

TOWN OF CLAYTON FIRE DISTRICT

CODE OF ETHICS

DECLARATION OF POLICY AND PURPOSE

The proper operation of the Town of Clayton Fire District requires that District Commissioners and appointed officials be impartial and responsible to their members and the public. They must not have interests that would be incompatible with the proper discharge of their responsibilities or tend to impair their independence of judgment or action in the performance of their official duties and responsibilities. Decisions and policies must be made in the proper channels of the Town of Clayton Fire District structure and free from undue influence. Positions with the Town of Clayton Fire District must not be improperly used for personal gain. Commissioners, appointed officials and members must strive to avoid even the appearance of impropriety. Each of these ideals is to ensure that the public has confidence in the integrity of the Town of Clayton Fire District. The purpose of this Code of Ethics is to maintain and enhance a tradition of responsible and effective public service by setting forth standards of ethical conduct to guide commissioners, appointed officials, and members in the conduct of their responsibilities.

DEFINITIONS

CONFIDENTIAL INFORMATION - Any information, however transmitted or maintained, that is obtained, possessed or controlled by such Town of Clayton Fire District commissioners, appointed officials or member, by reason of his/her position with the Town of Clayton Fire District, and by its nature is such that it is not known to the general public or is not a matter of public record.

PROHIBITED GIFT - As addressed by this policy, shall include a gift of more than \$75.00 in value. Such a gift includes, but is not limited to, entertainment, food, beverage, travel and lodging to the extent that the gift value exceeds \$75.00 for any one occasion and \$150.00 total in any one year from the same person or business entity. A gift also includes a loan that is not commercially reasonable. Prohibited gifts do not include the following:

- A loan made on terms that is commercially reasonable and not more favorable than loans made in the ordinary course of business.
- Any gift regardless of value from a family member.
- Certificates, plaques or other ceremonial awards costing less than \$75.00, except for any award given by a municipality or fire district, not-for profit corporation, another fire district, company or ambulance service or this

district for service as a District officer or member.

- Honorary degrees.
- A meal, ticket, beverages, and lodging costing less than or equal to \$75.00, but only if the total of all such gifts from a particular person or business does not exceed \$150.00 in one year.

FINANCIAL BENEFITS - Include promotions, commissions, rewards, raises and direct compensation.

INTEREST - A direct or indirect, pecuniary or material benefit accruing to a commissioner, appointed official or member as the result of a contract with the Town of Clayton Fire District. Prohibited interests shall not include a contract or business advantage where no direct or indirect financial gain may be obtained, such as where a person is merely an employee that will not receive any financial benefit from the result of a decision of the Town of Clayton Fire District. For the purposes of this code, a commissioner, appointed official or member shall be deemed to have an interest in the contract of his/her spouse, minor children and dependents, except a contract of employment with the Town of Clayton Fire District.

OFFICER – Shall include commissioners or appointed officials, whether paid or unpaid. No person shall be deemed to be an officer solely by reason of being a volunteer fireman or civil defense volunteer.

MEMBERS - Shall include all active members and other types of members, except for Honorary Members when such members have no vote or voice before the membership.

PRINCIPALS OF CONDUCT

The principles which must guide the conduct of the Town of Clayton Fire District commissioner, appointed officials and members include, but are not limited to, the following:

- a. District officers and members shall endeavor to pursue a course which shall not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust as District officers and members;
- b. No District officer or member shall engage in, accept employment or render services when the employment or services: (1) are incompatible with the proper discharge of the official duties of such person; or (2) would tend to impair independence of judgment or action by such person in the performance of that person's official duty.

- c. District officers and members shall not disclose confidential information acquired in the course of their duties as a District officer or member, nor use such information to further their own personal, family or present or known future business interests. This shall not prohibit revealing information known to the public at large;
- d. District officers and members shall not use or attempt to use their positions or influence to secure unwarranted privileges or exemptions for themselves or others, either before the District or otherwise;
- e. District officers and members shall not engage in any transaction as a representative of the District or municipality which contracts with the District or with any business entity in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their duties as a District officer or member.;
- f. District officers and members shall not accept a gift, as defined above, from any person or business which has any pending business transactions or has an interest in a decision of the District, including but not limited to decisions involving purchases, provisions of supplies, construction, hiring and legislation. District officers and members shall not accept privileges unavailable to the general public which are offered in order to gain favor from such individual regarding a decision of the District;
- g. District officers and members shall comply with the District's "Prohibition of Financial Interests" policy.

TOWN OF CLAYTON FIRE DISTRICT
PROHIBITION OF FINANCIAL INTERESTS

APPLICATION OF POLICY

This policy shall regulate the conduct of District officers and members. It shall apply to such person's financial and business interests.

Persons regulated by this policy shall be deemed to have an interest in a contract or business of:

- his or her spouse, minor children and dependents;
- a firm, partnership or association of which such individual is a partner, member or employee;
- a corporation of which such individual is an officer, director or employee; and
- a corporation, any stock of which is owned or controlled directly or indirectly by such individual, except that a prohibited interest shall not include an investment interest in a business in which such person owns or controls less than five (5%) percent of the business or outstanding shares.

This policy shall not apply to a contract in which a member, director or officer has an interest if the total consideration payable under that contract, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty (\$750.00) dollars.

Prohibitions

No interested officer or member of the District may:

- vote or speak on any matter in which he/she has any interest, financial or otherwise, direct or indirect;
- vote to do business with any entity in which he/she has a prohibited interest;
- attempt to implement, prevent or change any legislation before the controlling municipality (including a fire district), which is in substantial conflict with the proper discharge of his/her duties as a District officer or member, or would obtain a financial advantage or himself/herself, family, or business; or

- represent a client before the District or appear before the District on behalf of a client;
- Express an opinion on any matter in which such person has a prohibited or conflict of interest.

REQUIRED CONDUCT UPON CONFLICT ARISING

Prior to any vote, any duality of interest or possible conflict of interest on the part of any District officer or member shall be disclosed to the other persons voting on the matter and shall be noted in the minutes.

Such interested person may be counted in determining the quorum for the meeting. The minutes of the meeting shall reflect that a disclosure was made, the abstention from voting and the quorum situation.

No District officer or member having a duality of interest or conflict of interest on any matter shall vote or use his/her personal influence on the matter.

No conflict may be waived, even by vote of the officers or members. A person accused of having an interest but disagreeing with the accusation may vote by secret ballot. Such person's vote shall be sealed. Should the vote of such person affect the outcome of the matter, the District may seek an opinion from the Comptroller, the Attorney General, the District's attorney or the Code of Ethics Committee, or from any other trusted and non-interested source as to whether a conflict exists.

Every new member of the District's Board of Commissioners or appointed official, must be advised of this policy upon entering on the duties of his/her office. Forms acknowledging this policy must be executed by every new officer or member, This policy shall be reviewed at least annually with every officer and member.

Officers and members shall be required to disclose annually, in writing, all financial interests in which they or family members may have before the District, and any other information as required by the District.

Officers and members exercise their duties and responsibilities in the public interest of the inhabitants of the municipality(s) served.