

ORDINANCE NO. 15

**AN ORDINANCE TO ADOPT A CODE OF
CONDUCT FOR THE ELECTED AND APPOINTED
OFFICERS AND EMPLOYEES OF THE TOWN OF FRANKFORD
AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.**

WHEREAS, the General Assembly has mandated by legislation that each municipality adopt a Code of Conduct applicable to their elected and appointed officials and to their employees at least as stringent as the State Employees', Officers' and Officials' Code of Conduct; and

WHEREAS, it is, in the opinion of the individual members of the Town Council, advantageous and in the best interest of the Town that a Code of Conduct for The Town of Frankford be enacted promptly and submitted to the State Ethics Commission for approval.

NOW THEREFORE, BE IT ORDAINED by the Town Council of The Town of Frankford, in Council met, in the manner following, to wit:

Section 1. There is hereby adopted a Code of Conduct applicable to elected and appointed officials and employees of The Town of Frankford to read as follows:

CODE OF CONDUCT.

Section 1. Short title; Applicability and statement of policy.

(a) This Ordinance shall be known as The Town of Frankford Code of Conduct.

(b) This Ordinance shall be applicable to all elected and appointed officials and to all employees of The Town of Frankford.

(c) It is the purpose of this Ordinance to insure the propriety and the preservation of public confidence in the officials and employees of The Town of Frankford and to establish ethical standards for those officials and employees which will protect the integrity of the government of The Town of Frankford.

Section 2. Definitions.

For the purposes of this Ordinance, the following definitions shall be applicable unless the context clearly indicates to the contrary:

(a) "Close relative" shall mean a person's parents, spouse, children (natural or adopted) and siblings of the whole and half-blood.

(b) "Compensation" shall mean any money, thing of value or any other economic benefit of any kind or nature whatsoever conferred on or received by any official or employee of the Town in return for any service rendered or to be rendered by the official or employee or by another.

(c) "Employee" shall include all employees of The Town of Frankford.

(d) "Kick Back" shall mean any payment, gratuity or benefit paid or to be made on behalf of any bidder, contractor, prospective contractor, subcontractor, prospective subcontractor or any person associated with any of them to any official or employee as an inducement or reward for the employment of a contract, subcontract, order or favor.

(e) "Financial Interest" is an interest in a private enterprise which a person has if (1) he has a legal or equitable ownership interest in the enterprise of at least one percent (1%) or more in the case of a corporation whose stock is regularly traded on an established securities market or he has a legal or equitable ownership interest in an enterprise other than that of a corporation whose stock is not regularly traded on an established securities market of at least ten percent (10%); or (2) he is an employee, officer, partner, director, manager, trustee of an enterprise and receives from that enterprise during the immediate preceding calendar year or might reasonably expect to receive from the enterprise during the current or next calendar year income in excess of Five Thousand Dollars (\$5,000.00) for services as a manager, employee, agent, partner, member, director or officer of such private enterprise; (3) he is a creditor of a private enterprise in an amount equal to at

least one percent (1%) of the total debt in the case of a corporation whose securities are regularly traded on an established securities market or of at least ten percent (10%) of the total debt of an enterprise whose securities are not regularly traded on an established securities market.

(f) **"Matter"** means any application, petition, request, business dealing, contract, subcontract, or any other transaction of any sort with The Town of Frankford.

(g) **"Official"** means any elected or appointed official of The Town of Frankford and all members of any committee or commission appointed by the President of The Town Council of the Town of Frankford or appointed by the Town Council.

(h) **"Official Responsibility"** shall mean any direct administrative or operating authority at any level, either exercisable alone or with others, either personally or through subordinates to approve, disapprove, recommend or otherwise direct action on behalf of The Town of Frankford.

(i) **"Person"** means any individual, natural person, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them.

(j) "Personal or Private Interest" is an interest in a matter which intends to impair the independent judgment of an official or employee in the performance of his duties with respect to that matter.

(k) "Private Enterprise" means any activity conducted by any person, whether conducted for profit or not for profit and includes the ownership of real and personal property. Private Enterprise may include the activities of the State or any other political subdivision of the State or any agency, authority or instrumentality thereof.

(1) "Town" shall mean The Town of Frankford.

Section 3. Standards of Conduct for Officials and Employees.

The following standards of conduct shall be applicable to all officials, whether elected or appointed, and all employees of the Town:

(a) No official or employee shall participate on behalf of the Town in the review or disposition of any matter pending before the Town or before a committee or commission thereof in which he has a personal or private interest; provided however, that the prohibition set forth herein shall not apply if the person who has official responsibility with respect to the matter requests any person who has a personal or private interest to respond to questions concerning any such matter.

(b) No official or employee shall use his position to secure special privileges or exemptions for himself or others whether for compensation, gratuity or without any compensation or gratuity.

(c) No official or employee shall solicit, demand, accept or agree to accept from another person anything of a pecuniary value for or because of any official action taken or to be taken or which could be taken or any legal duty, to be performed or which could be performed by such official or employee.

(d) No officer or employee, in the course of his public responsibilities, shall use the granting of sexual favors as a condition, either explicit or implicit, for an individual's favorable treatment by the Town.

Section 4. Exceptions.

In any case where a person has a statutory responsibility with respect to action or non-action on any matter in which he may have a personal or private interest and there is no provision for the delegation of such responsibility to another person nor is there any provision for the designation of another person to take action or to refrain from taking action, the person may exercise responsibility with respect to such matter provided he promptly after becoming aware of such personal or private interest, files a written statement with the Town Council

fully disclosing the personal or private interest and explaining why it is not possible to delegate responsibility for the matter to another person.

Section 5. Contracting with Town.

(a) The Town shall not make or enter into any contract in excess of Five Hundred Dollars (\$500.00) for materials, supplies, work or labor for the benefit and use of the Town with any official or employee of the Town or with any partnership in which any official or employee is a general partner or in any corporation in which any official or employee is a director or controlling stockholder or with any firm or company in which any official or employee has pecuniarily interested unless all the elected members of the Town Council, other than the interested official or employee vote to execute such contract. Any such contract executed without such unanimous vote and consent shall be absolutely null and void.

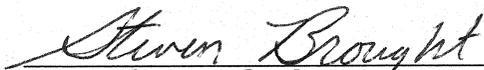
(b) Any person being awarded a contract with the Town in excess of Five Thousand Dollars (\$5,000.00) shall execute such documents as may be required by the Town and shall represent that no person has been retained to solicit or secure the contract with the Town upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting for bona fide employees, bona fide

established, commercial agencies maintained by the person representing the contracting party for the purpose of securing business.

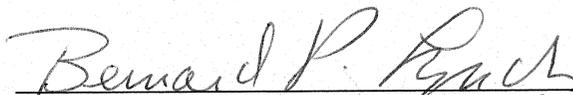
Section 6. Penalty.

In addition to any other penalty set forth herein, any person violating any of the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) or be imprisoned for a term of not more than twenty (20) days, or both, and shall pay the costs of prosecution.

ADOPTED by the Town Council of the Town of Frankford on the
1st day of February, A.D. 1993.



President of the Town Council of the
Town of Frankford, Delaware
Steven Brought



Secretary of the Town Council of the
Town of Frankford, Delaware
Bernard Lynch