

**Fairfield Township of Tippecanoe County
Conflict of Interest and Code of Ethics**

Section 1. Public Policy

It is hereby declared to be the policy of the Fairfield Township (“Township”) that all officials and employees must avoid conflicts of interest. To improve the faith of the people and the integrity and impartiality of this office, it is necessary that guidelines be established to ensure all officials and employees of the Township avoid any appearance of impropriety or dishonesty where their roles as private citizens intersect with their roles as public servants.

Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the veracity of his government. Each individual official, employee, or advisor of government must help to earn trust, and must honor that trust by his own truthfulness and conduct in all official duties and actions.

Section 2. Intention of the Code

It is the intention of this policy that Township officials and employees avoid any action, whether specifically prohibited herein or not, which might result in or create the appearance of the following:

- I. Using public employment or office for private gain;
- II. Giving or accepting preferential treatment to or from any organization or person;
- III. Losing independence or impartiality of action;
- IV. Making a Township decision, or giving the impression that a Township decision has been made outside of official channels;
- V. Adversely affecting the confidence of the public or integrity of the Township government;
- VI. Giving or accepting preferential treatment in the use of Township property.

This conflict of interest and Code of Ethics is intended to be preventative and punitive. It should not be construed to interfere with or abrogate in any way the provisions of any local, state or federal laws.

This declaration of policy is not intended to prevent any official and/or employee of the Township from receiving compensation for work performed on his or her own time as a private citizen, which work does not involve Township business.

This declaration is not intended to apply to contributions to political campaigns which are governed by state law.

Section 3. Definitions; As used in this Policy

- I. **Township Official/Employee:** means a person elected, appointed, hired (at will or contract) or otherwise serving in any capacity with the Township in any position established by the Fairfield Township Trustee or the Fairfield Township Board that involves the exercise of a public power, trust or duty. The term includes any official or employee of the Township, whether they receive compensation, including consultants and persons who serve on advisory boards and commissions.
- II. **Decision-making:** means exercising public power to adopt laws, regulations or standards, render quasi-judicial decisions, establish executive policy, or determine questions involving substantial discretion.
- III. **Substantial:** means anything of significant worth and importance, or of considerable value as distinguished from something with little value, social tokenism or merely nominal.
- IV. **Compensation:** means any money, property, thing of value or benefit conferred upon or received by any person in return for services rendered or to be rendered to himself or another.
- V. **Official duties:** means a decision, recommendation, approval, disapproval or other action or failure to act which involves the use of discretionary authority.

Section 4. A Code of Interest and Ethical Conduct is Hereby Promulgated as Follows:

I. Gratuities

- A. No Township official or employee shall solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it can be incontrovertibly shown that the gift is intended to influence him or her in the performance of his or her official duties or is intended as a reward of any official action on their part.
- B. It shall be presumed that a non-monetary gift of insignificant value does not evidence a violation of the above paragraph. Non-monetary gifts do not include gift certificates, vouchers, or any other item which is readily used in place of cash.

II. Preferential Treatment

- A. No Township official or employee shall use, or attempt to use, their official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or others.
- B. In the event a Township official or employee either is offered or receives preferential treatment for him/herself or others as a result of his/her status as a township official

or employee without soliciting the same, the township official/employee shall immediately upon discovery of the preferential treatment:

1. Either reject the offer or preferential treatment or return the full value of preferential treatment for the most recent transaction received before discovery; or
2. Disclose the transaction to the relevant controlling authority listed in Section 5 of this Code of Ethics.

Upon completion of this process, it will be presumed that the following Township official/employee did not act in contravention of this policy.

III. Use of Information

- A. No Township official/employee who acquires information in the course of his/her official duties, which information is not available to the general public, shall purposely use such information to further the private economic interests of anyone, including the official/employee.

IV. False Representation of Township Position

- A. No Township official/employee shall represent his/her personal opinion to be the official position or determination of the Township.
- B. This section shall not apply to the professional opinions of Township officers/employees rendered while performing their duties, provided that such opinions are clearly identified as professional opinions.

V. Full Disclosure

- A. No Township official/employee shall participate in the approval, disapproval, vote, abstention, recommendation or otherwise act upon any matter in which he or she has a direct and/or indirect pecuniary interest without first disclosing to his/her supervisor the full nature and extent of his/her interest.
- B. Disclosures made pursuant to this section must be made before the contract and/or agreement is approved.
- C. If the conflict at issue concerns the trustee or a member of the advisory board, he/she must make disclosure to the chairman and other members of the body the specifics of the conflict on the official record when the matter is introduced to the board.

