

AN ORDINANCE DEFINING RULES FOR DEPARTMENT HEADS WITH REGARDS TO CONFLICTS OF INTEREST, ~~COMPLIANCE WITH THE STATE CONSTITUTION AND RESIDENT PRIVACY AND ASSOCIATED EXTERNAL ORGANIZATIONS TO CREATE CLARITY, CONSISTENCY, AND TO FOSTER A COLLABORATIVE RELATIONSHIP TO DRIVE~~

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 2 Administration
Division 1 Generally
Article I In General

Insert Section 2 – 127

Definitions:

Department Head – An employee of the City of Newburyport employed as the leader of any department of the City of Newburyport.

Associated External Organization – Any organization whether for profit or non-profit (also referred to as a 501(c)(3)) that participates in fundraising activities in support of City departments.

Department Head Conflicts

~~While seeking to preserve collaboration and with due respect appreciation to the important value brought by associated external organizations, the following rules are meant to promote transparency and avoid potential conflicts of interest, whether real or perceived, between city departments and external organizations that may form to raise funds in support of these departments, while respecting the important value these organizations bring through their collaborative efforts with Department Heads:~~

- (a) *Department Heads* shall be prohibited from serving on the board of directors as a voting member or in any position of leadership of any *associated external organization*. For clarity, this is not a prohibition on a *Department Head* serving in an ex-officio capacity in furtherance of a collaborative relationship.
- (b) *Department Heads* shall be prohibited from the handling, the allocation, or the ~~disbursing/disbursement~~, of Funds raised, or otherwise act in a controlling way toward any of funds held by any associated external organization held funds. For clarity, once these funds have been formally accepted and appropriated then they become City funds and the *Department Head* may proceed handle, allocate, or disburse said funds.
- (c) *Department Heads* shall be prohibited from sharing City financial/monetary resources, material/substantial in-kind resources, including and contact lists, with any *associated external organization*, ~~consistent with the State Constitution's anti-aid amendment codified in Article CH.~~

- (d) While this section may not be overridden by City policy, it is not intended to supplant or replace other obligations for *Department Heads* that may be created via employment agreements or other City ordinances or City policies.
- (e) City addresses, whether they be physical or email, may not be authorized for use by *associated external organizations*.

Councillor Sharif I. Zeid