

# CITY OF CENTRAL FALLS



## CODE OF ETHICS HANDBOOK

*“I am convinced that this ethics code is the strongest  
small-city ethics code in the United States.”*  
-H. Phillip West, former director of Common Cause RI  
*Pawtucket Times 2/24/13*

Published by  
Matthew Jerzyk  
City Solicitor  
2014

### **Why did Mayor James Diossa propose this code of ethics?**

- The ordinance details many reasons for its passage:
  - The goal of this ethics code is to address issues and conduct not covered by the state ethics code and in so doing to hold the city's employees and officials to the highest possible standards of ethics.
  - City officers and employees are public servants of the people and hold their positions for the benefit of the public.
  - City officers and employees should act with the honesty and esteem which their position requires.
  - City officers and employees must strive to meet the highest standards of ethics consistent with city and state law, regardless of personal considerations, recognizing that maintaining the respect of the people must be their foremost concern.

### **What is the city's ethics ordinance?**

- The ordinance is broken up into four parts:
  - Code of ethics
  - Lobbyist Disclosure
  - Pay to Play
  - Honorable Service

### **Where can I find the city's ethics ordinance?**

- Here is the link: <http://centralfallsri.us/departments/legal>

### **What is the city's code of ethics?**

- These are the activities which are strictly prohibited for all city elected officials, officers and employees:
  - To take any active part in political management or in political campaigns during duty hours; and
  - To politically campaign while on city time or in city uniform; and
  - To solicit political contributions from employees of the city or a municipal agency during the employee's hours of employment; and
  - To make, solicit, or knowingly accept any campaign contribution in a city facility; and
  - To discharge, threaten to discharge, discipline, threaten to discipline or otherwise discriminate against any other officer or employee for trading or not trading as a customer or patron with any particular business, without just cause or reason not to engage any particular business; and
  - To knowingly use property for his or her personal benefit, convenience or profit; and
  - To fraudulently affix or impress the city seal; and
  - To either directly or indirectly give, promise, or pay any money, service of other thing of value for, or account of, in connection with or for the purpose

of influencing or affecting their test, appointment, proposed appointment, promotion or proposed promotion.

- To intentionally use his or her official position to secure a special privilege or exemption for himself, herself or any other
  - To willfully or knowingly disclose any confidential or privileged information acquired by reason of the officer or employee's position, unless authorized or required by law to do so.
  - To knowingly employ a person with public funds who does not substantially perform tasks (i.e., no show job); and
  - No city employee shall engage in any outside business or commercial activity during regular business hours of his or her city position; and
  - To represent any person before any court, or before any state, federal, or local agency, in which the city is a party or has a direct and substantial interest; and in which the employee participated personally and substantially as a city employee; and which involved a specific party or parties at the time of such participation; and which is the same matter in which the employee participated as a city employee; and
  - To aid, advise, counsel, consult or assist another person in connection with a particular matter in which the city is a party and in which the employee participated personally and substantially as an employee; and which involved a specific party at the time of such participation; and which is the same matter in which the employee participated as a city employee.
  - on Page 4 of 12 ( e ) Report of testimonial proceeds intended for personal use . Within ninety (90) days from the date of a testimonial affair which was intended to raise funds for the personal use of a person who is a city employee upon her or his retirement or departure from the City or any municipal agency of the City , said city employee or a duly authorized designee shall make a full report to the city clerk, upon a form to be provided by the City Ethics Integrity Officer setting forth the net proceeds realized by the testimonial affair and the names and addresses of each contribution of in excess of one hundred dollars (\$100.00) to the affair and the amount contributed by each. The person making said report shall certify to its correctness. The city employee shall be responsible for maintaining accurate financial records of the testimonial affair and for filing the a forementioned report unless he or she files with the city clerk, prior to the affair, a statement designating another city employee who has signed an acknowledgement accepting responsibility to maintain those records and to file said report. (f) Former employees/officials . (1) Representing persons. It shall be unlawful for any person who was an official or employee of the city or a municipal agency or instrumentality
- These are the activities which are strictly prohibited for all FORMER city elected officials, officers and employees for a period of one year after their separation from the City:
    - To represent any person (except the city or the municipal agency) before any court, or before any state, federal, or local agency, or any officer or employee thereof in connection with a particular matter in which the former employee

or official participated personally and substantially as a city official or employee; and which involved a specific party or parties at the time of such participation; and which is the same matter in which the official or employee participated as a city official or employee; and

