

Borough of Carlisle

ORDINANCE NO. 2255

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF CARLISLE ESTABLISHING AN ADMINISTRATIVE CODE CHAPTER AND A CODE OF ACCOUNTABILITY, CONDUCT AND ETHICS.

WHEREAS, pursuant to Article II, Section 210 of the Carlisle Home Rule Charter, Council shall by ordinance, establish an Administrative Code which shall include, inter alia, a Code of Accountability, Conduct and Ethics (hereinafter the “Code of Ethics”); and

WHEREAS, due to being in positions of public trust and engaging in public service to advance the public interest, Council believes the Code of Ethics must be applicable to elected and appointed Borough officers, Borough employees and members of boards and committees established by Borough Council;

NOW THEREFORE, it is HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Carlisle, Cumberland County, Pennsylvania, as follows:

SECTION 1: The the Code of the Borough of Carlisle is hereby amended to include the following new Chapter and Article:

CHAPTER 15 ADMINISTRATIVE CODE

ARTICLE I – Code of Ethics

§15-1. **Legislative Intent.**

The background of this Article and its legislative intent are as follows:

- A. Pursuant to Article II, Section 210 of the Carlisle Home Rule Charter, Council is charged with establish an Administrative Code which shall include, inter alia, a Code of Accountability, Conduct and Ethics.
- B. Due to being in positions of public trust and engaging in public service to advance the public interest, Council believes the Code of Ethics must be applicable to elected and appointed Borough officers, Borough employees and members of boards and committees established by Borough Council.

§15-2. Definitions.

The following words and phrases as used in this Ordinance shall have those meanings as prescribed in this Section:

Board Member: Any person appointed to any commission, committee or authority of the Borough by Borough Council, including, but not limited to, the Zoning Hearing Board, Planning Commission, Civil Service Commission and Carlisle Borough Sewer System Authority.

Employee: Any person employed as an employee of the Borough of Carlisle, whether a full or part time employee, but excluding police officers who are subject to collective bargaining under applicable law.

§15-3. Applicability.

This Article shall apply to and shall guide the actions of all elected and appointed officials, board members and employees of Carlisle Borough to avoid any conflicts of interest as specifically noted and described herein.

§15-4. Conduct of Elected or Appointed Official, Board Members or Borough Employees.

No elected or appointed official, board member or employee of the Borough shall:

- A. Engage in any activity or take any action by virtue of his or her position from which activity or action the official, board member, employee or any other person or entity in whose welfare the official, board member or employee is interested, shall benefit or realize a gain or advantage. Such benefit, gain or advantage shall not, however, be construed to be prohibited if the action in question is on behalf of a group of citizens of the Borough and such benefit and relationship is generally known and acknowledged.
- B. Solicit or accept, directly or indirectly, any gift, favor, service, commission or other consideration that might reasonably tend to influence the official, board member or employee in the discharge of the duties of office or position.
- C. Seek to influence, directly or indirectly, the awarding or approval of any contract, plan or document where such official, board member or employee is interested or would benefit directly or indirectly, financially or otherwise, from said contract, plan or document. Such action is not intended to apply to actions of a member of Borough Council or any board members on behalf of a group or class of citizens of the Borough who would benefit from the contract, plan or document, and such benefit and relationship is generally known and acknowledged and acting under the authority of any law or code of the Borough of Carlisle.

§15-5. Required Disclosures.

- A. Any elected or appointed official of the Borough, board member or Borough employee having any direct or indirect financial interest as a partner or a stockholder of a corporation or an employee of a business entity which proposes to contract with the

Borough for the purchase or sale of land, materials, supplies or services of any kind shall fully disclose said interest and shall not vote on said contract. Persons with holdings in a privately held company, entity or partnership of less than \$1,000 or 0.1% of a publicly traded corporation shall be exempt from the requirements of this Paragraph. Violation of this section shall render the contract void at the discretion of Borough Council.

- B. Council members, board members, the Borough Manager and any other elected or appointed official shall, upon taking office, file with the Borough Secretary a statement of direct, indirect or beneficial ownership of real property in the Borough of Carlisle or direct, indirect beneficial interest in any corporation, partnership or joint venture owning real property in the Borough of Carlisle. This statement shall be revised promptly as required as a result of any change in ownership.

§15-6. Specific Obligations of Elected and Appointed Officials, Board Members and Borough Employees.

All elected and appointed officials, board members and employees of the Borough shall:

- A. To the best of their ability, learn and observe the laws governing the conduct of officials and employees of municipalities of Pennsylvania.
- B. Serve first the advancement of the public interest before the interest of any persons, factions or parties.
- C. Abide by policies duly established by the Borough Council and adhere to the standard rules and procedures relating to the performance of Carlisle Borough governmental functions.
- D. Strive at all times for civil conduct in keeping with the trust and dignity vested in public service.
- E. Strive to increase their knowledge and understanding of municipal government and improve their competence in the performance of the functions necessary to the operation of local government.
- F. Respect all Borough equipment, books, records and information.
- F. Not use confidential information, to which they have access by virtue of their public office or position, to their personal advantage nor to the advantage of his or her employer, spouse, family member, friend or acquaintance.

§15-7. Required Acknowledgment.

All elected and appointed Borough officers, employees and board members, as soon as reasonably practicable after his or her election, appointment or employment, shall complete and execute the following Acknowledgment, which Acknowledgment shall be maintained by the Borough of Carlisle during the period of such person's appointment, employment or service:

ACKNOWLEDGEMENT

I have read the Code of Ethics adopted by the Borough Council of the Borough of Carlisle. I accept the Code of Ethics and agree to comply with the Code of Ethics. I understand that it is my responsibility to disclose in writing a full description of any activity, interest, or relationship on my part that could create or create the appearance of a conflict of interest or otherwise violate the provisions of the Code of Ethics or applicable state law as soon as practical after the inception of the activity, interest or relationship.

To the best of my knowledge and belief, I am not now engaged in any activity, interest or relationship that would create or appear to create a conflict of interest or violation of the Code of Ethics except as indicated below. I therefore expressly agree to act in accordance with this Code of Ethics.

The only situations that could possibly give rise to the appearance of a conflict of interest or violation of the Code of Ethics is/are as follows:

Date: _____ Signature: _____

§15-8. Application of Other Laws and Codes.

The provisions and requirements of this Article shall be in addition to those obligations and requirements governing the acts and conduct of persons as applicable under the Pennsylvania Public Official and Employee Ethics Act, the laws and the codes of the Commonwealth of Pennsylvania and the Carlisle Home Rule Charter.

SECTION 2: All ordinances or parts of ordinances or parts of the Borough of Carlisle Code of Ordinances inconsistent herewith are hereby repealed.

SECTION 3: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or any other provision, section, article or chapter of the Code of the Borough of Carlisle.

SECTION 4: This Ordinance shall become effective immediately upon its enactment.

ENACTED AND ORDAINED this 10th day of November, 2016.

ATTEST:

BOROUGH OF CARLISLE

Signature on file in Borough Manager's Office

Signature on file in Borough Manager's Office

Joyce E. Stone, Secretary

Timothy A. Scott, Mayor

(Borough Seal)