

POLICY AND PROCEDURE MEMO

SUBJECT:

CODE OF ETHICS

NO. 2.009

DATE: 4-5-13 Approved

D. W. Frazier
CITY MANAGER

I. STATEMENT:

It is the policy of the City of Rochester to uphold, promote and demand the highest standard of ethics and conduct from all of its employees and officials, Whether elected, appointed or hired. All City employees and members of City boards, commissions, committees and the City Council shall maintain the highest standards of personal integrity, truthfulness, honesty and fairness in discharging their public duties, and never abuse their positions or powers for improper or personal gain.

Every employee of the City shall be subject to and shall abide by the Code of Ethics.

II. DEFINITIONS

- A. For the purpose of this regulation “Employee” means any person working for the City of Rochester whether paid or unpaid.
- B. “Interest” means a pecuniary or material benefit accruing to an employee unless the context otherwise requires.

III. PURPOSE

It is recognized that there are rules of ethical conduct for public employees that must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in local government. These rules shall serve as a guide for employee conduct in the City of Rochester.

IV. PROCEDURE

STANDARDS OF ETHICS

Every employee of the City of Rochester shall be subject to and abide by the following standards of conduct:

1. **Gifts.** Employees shall not directly or indirectly, solicit, accept or receive any gift in the form of currency, services, loans, travel, entertainment, or hospitality in which it could reasonably be inferred that the gift was intended to influence them in the performance of their official duties or was intended as a reward for any official action on their part.



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2. **Confidential Information.** Employees shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.
3. **Representation before one's own agency.** Employees shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer, or employee.
4. **Representation before any agency for a contingent fee.** Employees shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the City of Rochester, whereby their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
5. **Disclosure of interest in legislation.** To the extent that an employee knows thereof, a member of the City Council and any officer or employee of the City of Rochester whether paid or unpaid, who participates in the discussion or gives official opinion to the City Council on any legislation before the City Council shall publicly disclose on the official record, the nature and extent of any direct or indirect financial or other private interest they have in such legislation.
6. **Investments in conflict with official duties.** Employees shall not 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.
7. **Private employment.** Employees shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when such employment or services create a conflict with, or impairs, the proper discharge of their official duties.
8. **Future employment.** Employees shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of Rochester, in relation to any case, proceeding or application in which



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they personally participated during the period of their service or employment or which was under their active consideration. This clause does not prohibit employees from appearing as an advocate on the City's behalf.

PERSONAL CLAIM NOT PROHIBITED

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal employee of any claim, account, demand, or suit against the City of Rochester, or any agency thereof, on behalf of himself/herself or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

COMPLAINTS

All ethics complaints should be filed with the Human Resources Department.

DISTRIBUTION

The City Manager of the City of Rochester shall cause a copy of this code of ethics to be distributed to every employee. Each new employee thereafter shall be furnished a copy before entering upon the duties of employment. A copy of the code of ethics will be placed on the intranet for all employees.

PENALTIES

In addition to any penalty contained in any provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code of Ethics shall face disciplinary action commiserate with the nature of the violation.



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OTHER – See the following attached Codes of Ethics

The City of Rochester recognizes the following Codes of Ethics of the various professions contained within the organization:

Code of Ethics for Fire Chiefs
Council on Accreditation
International City/County Management Association
International Economic Development Council
National Association of Realtors
NH Government Finance Officers Association
Rochester Police Department
Society of Corporate Compliance and Ethics

-END OF PROCEDURE-