ORDINANCE


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


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: [Signature]

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.
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.

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.

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