

NORTHAMPTON COUNTY COUNCIL - EASTON, PA

Ordinance No. 756 SESSION 2023 Bill No. 851

Introduced by Ronald R. Heckman and Kevin Lott on July 6, 2023

Enacted July 25, 2023 Effective August 24, 2023

Title: AN ORDINANCE AMENDING NORTHAMPTON COUNTY ADMINISTRATIVE CODE ARTICLE XVII/STANDARDS OF ETHICAL CONDUCT

WHEREAS, public trust and confidence in the ethical conduct of individuals elected, appointed and/or employed to serve the County is of paramount importance; and

WHEREAS, Section 810(a) of the Northampton County Home Rule Charter states the purpose of Section 810 is to prevent elected County officials, officers and employees from securing any financial benefits from their public positions other than compensation provided by law; and

WHEREAS, Section 810(b) of the Northampton County Home Rule Charter generally prohibits County elected officials, officers or employees from receiving emoluments of any contract, job, work or service for the County or accept anything of value, upon terms more favorable than those granted to the public generally, from any person dealing with the County, and Section 810(b) also generally prohibits County elected officials, officers or employees from soliciting or receiving anything of value for any act done in the course of public business, except from the County; and

WHEREAS, Section 810(e) of the Northampton County Home Rule Charter provides that County Council determines whether a conflict of interest exists; and

WHEREAS, Section 810 of the Northampton County Home Rule Charter does not provide a definition of financial benefit; and

WHEREAS, Section 202(7) of the Northampton

County Home Rule Charter provides that County Council shall have the power to amend the Administrative Code and Section 602(a)(1) of the Northampton County Home Rule Charter provides that County Council shall adopt an ordinance for any act which adopts or amends the Administrative Code.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by Northampton County Council that the Northampton County Administrative Code, Article XVII, Section 17.06(c) shall be amended to read as indicated hereafter (sections marked with bold underline have been added and sections marked with strikeout have been deleted):

~~e. Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, the recipient official or employee believes, or has reason to believe, that it is designed to do so, paragraph b. does not apply to:~~

- ~~(1) Meals and beverages;~~
- ~~(2) Ceremonial gifts or awards which have insignificant monetary value;~~
- ~~(3) Unsolicited gifts of de minimis value or trivial items of informational value;~~
- ~~(4) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;~~
- ~~(5) Gifts of tickets or free admission extended to any elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;~~
- ~~(6) A specific gift or class of gifts which the Council or the Board exempts from the operation of this Section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;~~
- ~~(7) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent or other relative who share the official's or employee's legal residence, or a child,~~

~~ward, parent or other relative over whose financial affairs the person has legal or actual control; or~~

~~(8) Honoraria.~~

c. No County elected official, officer or employee shall accept or solicit cash or cash equivalent; a gift or other item of more than de minimis value; admission to a recreational event; a personal loan or a personal or professional service in connection with their employment from another person or entity whom the elected official, officer or employee knows:

(1) Is seeking to obtain business or an outcome from or has financial relations with the County;

(2) Conducts operations or activities that are regulated by the County;

(3) Is engaged, either as principal or attorney, in proceedings before the County or in court proceedings in which the County is an adverse party; or

(4) Has interests that may be substantially affected by the performance or nonperformance of the official duty of the County employee, appointee or official.

(5) Limited Exceptions:

(i) Ordinary social hospitality may be accepted only when incidental to officially sanctioned County trainings (e.g. approved continuing education and working lunches) or in connection with an official government function or other event in which the employee, appointee or official is representing the County in an official capacity.

(ii) Gifts from a friend, parent, spouse, child or other close relative may be accepted when the circumstances make it clear that the motivation for the action is a family or personal relationship.

(iii) Receipt of a plaque, certificate or other similar item of de minimis value may be

accepted for recognition of the employee's, appointee's or official's professional work or personal community service.

(iv) Any ceremonial gift or award which has insignificant value.