- To aid, advise, counsel, consult or assist another person (except the city or municipal agency) in connection with a particular matter in which the former employee or official participated personally and substantially as a city official or employee; and which involved a specific party or parties at the time of such participation; and which is the same matter in which the official or employee participated as a city official or employee; and
- It shall be unlawful for any former employee or official of the city or a municipal agency who participated personally and substantially in the negotiation of a municipal contract, grant or, subsidy, including but not limited to a tax stabilization agreement or a tax increment financing arrangement valued at fifty thousand dollars \$50,000.00 or more, or who supervised the negotiation or award of such a contract to accept employment with a party to the contract (except the city or municipal agency) or with the recipient of the grant or subsidy for a period of one year after such contract is signed or the grant or subsidy is awarded.
- To disclose confidential or privileged information acquired during service as employee or official, unless authorized or required by law to do so.
- To seek or accept employment with any municipal agency or instrumentality, other than employment which was held at the time of the official's election.

### **Who does it apply to?**

- The code applies to all elected officials, officers and employees of the City.
- The code applies to FORMER elected officials, officers and employees of the City for a period of one year after his or her separation from the City.
- The code applies to family members of elected officials, officers and employees meaning and individual who is related to a person as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father - in - law, mother - in - law, son - in - law, daughter - in - law, brother - in - law, sister - in - law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step - grandparent, step - great grandparent, step - grandchild, step - great grandchild, as well as a fiancé.

### **Do city officials and employees have to report a violation if he or she sees it?**

- Yes, a city employee with knowledge or information as to any prohibited conduct shall report said information in a timely manner to the City Ethics Integrity Officer, who is the City Solicitor.

### **What are the penalties for violating the code of ethics?**

- If a person violates the code or a person aids or abets any other person in violating any provision of the code of ethics, there are several potential sanctions:
  - Upon indictment, information or complaint and/or arraignment for a felony directly related to his or her employment, any city employee shall be suspended with or without pay, or transferred to another position. Upon conviction of or plea of nolo contendere to a felony related to his or her employment, a city employee shall be dismissed immediately.
  - Any person who knowingly and willfully violates the code of ethics can be found guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) for each violation and/or imprisonment of not more than thirty (30) days.
  - Any person who intentionally or negligently violates code of ethics may be liable in a civil action brought by the city solicitor in the municipal court for an amount up to five hundred dollars (\$500) for each violation.

### **Who enforces the code of ethics?**

- The City Ethics Integrity Officer. The City Solicitor executes the role of city ethics integrity officer. The mission of the city ethics integrity officer is to encourage each of the officials and employees of the city and municipal agencies to act in an ethical manner. This mission requires that the city ethics integrity officer encourage employees and officials not only to comply with various laws, but more importantly, to adhere to the highest standards of ethical behavior.

### **What is lobbyist disclosure?**

- The purpose is to create disclosure requirements for municipal lobbyists to ensure the transparency and openness of city government. This disclosure requires lobbyists to provide pertinent information for the benefit of the general public, the mayor and the city council.

### **Who is a lobbyist?**

- A lobbyist means any person who engages in lobbying for compensation where lobbying means any verbal communication with a city official for the purpose of influencing a municipal decision and for which compensation is received.