VI. Lobbyist and Contractor Disclosure

- A. Each Township official/employee must file annual reports with the State and comport him/herself to State law if he or she is a lobbyist or lobbyist agent. A lobbyist is:
 1. A person whose expenditures for lobbying are more than \$1,000 in value in any 12-month period.

2. A person whose expenditures for lobbying are more than \$250 in value for any 12-month period, if the amount expended is on lobbying a single public official.

A lobbyist agent is a person who receives compensation for reimbursement of actual expenses, or both, in a combined amount in excess of \$250 in any 12-month period of lobbying.

This section is subject to amendment in order to reconcile any differences it may have with future changes in state law. *See I.C. § 2-7-2, et. al.*

- B. All contractors or vendors having contractual relationships or open orders with the Township shall fully disclose in writing the existence of any employment, partnership or ownership relationship the contractor or vendor has with the former or current official/employee of the Township, if such relationship presently exists with a current Township official/employee or was created within one year from the date the official or employee terminated with the Township. Written disclosures shall be made to the Township Trustee and to the proper authority listed in Section 5 of this Conflict of Interest and Ethical Code.

VII. Outside Business Dealings

- A. No Township official/employee shall engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the official/employee's official duties or when that employment may tend to impair his or her judgment or action in the performance of official duties.
- B. No Township official/employee shall engage in a business transaction in which the public, Township official, or employee may profit from his or her official position or authority or benefit financially from confidential information which the public official or employee has obtained or may obtain by reason of that position or authority.

VIII. Suppression of Public Information

- A. No Township official/employee shall intentionally suppress any public Township report, document, or other information available to the general public because it might tend to affect unfavorably their private financial or political interests.

IX. Use of Township Property

- A. No Township official/employee shall, directly or indirectly, make use of or permit others to make use of Township property of any kind for personal gain. Township officials/employees should protect and conserve all Township property, including equipment and supplies entrusted or issued to them.

Section 5. Violation, Enforcement and Penalties

I. Controlling Authorities

All matters concerning this Conflict of Interest and Code of Ethics Policy shall be directed to one of the two following controlling authorities depending upon the employment of the Township official/employee involved, or group concerned, and the nature of the action requested:

- A) Matters involving elected officials of the Township should be directed to the Trustee, Township Board and/or Township Attorney.
- B) Matters involving appointed employees, full and part-time, of the Township should be directed to the Trustee and Township Attorney.

No Board member may sit as a controlling authority if he/she has a conflict of interest or an ethical concern in the matter to be decided.

II. Conflicts of Interest concerning Township actions

Any official/employee who learns of a potential conflict of interest in a matter pending before the Township must at least ten days prior to any Township action, file an affidavit with the Township Trustee detailing the potential conflict of interest to be derived.

At the first regularly scheduled Township Board meeting following the filing of an affidavit pursuant to this section, the Township Trustee shall notify the Township Board of such filing. Upon receipt of such notification, the Township Board shall notify the Township Attorney, who shall then consider the matter.

III. Penalties for violation of the Conflict of Interest and Code of Ethics

The Township Attorney shall investigate to determine whether there has been a violation of the Conflict of Interest and Code of Ethics. Upon a determination that there has been a violation, the Township Attorney shall notify the Trustee and/or Township Board to set a penalty which is rationally related to the violation. The Township Attorney may, but is not limited to, use any of the following as penalties:

- a) Private Reprimand of the violator.
- b) Public Reprimand with a detailed description of the offense and code provision violated.
- c) Temporary Suspension from Office or Duties, not to exceed six months.*
- d) Removal from Office/Termination of Employment.*

*Provisions marked with an asterisk shall not be applicable to elected officials.

I, _____, have received a copy of the Fairfield Township Conflict of Interest and Code of Ethics Policy. I have read and understand the Policy and agree to comply with it. I will immediately advise the appropriate person if I should have a conflict of interest in any matter presented to the Township. I further agree, if appropriate, to recuse myself from deliberations, voting, and acting on decisions, activates, transactions, and arrangements that give rise to a conflict of interest.
