

Chapter 23**ETHICS, CODE OF**

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[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 4-5-76 as part of Ord. No. 614. Amendments noted where applicable.]

GENERAL REFERENCES

Definitions and rules of interpretation - See Ch. 3.
Personnel system - See Ch. 33.

§ 23.1. Statement of principles.

The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed. The people have a right to expect that every public official and employee will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents. Such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid and whether elected or appointed, will uniformly:

- 23.1.1. Treat all citizens with impartiality, fairness and equality under the law.
- 23.1.2. Avoid both actual and potential conflicts between his private self-interest and the public interest.

§ 23.2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FINANCIAL INTEREST - Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the official or employee or to any person employing or retaining the services of the official or employee. "Financial interest" shall not include cases where the official or employee is a party to or is associated with a party to a transaction with the township when such official or employee has no possible influence in the transaction.

OFFICIAL or EMPLOYEE - Any person elected or appointed to, or employed or retained by, any public office or public body of the township, whether paid or unpaid and whether part-time or full-time.

PARTY - A person, firm, corporation or other entity participating in or intending to participate in any transaction with the township in any manner which would give the person, firm, corporation or entity a personal or financial interest in the transaction.

PERSONAL INTEREST - Any interest arising from blood or marriage relationships or from close business association, whether or not any financial interest is involved.

PUBLIC BODY - Any agency, board, body, commission, committee, department or office of the township.

TRANSACTION - Includes but is not limited to any proceeding, application, submission, request for ruling or other determination, contract, lease, claim, case, award decision, judgment or legislation, including ordinances and resolutions.

§ 23.3. Fair and equal treatment.

No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

§ 23.4. Conflicts of interest.

23.4.1. Financial or personal interest. No official or employee, either on his own behalf or for any other person, shall have any financial or personal interest in any transaction with any public body.

23.4.2. Disclosure and disqualification. All officials and employees shall, upon taking office, file a disclosure statement of all areas of financial interest or personal interest as hereinafter set forth in § 23.7. Whenever the performance of his official duties shall require any official or employee to deliberate and vote on any matter involving his financial or personal interest, he shall publicly disclose the nature and extent of such interest and disqualify himself from participating in the deliberation as well as in the voting.

23.4.3. Incompatible employment. No official or employee shall engage in private employment with or render services for any party in connection with any transaction with any public body. Except where authorized by law, no official or employee shall hold any other position as an official or employee during the term for which he was elected or appointed to his present office, and no former official or employee shall hold any appointive compensated position as an official or employee until one (1) year after the expiration of the term for which he was elected or appointed. No official or employee shall be prohibited, under this subsection, from serving on any public body or on any intergovernmental agency or council of government which would be in furtherance of his duties and responsibilities as an official or employee, but no additional pay shall be received for any such services. This subsection shall not prohibit the Township Manager from serving as the Township Secretary simultaneously.

23.4.4. Representation of any party. No official or employee shall represent or appear on behalf of any private person, other than himself, before any public body.

23.4.5. Gifts and favors. No official or employee shall accept any gift, whether in the form of money, thing, favor, loan or promise, that would not be offered or given to him if he were not an official or employee, except that food or drink consumable at one (1) meal shall not be considered a gift or favor.

23.4.6. Confidential information. No official or employee shall use or permit the use of any confidential information acquired by him through his position as an official or employee to advance the financial or personal interest of himself or any other person or entity.¹

23.4.7. Nepotism. In accordance with § C-406 of the Home Rule Charter, no official shall appoint or vote for the appointment of any person related to him by blood or marriage as an official or employee when the salary, wages, pay or compensation is to be paid out of public funds. Said relationship extends to a parent, spouse, child, brother, sister or like relative-in-law.

23.4.8. Service as attorney. No official or employee shall serve as attorney for a public body during the period that he serves as an official or employee and for one (1) year thereafter. This shall not prohibit the Township Attorney from serving any public body in the township where he is the Attorney.

23.4.9. Township Attorney. The Township Attorney or his firm shall not be permitted to serve a party in any matter in which the township is an adverse party or has an adverse interest during his tenure and for at least one (1) year subsequent to his retirement, resignation or removal as Township Attorney, but nothing herein shall prohibit the Board of Commissioners from appointing the succeeding Township Attorney from the same firm.

23.4.10. Purchases or sales by official or employee. No official or employee shall be a purchaser in any sale involving the township; nor shall an official or employee be a vendor,

¹ Editor's Note: For provisions pertaining to unauthorized disclosure of records or township business to the public by township officials or employees, see Ch. 33, Personnel System, § 33.11.

directly or indirectly, of any item purchased by him in his official capacity, including a purchase or sale by a parent, spouse, child, brother, sister or like relative-in-law or by any person, firm, partnership, corporation, business association, trustee or straw party for or on behalf of such official or employee.

23.4.11. Independence of judgment. No official shall accept other employment or receive any compensation or make any investments that would impair his independence of judgment in the performance of his duties as an official or employee.

§ 23.5. Voiding of transactions in the case of violations.

Every transaction made in violation of the provisions of this chapter may be voided at the instance of any party to the transaction, except the official or employee interested therein, upon written election thereof delivered to the Township Manager before the transaction is completed or within ninety (90) days after completion. No such transaction may be voided because of the interest of an official or employee unless such transaction is made in the official capacity of such official or employee, by a public body of which he is an official or employee or on the recommendation of a public body of which he is an official or employee.

§ 23.6. Violations and penalties.

Subject to due process of law, any official or employee who violates any provision of this chapter may be disqualified from being an appointed official or employee in the township for four (4) years after the date of the transaction in which the violation occurs. If the violation occurs while he is serving as an appointed official, he may be removed from his position as an appointed official by a majority vote of the Board of Commissioners. If the violation occurs while he is serving as an employee, he may be removed from his position as an employee by the Township Manager.

§ 23.7. Disclosure statement procedure.

23.7.1. Every official or employee, on or before January 31 of each year, shall file a disclosure statement with the Township Manager. Where there is no change from a disclosure statement already on file, a written affirmation of the statement already on file may be submitted in lieu of a new statement. Every person shall amend his own statement as circumstances require.

23.7.2. The Township Manager shall maintain a file of all disclosure statements, which shall be available for public inspection at reasonable times in the township office. The Manager shall also maintain a register, also available for public inspection, of the name and address of each person requesting inspection and the date the inspection was made.²

² Editor's Note: For provisions pertaining generally to public access to township records, see Ch. 11, Administrative General Provisions, § 11.6.

23.7.3. The Township Manager shall develop, prepare and distribute standard forms for the disclosure statement and the written affirmation. No disclosure statements shall indicate dollar or other value of an interest. The disclosure statement shall contain the following:

23.7.3.1. Name, address and title of the person in the township service.

23.7.3.2. Date of submittal of the statement.

23.7.3.3. The name of any person, corporation, firm, partnership or other business association in which the official or employee has a financial or personal interest and which may be involved in a transaction with the township.

23.7.3.4. A description of any real estate situate in the township in which the official or employee has a personal or financial interest, except for real state used as the official's or employee's residence if such residence is one (1) dwelling unit located on one (1) acre or less.

23.7.3.5. A certification as follows: "I certify that I have read the Code of Ethics and undertake to conform to the provisions, purposes and interest thereof."