



CITY OF CLAREMONT CODE OF CONDUCT

PREAMBLE

It is the desire of the City of Claremont to operate in a manner that demonstrates the highest level of professionalism and public service and to avoid all circumstances which may create the appearance of impropriety or otherwise undermine this stated objective. Accordingly, all members of the Claremont City Council, Planning and Zoning Boards, Conservation Commission, Claremont Development Authority, Claremont Police Commission, Historic District Commission, all other members of any Boards, Commissions or Committees established under the auspices of the City of Claremont (hereinafter referred to collectively as "Board Members"), the City Manager, City Directors, Department Heads and employees (hereinafter referred to collectively as "City Employees") shall conduct all business of the City of Claremont in accordance this policy.

CITY EMPLOYEES

City Employees are expected to anticipate and avoid areas of potential conflict, or the appearance of conflict, when a matter that they become involved in may directly, or indirectly, benefit a spouse, close family member, friend, partner, business associate, prospective customer/client (hereinafter referred to collectively as "business or familial member"), or under circumstances where the City Employee him or herself may ultimately receive some pecuniary benefit, gain, employment, advantage, contract or favor. This provision should not be construed to prevent the City Employee from participating in any action or project that, while conferring some general benefit to a business or familial member, nonetheless was conceived or intended to provide a benefit to the public as a whole. Further, the pecuniary interest, benefit or gain prohibited hereby; whether received by a business or familial member, City Employee or Board Member; must be immediate, definite and capable of demonstration, not remote, uncertain, contingent or speculative. Such pecuniary interest, benefit, or gain must be of the type or magnitude that individuals of ordinary capacity, intelligence, and means would be influenced by it.

BOARD MEMBERS

Board Members must take all reasonable steps to instill confidence in the general public that their votes and/or decisions are unbiased and are based solely upon merits of the matter and the materials and/or evidence presented. Accordingly, Board Members should recuse themselves from acting on any matter in which they cannot be as impartial as the lot of humanity would require. To this end, Board Members should avoid acting on matters in which they are biased, have preconceived points of view, have a direct interest in the outcome, or under circumstances where they have prejudged the issue at hand. This is not to say that Board Members acting in such capacity cannot have predisposed views about public safety, economic development, or other interests/concerns. Similarly, the Board member may have some background knowledge and general familiarity with the facts, parties, and/or circumstances. It is sufficient if the member can lay aside his/her personal impressions or opinions and render an unbiased decision based on merits of the matter and the materials and/or evidence presented.

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Board Members are expected to anticipate and avoid incidents of potential conflict, or the appearance of conflict, when a matter comes before them that involve a spouse, close family member, friend, or partner and to refrain from participating in any discussions or taking any action with regard to such a matter. Similarly, these Board Members are expected to anticipate and avoid incidents of potential conflict, or the appearance of conflict, when a matter that comes before them involves a supplier, business associate, prospective customer/client, under circumstances where the Board Member may ultimately receive some pecuniary gain, employment, advantage, contract or favor as a direct result of, or in exchange for, any actions or inaction of the Board Member. As indicated above, such gain must be immediate, definite and capable of demonstration, not remote, uncertain, contingent or speculative. Such pecuniary interest, benefit, or gain must be of the type or magnitude that individuals of ordinary capacity, intelligence, and means would be influenced by it. Other Board Members and other City Employees are encouraged to raise questions of potential conflict in public or nonpublic session as the situation demands.



