

## ORDINANCE NUMBER 03-0909

## CITY OF MOSCOW CODE OF ETHICS

## SECTION

**01-Applicability****02-Definition of "personal interest"****03-Disclosure of personal interest by official with vote****04-Disclosure of personal interest in nonvoting matters****05-Acceptance of gratuities, etc.****06-Use of information****07-Use of municipal time, facilities, etc****08-Use of position or authority****09-Outside employment****10-Ethics complaints****11-Violations**

**01--Applicability. This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.**

**02---Definition of "personal interest".**

**[a] Any financial ownership, or employment interest in the subject or a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or**

**[b] Any financial, ownership, or employment interest in a matter to be regulated or supervised; or**

**[c] Any financial, ownership, or employment interest of**

the official's or employee's spouse, parent[s], stepparent[s], grandparent[s], sibling[s], child[ren], or stepchild[ren].

[2] The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

[3] In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

**3--Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, that affects the official's vote on the measure. In addition, the official may excuse himself from voting on the measure.**

**Masculine pronouns includes feminine. Only masculine pronouns have been used for convenience.**

**4--Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the policy, recuse himself from the exercise of discretion in the matter.**

**05--Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other than the municipality:**

**[1] For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties:  
or**

**[2] That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.**

**06--Use of information. [1] An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.**

**[2] An official or employee may not use or disclose information obtained in his official capacity or position of employment with the interest to result in financial gain for himself or any person or entity.**

**07--Use of municipal time facilities, etc. [1] An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.**

**[2] An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipalities.**

**officer when he has or will have a conflict of interest in a particular matter.**

**[c] When a complaint of a violation of any provision of this chapter is lodged against a member of other municipality's Governing body, the governing body shall either determine that the complaint has merit, he complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the governing body.**

**[3] The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.**

**[4] When a violation of this code of ethics also constitutes a violation of personal policy, rule, or regulation or civil service policy, rule, or regulation, the violation shall be dealt with as a violation of this code of ethics.**

**11. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.**

*Gladys J. Kercheval, Mayor*  
*2<sup>nd</sup> reading*  
*April 13, 2009*