



0-08-43

ORDINANCE

Requiring Disclosure of Contributions, Gifts, Testimonials and Honoraria Before Voting on the Cost Items of a Collective Bargaining Agreement

CITY OF NASHUA

In the Year Two Thousand and Eight

The City of Nashua ordains that Chapter 5 entitled "Administration of Government," Part 5 "Conduct Regulations", Article XVIII "Ethics Rules", Section 5-98 "Participation in certain matters in which employee has financial interest" of the Nashua Revised Ordinances, as amended, is hereby amended by adding the new underlined language as follows:

§ 5-98. Participation in certain matters in which employee has financial interest.

- C. Subsections A and B shall not apply to questions voted on by the Board of Aldermen, Board of Education, Board of Public Works, Board of Fire Commissioners, Finance Committee, Joint Special School Building Committee and committees and subcommittees of such boards and committees, which shall instead be governed by the following standards:
- (1) As to matters, including but not limited to collective bargaining agreements, changes to the merit system, or contracts, coming before the board or committee, no member may vote or participate in discussion on a question in which the member has a direct personal and pecuniary interest. In addition, after the second reading and before any vote on a resolution to approve the cost items of a collective bargaining agreement, each alderman shall disclose the total amount of all contributions, reportable under NRO §23-18, and gifts, testimonials or honoraria, reportable under NRO §23-23, received from the collective bargaining unit's certified representative or its related labor union or political committee.
 - (2) In addition, as to matters in which the board or committee acts in a judicial or quasi-judicial capacity, no member may vote or participate in discussion if the member has a personal bias or has prejudged the facts of the matter.
 - (3) For purposes of this Subsection C, a personal and pecuniary interest includes the interest of the member and immediate family as defined in Section 5-93.
 - (4) For purposes of this Subsection C, a judicial or quasi-judicial matter is one in which the board or committee hears interested parties, considers evidence and

makes a decision that affects a specific person or persons and not the public generally.

- (5) In December at the end of each calendar year, any officeholder will inform the City Clerk's office of any position as a board trustee or like that they are involved in.
- (6) Whoever violates this section shall be punished as provided in § 5-105.

LEGISLATIVE YEAR 2008

ORDINANCE: 0-08-43

PURPOSE: Requiring Disclosure of Contributions, Gifts, Testimonials and Honoraria Before Voting on the Cost Items of a Collective Bargaining Agreement

ENDORSER(S): Alderman Mark S. Cookson

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: None

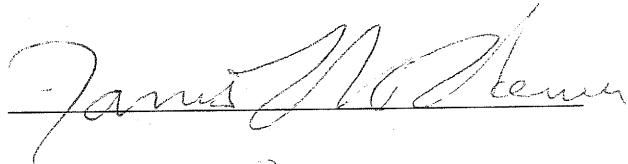
ANALYSIS

This ordinance amends the ethics rules to require a disclosure on the record after the second reading and before any vote on the cost items of a collective bargaining agreement. The disclosure consists of a statement of the total amount of all contributions, gifts, testimonials or honoraria , reportable under the NRO chapter governing elections and campaigns, that were received from the collective bargaining unit's certified representative or its related labor union or political committee.

Approved as to form:

Office of Corporation Counsel

By:



Date:

October 10, 2008



ORDINANCE

Requiring Disclosure of Contributions, Gifts, Testimonials and Honoraria Before Voting

CITY OF NASHUA

In the Year Two Thousand and Eight

The City of Nashua ordains that Chapter 5 entitled “Administration of Government,” Part 5 “Conduct Regulations”, Article XVIII “Ethics Rules”, Section 5-98 “Participation in certain matters in which employee has financial interest” of the Nashua Revised Ordinances, as amended, is hereby amended by removing the struckthrough language and adding the new underlined language as follows:

:

§ 5-98. Participation in certain matters in which employee has financial interest.

...

- C. Subsections A and B shall not apply to questions voted on by the Board of Aldermen, Board of Education, Board of Public Works, Board of fire Commissioners, Finance Committee, Joint Special School Building Committee and committees and subcommittees of such boards and committees, which shall instead be governed by the following standards:
- (1) As to matters, including but not limited to collective bargaining agreements, changes to the merit system, or contracts, coming before the board or committee, no member may vote or participate in discussion on a question in which the member has a direct personal and pecuniary interest.
 - (2) After the second reading and before any vote on a resolution or ordinance, each alderman shall disclose the total amount of all contributions reportable under NRO §23-18 and gifts, testimonials or honoraria reportable under NRO §23-23 received from any party who might benefit from the passage or rejection of the resolution or ordinance.
 - ~~(23)~~ In addition, as to matters in which the board or committee acts in a judicial or quasi-judicial capacity, no member may vote or participate in discussion if the member has a personal bias or has prejudged the facts of the matter.
 - ~~(34)~~ For purposes of this Subsection C, a personal and pecuniary interest includes the interest of the member and immediate family as defined in Section 5-93.

- (45) For purposes of this Subsection C, a judicial or quasi-judicial matter is one in which the board or committee hears interested parties, considers evidence and makes a decision that affects a specific person or persons and not the public generally.
- (56) In December at the end of each calendar year, any officeholder will inform the City Clerk's office of any position as a board trustee or like that they are involved in.
- (67) Whoever violates this section shall be punished as provided in § 5-105.

ORDINANCE 0-08-43

Requiring Disclosure of

Contributions, Gifts,

Testimonials and Honoraria

Before Voting

IN THE BOARD OF ALDERMEN

1ST READING OCTOBER 14, 2008

Referred to:

PERSONNEL & ADMINISTRATIVE AFFAIRS

2nd Reading OCTOBER 13, 2009 - TABLED

3rd Reading OCTOBER 27, 2009 - TABLED

4th Reading NOVEMBER 10, 2009

Other Action _____

Passed _____

Indefinitely Postponed NOVEMBER 10, 2009

Defeated _____

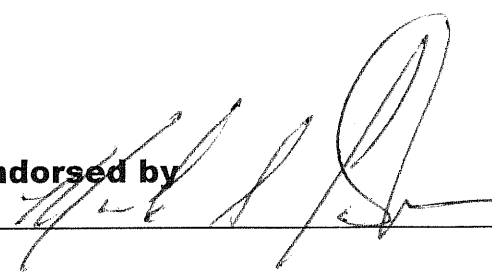
Attest: _____
City Clerk

President

Approved _____
Mayor's Signature

Date

Endorsed by

 _____

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest: _____

City Clerk

President

President