(v) Tangible items, benefits or discounts which are unsolicited may be accepted when the same or similar benefit or discount is available to members of the general public.

(vi) Food or refreshment of de minimis value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meetings may be accepted and recreation, entertainment food or refreshments of de minimis value in the furtherance of a charitable event may be accepted.

(vii) Unsolicited advertising, promotional or informational material such as pens, pencils, note pads, mugs, t-shirts, calendars and other such items of de minimis intrinsic value may be accepted.

(viii) Bona fide reimbursement for actual expenses for travel and such other necessary subsistence may be received if it is compatible with other restrictions set forth in this Ordinance, Home Rule Charter, Administrative Code and/or Employee Manual and if no County payment or reimbursement is made. However, a County elected official, officer or employee may not be reimbursed and payment may not be made on his/her behalf for excessive personal living expenses, gifts, entertainment or other personal benefits nor may a County elected official, officer or employee be reimbursed by a person other than the County for travel on official business under County orders.

(ix) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement from a charitable, religious, professional, social, fraternal or nonprofit educational, recreational, public service or civic

organization is permitted.

(x) A voluntary gift of de minimis value or donation in a de minimis amount made on a special occasion such as marriage, illness or retirement may be accepted.

(xi) Honoraria.

(xii) De Minimis hospitality may be accepted when incidental to local, county, state or federal meetings/conferences in which the employee, appointee or official is representing Northampton County in an official capacity.

(6) The limited exceptions contained in subparagraph (5) above are not applicable to any gifts, cash, cash equivalent, discounts, loans, services or any other items or other benefits of any kind or of any value received from a lobbyist, lobbying firm or principal as those terms are defined by Act 134 of 2006, P.L. 1213, § 3, as amended, 65 Pa.C.S. § 13A03.

(7) The limited exceptions contained in subparagraph (5), subject to subparagraphs (1) through (4), are determined not to violate the general prohibition in Section 810(b) of the Northampton County Home Rule Charter.

(8) This policy does not prohibit attendance at or acceptance of ordinary social hospitality in accordance with the guidelines set forth in this policy, at functions, events, or fundraisers scheduled on the County elected officials, officers or employees personal time unrelated to the individual's County employment.

(9) Nothing in this policy shall override a County elected official's, officer's or employee's duty to comply with and timely file federal, state and/or local financial disclosure forms.

d. The following word and terms, when used in this Article, have the following meanings unless the context clearly indicates otherwise;

(1) Cash Equivalent. An asset that is readily convertible to cash (e.g. credit/debit card, prepaid gift card for any commercial establishment, foreign currency, certified check, cashier's check, money order or similar negotiable instrument).

(2) De Minimis. Any property or service the value of which is so small as to make accounting for it unreasonable or administratively impracticable (after taking into account the frequency with which similar property or services are provided by the source); or a meal which is equal to or less in value than that of ordinary social hospitality

(3) Gift. Any gratuity, entertainment, loans or any other thing of monetary value, including in-kind gifts, during the course of their employment.

(4) Ordinary Social Hospitality. The value of food or refreshment not to exceed the General Services Administration (GSA) rate for the applicable time period and location.

(5) Person. Any individual, partnership, corporation, non-profit organization, political subdivision or other entity but does not include the County, state agencies or agencies of the United States Government.

(6) Personal Loan. Any temporary financial assistance requiring repayment to an individual or organization, with or without interest.

(7) Personal or Professional Service. An intangible service of economic value or benefit performed by a person or business.


(8) Recreational Event. A professional or semi-professional sports event, theater event, musical concert or similar event, including transportation thereto and therefrom.

(9) Tangible Item. A material item or items of more than nominal or de minimis.

This ordinance was advertised on the 12th day of July, 2023 and was adopted by the Northampton County Council on the 20th day of July, 2023.

ATTEST:


Linda M. Zembo
Clerk to Council


Kerry L. Myers
County Council President


Lamont G. McClure
County Executive