

DOVER CODE

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ETHICS, CODE OF

GENERAL REFERENCES

ARTICLE I

ETHICAL STANDARDS

22-1. Conflicts of interest.

No elective or appointive officer or employee of the city, whether paid or unpaid, shall take part in a decision concerning the business of this city, or engage in any business, or transaction, in which they or a member of their family, directly or indirectly, has a financial interest, aside from his/her salary as such officer or employee, greater than any other citizen or taxpayer, nor shall they have any financial or other private interest, directly or indirectly, which is in conflict with the proper discharge of their official duties. (Reference: Article X, Dover City Charter)

22-2. Representation of private interests before city agencies.

No Councilor or other officer, whether elected or appointed, or employee whose salary is paid in whole or in part from the city treasury shall appear in behalf of private interests before any city board. Councilors, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided that the retainer is not for the purpose of appearing before the agency, and provided, further that the compensation, in whole or in part, is not contingent or dependent upon the action of such agency.

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22-3. Representation of private interests in litigation.

No Councilor or officer, whether elected or appointed, or employee whose salary is paid, in whole or in part, from the city treasury shall represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party.

22-4. Required disclosure by Council members.

A Councilor who has, or a Councilor with a family member who has a direct or indirect financial or other private interest, in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest. Such disclosures shall be made orally prior to the legislation being discussed as part of a council meeting agenda, or a Councilor may elect to file a written specific or general conflict of interest disclosure statement with the City Clerk. (Appendix A & B)

22-5. Required disclosure by officers and employees.

An officer, whether elected or appointed, or employee who, whether paid or unpaid, has a direct or indirect financial interest or other private interest in any legislation and who participates in discussion before or gives official opinion to the Council shall publicly disclose on the official record the nature and extent of such interest. Such disclosures shall be made orally prior to the legislation being discussed as part of a council meeting agenda, or the officer or employee may elect to file a written specific or general conflict of interest disclosure statement with the City Clerk. (Appendix A & B)

22-6. Gifts.

No Councilor, other officer, or employee, whether elected or appointed, paid or unpaid, shall accept any valuable gift, whether in the form of service, loan, thing or promise or any other form from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the city.

22-7. Disclosure of confidential information.

No Councilor or other officer, whether elected or appointed, or employee, whether paid or unpaid, shall intentionally disclose confidential information concerning the property, government or affairs of the city.

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22-8. Investments in conflict with official duties.

No Councilor or other officer, whether elected or appointed, or employee, whether paid or unpaid, shall invest or hold any investment, directly or indirectly in any financial, business, commercial, or other private transaction which creates a conflict with their official duties.

22-9. Incompatible employment.

No Councilor or other officer, whether elected or appointed, or employee, whether paid or unpaid, shall engage in or accept private employment or render or sell services or goods from private interests which such employment or service is incompatible with the proper discharge of their official duties.

22-10. Future employment.

No Councilor or other officer, whether elected or appointed, or employee, whether paid or unpaid, shall solicit, negotiate for or promise to accept employment by any person, firm or corporation with which they are or their agency is engaged on behalf of the city in the transaction of business or which is or may be affected by their official action. In connection with this prohibition, no elected official may assume employment with the city until one (1) year after leaving office.

**ARTICLE II
WORD USAGE**

22-11. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EMPLOYEE - Includes all positions over which the City Manager has power of appointment.

OFFICER - Includes all positions appointed by the Mayor and Council or the City Manager, including appointment to the Housing Authority.

**ARTICLE III
DISCIPLINARY ACTION**

22-12. Suspension or removal from office.

Any violation of any of the provisions of the foregoing shall constitute cause for fine, suspension or removal from office or employment as provided by law.

**ARTICLE IV
BOARD OF ETHICS; COMPLAINT PROCEDURE; PENALTIES**

22-13. Board established. [Amended 2-18-98 by Ord. No. 01-98]

There is hereby created and established a Board of Ethics. This Board shall consist of five (5) members of the public who shall be appointed by the Council. Effective January 5, 1998, the Council shall appoint three (3) members for* a three (3) year term, two (2) members for a two (2) year term. All terms shall expire on December 31, 2000, and December 31, 2001. The chairman of the Ethics Board shall be selected by the Board. Nothing contained herein shall prohibit a member from serving more than one (1) term.

22-14. Procedures.

The members of the Board of Ethics shall elect one of the public members as Chair. They shall adopt such rules for the conduct of their business as they see fit; shall have the authority to request legal assistance directly from the city attorney, or when it appears to be in the best interests of the city, shall be empowered to seek outside legal assistance; and they shall have the power to draw upon the various city departments for reports and information and for stenographic and clerical help. They shall have all subpoena powers as may be available to them under state law.

22-15. Advisory opinions.

Upon the written request of the councilor, officer or employee concerned, the Board shall render advisory opinions based upon the provisions of this code. The Board shall file its advisory opinions with the City Clerk, but may delete the name of the officer or employee involved.

