

ORDINANCE NO. 51-79  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN James Singer on the  
5th day of November, 1979.

AN ORDINANCE ENACTING SECTIONS OF CHAPTER  
121 OF THE CENTERVILLE MUNICIPAL CODE TO  
APPROVE, ADOPT AND ENACT A CODE OF ETHICS  
FOR ELECTED AND APPOINTED PUBLIC OFFICIALS  
OF THE CITY OF CENTERVILLE.

WHEREAS, the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of governmental structure; that the public have confidence in the integrity of government; that public officials carry out their duties to the best of their abilities and with the highest moral and ethical standards, regardless of personal considerations, and that their conduct should at all times avoid conflict between public and private interests and responsibilities;

NOW, THEREFORE, in recognition of these goals, a Code of Ethics is hereby established for all elected and appointed public officials of the City of Centerville, including City Council and all Board and Commission members. The purpose of this Code is to establish ethical standards of conduct by setting forth those actions that are in conflict with the best interest of the community and by directing disclosure of any financial or personal beneficial interest in matters affecting the City.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION I. That the following Sections of  
Chapter 121 of the Centerville Municipal Code are hereby enacted:

Section 121.01 CONFLICT OF INTEREST

No public official, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association. Specific areas of potential conflict of interest are set forth as follows:

(a) Employment

Public officials are recognized to retain their rights as citizens to interest of a personal and economic nature, and to accept employment and follow other pursuits which do not interfere with the full and faithful

discharge of their public duties. No specific occupations, per se, are deemed to be essentially incompatible with public offices; however, it is recognized that on occasion there may develop specific conflicts of personal, financial or other private interests of a public official and the public interest. On those occasions, the public official must take specific actions and refrain from specific actions as set forth in this Code.

(b) Disclosure of Other Interest in Public Matters

A public official who has a personal, financial or other private interest in any proposed legislation, contract award or other public matter shall: (1) not engage in any discussion with other City officials or employees of the City, either formally or informally, about the specific situation; and (2) disclose on the record that a conflict exists or may be perceived to exist, the nature and extent of the private interest, and physically exit the meeting or discussion until such time as the discussion is ended or the legislation or other matter is acted upon.

(c) Representing Private Interests

No public official shall represent or appear in behalf of private interest other than his own personal residential interest, in any matter pending before any element of the City government. He shall not represent private interest in any action or proceeding against the interest of the City in any litigation to which the City is a party. A member of Council may appear before elements of the City government on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. However, no public official shall accept a retainer or other compensation that is contingent upon a specific action by the City.

(d) Use of Influence

No public official shall use or attempt to use his public position or office to obtain financial gain or unlawful benefits, advantages, or privileges for himself, his immediate family, or for any business with which he is associated. Financial gain shall not include regularly approved compensation for salary or expenses.

(e) Disclosure of Confidential Information

No public official may use or disclose confidential information acquired by him in the course of his official duties, in any way that could result in financial gain for himself or any member of his immediate family, either directly or indirectly.

(f) Gifts and Favors

No public official shall accept or solicit anything of value whether in the form of a gift or promise of a gift from any person, firm or corporation, which to his knowledge is involved in business dealings with the City. For the purposes of this Code, a gift shall include the receipt of any goods, services or loans for an amount less than the amount charged to the general public for like goods, services or loans; provided, however, any public official may accept food or drink for immediate consumption when offered in a situation which is in a normal business context or in the nature of a social context.

(g) Fair and Equal Treatment

No public official shall grant any special consideration, treatment or advantage to any citizen beyond that which is reasonably available to every other citizen.

Section 121.02 APPLICABILITY OF STATE LAW

Nothing in this Code shall be deemed in any way to restrict the application of any provision of the Ohio Revised Code or common law provisions with respect to conflict of interest, malfeasance, misfeasance or nonfeasance in office which would otherwise be applicable to any person subject to the provisions of this Code. The provisions of this Code shall be deemed additional requirements and shall in no way be construed as a derogation under home rule of present statutory penalties and other local remedies for acts prohibited by this Code.

Section 121.99 PENALTIES AND SANCTIONS

Violation of any provision of this Code may constitute a cause for censure by City Council and recommendation for or against suspension, removal from office or other disciplinary action by the appropriate authority after due notice and hearing.

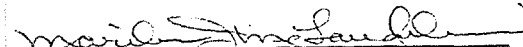
SECTION II. This ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 5th day of November 1979.



Mayor of the City of Centerville, Ohio

ATTEST:

  
Clerk of the Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 51-79, passed by the Council of the City of Centerville, Ohio, on the 5th day of November, 1979.

Marilyn M. Fair

Clerk of the Council

Approved as to form, consistency  
with existing laws, etc.  
Charter & Code Commission

Robert M. Farquhar  
Municipal Attorney