### **How does a lobbyist properly disclose?**

- Prior to any lobbying, every lobbyist is required to disclose the following information to the city clerk: lobbyist name, name of lobbyist entity, if applicable, work address, work phone number, work email, name of person or entity on whose behalf the lobbying activity is occurring, amount of compensation for lobbying activity and specific subject matter of lobbying activity.
- Reports shall be filed with the city ethics integrity officer, both by the person, corporation, or association having engaged any person to act as a lobbyist, and by the lobbyist, as follows: (1) A final report shall be filed not later than January fifteenth of

each year. The report shall include all money or anything of value which in the aggregate exceeds two hundred fifty dollars (\$250.00) provided or promised to any city official within the preceding calendar year; (2) Not later than January fifteenth of each year, every person, corporation, or association specified in this subsection shall provide an exact copy of this report to the Rhode Island Ethics Commission and to any city official to whom the person, corporation, or association provided or promised money or anything of value which in the aggregate exceeds two hundred fifty dollars (\$250.00) within the preceding calendar year.

**Are there any exceptions for lobbyist disclosure?**

- Yes. The following persons or actions are exempt:
  - Any elected public official or the official's designee acting in his or her official capacity, or any municipal employee acting within the scope of his or her employment.
  - News media employees or agents who in the ordinary course of business write, publish, or broadcast news items, editorials, or other comments or paid advertisements which directly or indirectly urge legislative action, if those persons engage in no other lobbying activities in connection with that action.
  - Drafting legislation.
  - A person appearing to testify in a public forum in support of or in opposition to legislation or municipal decision.
  - Attorneys representing clients before a city board or commission.

**What are the penalties for failing to disclose?**

Any person, corporation, association, or lobbyist who is found to have intentionally violated any provision of this article may be subject to administrative penalties as the circumstances may merit upon notice and opportunity to be heard. Said penalties include the imposition of a fine not to exceed two hundred fifty dollars (\$250) per day and/or the removal of such lobbyist from the city clerk's register of lobbyists and prohibition of lobbying activity until the following year or until compliance is established.

**What is pay to play?**

- The City shall not enter into a no-bid contract with any person or entity if that person or entity has made any contribution to a candidate for Central Falls public office which exceeds the threshold of \$300 within one (1) year prior to the date of the award of the no-bid contract for such services.
- Any person or entity may annually contribute a maximum of \$300 each for any purpose to any candidate for Central Falls public office without violating the above.
- All no-bid contracts shall provide that it shall be a breach of the terms of the contract for the person or entity to make or solicit a contribution in violation of this section.
- No contribution shall be deemed a violation of this section if made prior to March 2013.

- Prior to awarding any no-bid contract, the purchasing agent shall receive a written certification from the person or entity attesting to compliance with this section.

### **What are the penalties for pay to play?**

- A violation shall render the person disqualified from eligibility for any future no-bid contract with the City of Central Falls for a period of one (1) year from the date of violation and shall be subject to a fine up to five hundred dollars (\$500.00) for each violation.

### **What is honorable service?**

- The city's retirement board may revoke or refuse to grant a city pension to an officer or employee who does not honorably serve the city by committing a crime related to his or her public employment and that could include the following conduct:
  - committing, or aiding or abetting the commission of, embezzlement of public funds;
  - committing, or aiding or abetting the commission of, any felonious theft by a public employee from his or her employer;
  - committing, or aiding or abetting the commission of, bribery in connection with, or involving, a public employee;
  - committing, or aiding or abetting the commission of, any felony by a public employee who willfully, and with the intent to defraud, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or for some other person, through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment;
  - any other misconduct or crime which the Board, by a majority vote, determines is "dishonorable service," after weighing and balancing many factors including the extent to which the employee's pension has vested, the duties of the particular employment; the employee's public employment history and record; the employee's other public employment and service; and the nature of the misconduct or crime.

### **How does the City code of ethics differ from the State code of ethics?**

- The city code applies to all elected officials, officers and employees whereas the state code only applies to city elected officials and certain officers.
- The city code is IN ADDITION to the state code – it goes above and beyond the state code.
- The state code can be found at this link: <http://www.ethics.ri.gov/code/>

### **Any questions?**

- Contact City Solicitor Matthew Jerzyk at 401-727-7490 or [mjerzyk@centralfallsri.us](mailto:mjerzyk@centralfallsri.us)