allow the use of any City facilities, property, staff, or information obtained in the course of his/her employment for personal use other than

would be generally available to the public at large.

E. Solicitation, Political Activity and Campaign Contributions

- No solicitation may be made of City employees for any purpose during working hours.
- City employees are prohibited from engaging in political activity during working hours and at all times in City offices.
- City employees may not hold a salaried elected public office unless a leave of absence is taken without pay. If required by Ordinance, certain classes of City employee are required to take a leave of absence without pay while a candidate for elected public office.

F. Special Restrictions Applicable to City Council

Council members cannot have a personal or private interest in any legislation proposed or pending before Council, unless they both disclose the interest to other members of Council and refrain from voting or participating in the discussion of the matter.

Members of Council are prohibited from holding any other office, position or employment in the government of the United States, the Commonwealth of Pennsylvania, the City of Lock Haven, or Clinton County, subject to several exceptions. These exceptions include

- (1) officer or member in the National Guard of Pennsylvania; or
- (2) Member of an Authority.

VI. ADVISORY OPINIONS

Public Officials and City employees may request an advisory opinion from the City Solicitor. An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion acted on it in good faith and only to the extent material facts were not omitted or misstated in the request for the opinion.

VII. COMPLAINT AND INVESTIGATION PROCEDURES

A. Who May File a Complaint

- Any person may file a complaint about alleged ethics violations of this Code.
A person signing a complaint shall:
 1. Reasonably believe in the existence of the facts upon which the claim is based; and
 2. Reasonably believe that the complaint may be valid under the ethics provisions of this Code.

B. How to File a Complaint

- Complaint forms are available upon request from the City Manager. The complaint should state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must be signed under penalty of perjury.

C. How to Determine if an Act is a Violation

- A violation is any activity restricted by the ethics provisions set forth in this Code.

D. Course of Events After a Complaint is Filed

a. Preliminary Inquiry

- The City Manager will conduct a preliminary inquiry within 60 days. If the inquiry fails to establish a violation of City ethics provisions, the inquiry will be terminated, and the complainant and the subject of the inquiry will be so notified. If complainant desires to do so, he/she can appeal this decision to City Council.

E. Findings Report, Evidentiary Hearing, and City Council Decision

- The findings report sets forth the pertinent findings of fact. The subject, within 30 days after the report is issued, has the right to respond to the report and request an evidentiary hearing before City Council, unless an extension is obtained.
- The evidentiary hearing must be instituted within 45 days after the filing of the response. The subject will have access to any evidence intended to be used at the hearing. The hearing will be closed to the public, unless the subject requests an open hearing.
- Following the hearing, City Council will determine whether the subject violated City ethics provisions and shall issue a final order accordingly. The subject may file a petition for reconsideration of the order.

VIII. PROTECTION FOR COMPLAINANTS

No official or employee may be penalized for good-faith filing of a complaint with City Council, providing information, or testifying in any Council proceeding. No person may be discharged, suffer change in his/her official rank, grade or compensation, be denied a promotion, or be threatened as a result of any of the above.

IX. PENALTIES FOR VIOLATING THE ETHICS PROVISIONS

The City Manager may impose any of the following penalties upon finding a violation of any of the City ethics provisions including the wrongful acts described in the preceding section:

- A letter of admonition to the perpetrator and all relevant parties, indicating that the

respondent has been found to have violated City ethics provisions.

- Suspension without compensation, with notification to the perpetrator and all relevant parties.
- Termination, with notification to the perpetrator and all relevant parties.

Approved by Lock Haven City Council

Date Approved: September 9, 2013