22-16. Filing of complaint.

Any individual having information that any city official, elected or appointed, or employee, is engaged in improper activities or has a conflict of interest may present their complaint to the Chair of the Board of Ethics.

22-17. Review by the Board of Ethics.

Said complaint shall be in writing, under oath, specific and to the point. The Chair of the Board of Ethics shall convene a non-public meeting of the Board within fourteen (14) days for the purpose of determining if the written complaint has sufficient merit to warrant a hearing or further investigation.

22-18. Complaints without substance. [Amended 11-17-99 by Ord. No. 15-99]

If the Board determines that the complaint is without substance, and warrants no further action, the person making the complaint and the subject of the complaint shall be notified, in writing, of that finding. The Board shall also provide written notification to the City Council that a complaint was filed, and that it was without merit. The written notification to the City Council shall be made public, however, other details of such complaints, including name of individual, shall remain confidential.

22-19. Report of the Board.

If the Board finds the complaint to have sufficient merit to warrant a hearing or further investigation, it shall have thirty (30) days from the date of such a finding to investigate, hold meetings, hold a hearing, and file a written report to the City Council as a whole of its findings.

22-20. Hearings; referral to Council. [Amended 2-18-98 by Ord. No. 01-98]

If the Board determines by a majority vote that the complaints appear to have merit, they shall hold a hearing, which may be public or private, at the discretion of the Board excepting that the person against whom the complaint has been made may request a public hearing. If the Board, after such hearing, finds that the individual is in violation of the provisions of this Chapter, the matter shall be referred to the Dover City Council who shall order sanctions as they may deem appropriate pursuant to the provisions of Section 22-23 of this Chapter.

22-21. Statement of findings.

The statements of the findings of the Board shall be issued upon the request of any person charged.

22-22. Public release of findings of innocence of wrongdoing.

In cases where the Board reports to the Council that the person accused has engaged in no wrong doing, the Council will publicly affirm the finding of the Board and clear the person accused.

22-23. Sanctions.

When the Board of Ethics, after following the provisions of this chapter, makes a finding that a member of the City Council or any officer or employee of the city has engaged in improper activities or has a conflict of interest, the Council shall impose sanctions as they shall deem appropriate which may include, but not be limited to the following:

- A. Authorize the City Attorney or any other attorney approved by the City Council to prosecute violations of this Chapter in the Dover District Court. The penalty for any violation of this chapter, upon conviction, shall be as provided in RSA 651.1 IV (a), and/or
- B. In the case of City Council members and their appointees:
 - (1) Vote to request the resignation of the offending member.
 - (2) Vote to publicly censure the offending member.
 - (3) Place the matter on file.
 - (4) Or impose any other sanction that they shall deem appropriate.
- C. In the case of all other officers and employees, the Council shall present its findings to the City Manager who shall take appropriate action.

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(APPENDIX A)

CITY OF DOVER

CONFLICT OF INTEREST STATEMENT (SPECIFIC)

NAME

POSITION

LEGISLATIVE OR OTHER ISSUE

_____ I WILL NOT PARTICIPATE

SIGNATURE

IF YOU HAVE CHOSEN NOT TO PARTICIPATE, NO OTHER INFORMATION IS NECESSARY.

_____ I WILL PARTICIPATE.

Public or private entities affected:

Nature of benefit to elective or appointive officer or employee:

Nature of financial interest in the issue:

Nature of relationship between elective or appointive officer of employee:

Additional Information:

SIGNATURE

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(APPENDIX B)

CITY OF DOVER

CONFLICT OF INTEREST STATEMENT (GENERAL)

DECLARATION OF CONFLICT OR POSSIBLE CONFLICT OF INTEREST

Pursuant to the provisions and intent of Chapter 22 of the Ordinances of the City of Dover regarding disclosure of certain interests, I hereby make the following declaration:

Please describe below the nature and extent of any conflict or possible conflict of interest which you or members of your immediate family may have in connection with the carrying out your duties as an elective or appointive officer or employee of the City of Dover.

Date: _____ Signature _____

Position _____

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(APPENDIX C)
CITY OF DOVER
COMPLAINT FORM
BOARD OF ETHICS, CITY OF DOVER, NEW HAMPSHIRE

Please complete this form legibly and in as much detail as possible. Additional pages may be added.

Your Name _____
Address _____
Phone (h) _____ **(w)** _____

Person(s) against whom this complaint is made:

_____ **(department/office)** _____
_____ **(department/office)** _____

Description of the complaint in detail:

(Use more paper and attach, if necessary.)

With my signature, I declare that the statements made above are accurate and truthful to the best of my knowledge.

(Signature)

(Date)

Completed forms will be sealed and forwarded to the Chair of the Board of Ethics. Information contained herein will be treated as confidential. If, for reasons of confidentiality, this complaint is not filed with the City Clerk, it may be sent directly to: **CHAIRPERSON, BOARD OF ETHICS, 288 CENTRAL AVENUE, DOVER, NH 03820.**