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BUSINESS TRANSACTIONS

No City Employee or Board Member shall have any direct personal or pecuniary interest in a contract or transaction with the City of Claremont, nor shall he/she furnish directly any equipment, goods, materials, or supplies to the City in exchange for any form of pecuniary gain, compensation, or benefit, except as otherwise permitted by the Claremont City Charter or State law. In the event a City Employee or Board Member obtains employment with, or an interest in, any company or business which furnishes goods or services to the City of Claremont, the City Employee or Board Member must declare his/her interest and refrain from recommending, debating, discussing, acting, or ultimately voting on a question of contracting with the business or company. After such disclosure is made, the City Manager shall determine whether it is in the best interests of the City to continue contracting with such business or company. Ultimately, the determination of whether to continue the contractual relationship will be determined based upon whether continuation of the relationship creates the appearance of impropriety or a conflict of interest; even though such conflict may not, in a technical sense, exist.

MISUSE OF INFORMATION

No City Employee or Board Member shall utilize or dispense information gained through their official capacity in a manner that gives the City Employee or Board Member any type of personal profit or pecuniary gain not otherwise available to members of the general public. Similarly, City Employees and Board Members shall not share such information with family members, partners, clients, customers, friends, business associates, or members of the general public, in exchange for any pecuniary gain, interest, employment, personal advantage, or contract. This provision shall not apply to information that is already been made part of the public record. A violation of this provision shall not be found based solely upon circumstantial evidence.

NEPOTISM

Once a member of the Claremont City Council has been elected, members of his/her immediate family, including father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law shall not, thereafter, be hired by the City of Claremont so long as the City Council member serves on the City Council. However, this policy shall not prevent the immediate family member of a City Employee from running for office as a City Councilor. Further, once elected the preexisting employee or City Employee (immediate family member of the newly elected Councilor) may continue to retain his/her employment with the City.

The City Manager is hereby prohibited from hiring members of his/her immediate family, including father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, for employment with the City of Claremont. The City Manager is also prohibited from hiring immediate family members of a Director or Department Head, including father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, for employment in the same Department. Notwithstanding, the City Manager may hire the immediate family members of a Director or Department Head, including father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, to work in a different Department under circumstance where the City Manager deems, in his sole discretion, that it is in the best interests of the City of Claremont.

COLLECTION OF FEES OR GIFTS

No City Employee shall collect any fees, salaries, favors, or other payments in exchange for work performed within his/her scope of official duties, except as provided by ordinance or State law. No City employee shall solicit or accept any employment, fee, gift, favor, or gratuity that could, in any manner, be construed to affect, influence, diminish, or impair the performance of his/her official duties. This shall include referral fees, finder's fees, commissions, or other miscellaneous kickbacks. Similarly, no City employee shall be involved in contracting with any vendor under circumstances where the employee will personally receive in exchange for any such purchase any



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pecuniary gain, free gifts, favors, commissions, employment, kick backs, discounts on subsequent personal purchases, or any other incentives that do not directly benefit the City of Claremont. This provision shall not be construed to prohibit City Employees from accepting any bonafide incidental gift (less than \$25.00 in value), community award or recognition. Similarly, this provision does not prevent City Employees from recognizing each other through the exchange of incidental holiday or birthday gifts, awards, plaques, trophies, or retirement presents.

VIOLATIONS

Violations of this policy undermine the confidence that the general public has in the City government. The City must operate effectively and efficiently, so that we will encourage individuals and businesses to become, or remain, a part of the community. Accordingly, all City Employees and Board Members must avoid circumstance that damage public confidence. Violations of this policy that occur under circumstances where the City Employee or Board Member knew, or should have known, that the conduct in question violated this Code of Conduct, must have strong consequences. Accordingly, violations of this policy may subject the City Employee or Board Member to sanctions, which may include, but are not limited to, written or oral warnings, suspension, immediate termination of employment, removal from office, official censure or reprimand, or forfeiture of elected seat. This policy shall be enforced by a Court of competent jurisdiction with regard to members of the City Council or other elected officials; by the City Council as it pertains to individuals appointed to various Boards, Commissions, or Committees thereby; and by the City Manager with regard to City employees, and individuals appointed to various Boards, Commissions or Committees thereby.

ADOPTED BY THE CLAREMONT CITY COUNCIL
JANUARY 22, 2003