

**ORDINANCE NO. 04 - 23**

**AN ORDINANCE OF THE TOWNSHIP OF BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA REQUIRING THE MANDATORY RECUSAL OF PUBLIC OFFICIALS IN MATTERS THAT THEY HOLD A FINANCIAL INTEREST**

**WHEREAS**, the proper operation of the Bethlehem Township's government requires that its public officials act as fiduciaries responsible for the property and resources of the community; and

**WHEREAS**, public officials must make decisions and create policies in the proper channels of the government structure, free of improper influence; and

**WHEREAS**, public officials use their positions to act in the best interest of the Township rather than for personal interests; and

**WHEREAS**, the Bethlehem Township Board of Commissioners does not and shall continue to not treat anyone preferentially, no matter the circumstances; and

**WHEREAS**, the Bethlehem Township Board of Commissioners recognizes that nothing is more important to the public trust than having public servants disclose every material conflict and withdraw from participation even where they feel they can act impartially.

**NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF BETHLEHEM, AS FOLLOWS:**

**SECTION 1. CITATION.**

This Ordinance shall be known as the Bethlehem Township Conflicts of Interest Ordinance.

**SECTION 2. DEFINITIONS.**

The following terms shall have the meanings set forth in the section unless otherwise provided or the context otherwise requires.

**BOARD OF COMMISSIONERS** - Members of the Bethlehem Township Board of Commissioners individually and together.

**COMMISSIONER** - Any member of the Bethlehem Township Board of Commissioners (elected or appointed), individually and together. Any elected but not yet sworn in member of the Board of Commissioners.

**IMMEDIATE FAMILY** - Anyone related to a Township Official by direct family lineage, current marriage, adoption, or any person who is a regular member of that Township Official's household.

**OFFICIAL ACTION** - A recommendation, decision, approval, disapproval, vote or other similar action, including inaction, by a Township Official or employee of the Township, including but in no way limited to such action or inaction as administration, legislative, quasi-judicial, or advisory decisions.

**ORGANIZATION** - Any business, corporation, partnership, firm, or association whether organized, nonprofit, or any other corporate entity accepted and recognized in the Commonwealth of Pennsylvania.

**SECTION 3. DISQUALIFICATION FOR CONFLICT OF INTERESTS**

A) This Ordinance shall apply to members of the Bethlehem Township Board Commissioners, any other elected township official, and any individuals that must file a Pennsylvania Financial Disclosure Form, and Township Officials except as provided for in the Pennsylvania Public Official and Employee Ethics Act, 65 Pa.C.S. §1101 et seq., as amended.

B) Those individuals identified in Section 3(a) may not vote on matters in which they have a financial interest.

C) In those circumstances where individuals identified under Section 3(a) hold a financial interest, that individual shall recuse themselves from any votes on the subject in which they hold a financial interest. That Commissioner shall explain the recusal at a public meeting and the explanation for the recusal shall be noted in the public meeting minutes.

D) This Ordinance does not prevent any individual identified under Section 3(a) from participating in the discussion of the topic to be voted on.

E) This Ordinance does not prevent any individual identified un Section 3(a) from making a vote to the extent that his or her participation is legally required.

1) In the event one or more individuals identified under Section 3(a) are subject to mandatory recusal and the subsequent vote ends in a tie, the ties doe not permit a recused individual from casting a vote to break the tie.

**SECTION 4. APPLICATION OF FINANCIAL INTEREST.**

A) A financial interest shall include the following:

1) Any campaign contributions in the amount of or in excess of Two Hundred and Fifty Dollars (\$250.00) received within the immediate two-year period prior to the date on which official action shall be taken on the subject matter.

2) A Township Commissioners direct or indirect investment or ownership interest in any business, property, intellectual property, personal property, or any other venture whatsoever that is ten percent (10%) or greater.

3) Any funds subject to Section 4 of this Ordinance received by a Township Commissioner's spouse, child and/or children, parent, sibling, or agent.

B) Financial interests received from organized and registered Unions and Political Action Committees shall NOT be exempted from the rule requiring mandatory recusal.

**SECTION 5. REPEALER.**

All Ordinances and parts of Ordinances inconsistent herewith are hereby specifically repealed.

**SECTION 6. SEVERABILITY.**

The provisions of this Ordinance shall be severable and if any provision thereof shall be declared unconstitutional, illegal, or invalid, such a decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent of the Board of Commissioners that this Ordinance would have been enacted as otherwise set forth had such unconstitutional, illegal or invalid provision(s) not been included here in.

**SECTION 7. EXECUTION.**

A) The township shall maintain campaign finance report records of any candidates that run for an elected township office, and post two years of campaign finance reports on the township website for easy public access.

B) IF a Township Commissioner has a Disqualification for Conflict of Interests as described in Section 3, the Township Solicitor shall notify the Township Commissioner and the Board of Commissioners of the conflict and the requirement for recusal prior to any meeting where a vote on said matter is scheduled to take place.

C) Prior to any public vote taken by the Board of Commissioners where one or more Township Commissioners have a Disqualification of Conflict of Interests as described in Section 3, the Township Solicitor shall announce in the public meeting the Disqualification for Conflict of Interests and the requirement for recusal as it pertains to the matter before the board and any members of the Board of Commissioners.

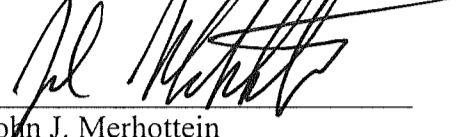
D) If a member of the Board of Commissioners does not comply with this ordinance:

a. The Township Solicitor will immediately refer the ordinance violation to the State Ethics Board for their review.


b. The Board of Commissioners may also sanction the action of any member of the Board of Commissioners through a resolution denouncing the noncompliance of this ordinance.

**ORDAINED AND ENACTED** this 3<sup>rd</sup> day of April, 2023, at a regular public meeting after public hearing thereon.

**BOARD OF COMMISSIONERS  
OF BETHLEHEM TOWNSHIP**

  
\_\_\_\_\_  
John J. Merhottein  
President

ATTEST:

  
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Doug Bruce  
Township Manager/Secretary