

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1697

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE,
ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING AN
"ETHICS CODE"; PROVIDING FOR RULES AND REGULATIONS
FOR OFFICIAL CONDUCT REQUIRED BY ALL MUNICIPAL
OFFICIALS AND EMPLOYEES: PROVIDING FOR PENALTIES
FOR THE VIOLATION THEREOF.

WHEREAS, the Municipality of Monroeville is desirous of ensuring the public confidence and trust in Municipal Government by providing rules and regulations setting forth the ethical conduct required of all Municipal officials and employees.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Municipality of Monroeville and it is hereby ordained and enacted as follows:

ADOPTION

There is hereby adopted by the Municipality of Monroeville that certain code known as the "Ethics Code" of the Municipality of Monroeville. Said Code is set forth hereafter and copies of such Code are on file with the Municipality of Monroeville for public inspection. The Ethics Code is hereby adopted and incorporated herein.

SEVERABILITY

If any provision, clause, sentence or paragraph of the Ethics Code or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of the Ethics Code which can be given effect without the invalid provision or application, and to this end, the provisions of the Ethics Code are declared to be severable.

ETHICS CODE
OF THE MUNICIPALITY OF MONROEVILLE

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CHAPTER 1. GENERAL PROVISIONS

SECTION 101. Title

This Code shall be known as the Ethics Code of the Municipality of Monroeville and shall be hereinafter referred to as "the Code".

SECTION 102. Findings

(a) The Monroeville Council does hereby find that the public confidence and trust in Municipal government depends on the integrity, impartiality and commitment to ethics of public officials and public employees; and,

(b) The reputation and efficiency of, and public confidence and faith in, Municipal government suffer whenever the public trust is violated by an official or employee who commits an act of misconduct, attempts to realize personal financial gain or does not avoid conflicts of interest or the appearances of impropriety; and,

(c) There is a need to insure that the citizens of the Municipality of Monroeville have complete confidence in their Municipal officials and employees; and,

(d) It is essential that there exist legislation to ensure that the highest standards of conduct in Municipal government will be enforced regardless of any change in Mayor and Council; and,

(e) The Monroeville Council determines that every public official and public employee should:

1. Put loyalty to the Municipality and to the highest moral principals above all private interests;

2. Uphold the United States and Pennsylvania Constitutions, all laws, statutes and regulations of the United States and all governments therein and the Home Rule Charter and all ordinances and regulations of the Municipality of Monroeville, and neither condone nor be a party to their evasion;

3. Give a full day's work for a full day's pay;

4. Avoid conflicts of interest and strive to avoid the appearance of conflicts of interest, not only being above reproach, but appearing above approach;

5. Never use for personal benefit, confidential information obtained in the course of one's duties;

6. Never give special favor or special privilege to anyone in return for any personal benefit;

7. Never accept favors, gifts or benefits for self or a member of one's family except in situations specified in this Code;

8. Make no use of Municipal employment or resources for private gain or political benefit for any individual or entity or for other than official government purposes;

9. Attempt to remedy or eliminate public corruption, waste and inefficiency wherever and whenever discovered;

10. Demonstrate the highest standards of personal integrity, truthfulness and fortitude in all public activities;

11. Strive for personal professional excellence and encourage the professional development of all public officials and public employees;

12. Exercise whatever discretionary authority held to promote the public interest;

13. Serve the public with respect, concern, courtesy and responsiveness and administer the public's business with professional competence, fairness, impartiality, efficiency and effectiveness, recognizing that service to the public is beyond service to oneself;

14. Uphold these ethical principals, ever aware that public service and public employment are public trusts.

(f) It is the duties of Monroeville Council to earn and maintain for the government of the Municipality of Monroeville, the reputation as a no-nonsense, honest municipality and, to that end, any section of this code in which the intent is in doubt should be construed in a manner that favors the public good over the convenience of the public official or employee.

SECTION 103. Purpose

(a) It is the intent of Monroeville Council that, as contemplated by the Legislature, this Code supplements the Public Official and Employee Ethics Law and, as such, is more restrictive than that Act.

(b) Because public confidence and trust in Municipal government can best be sustained by assuring the people of Monroeville of the integrity and impartiality of all public officials and public employees, it is the specific intent of Monroeville Council to remedy and eliminate public corruption, patronage, nepotism, special privileges, gifts and, as anticipated by Monroeville's Home Rule Charter, involuntary political contributing.

SECTION 104. Definitions.

The following words and phrases when used in this Code shall have, unless the context clearly states otherwise, the meanings given to them in this section;

Abuse of Authority - an arbitrary or capricious exercise of power of an official or employee that adversely effects the rights of any person, or that results in personal gain or advantage to himself or herself or to preferred other persons.

Agency - any department, bureau, commission, and board or other governmental body within or established by a Borough or Municipality, including Municipal Council.

Appointed Office - any position or office, with the exception of that of an elected official, held by an employee who is required under the Public Official and Employee Ethics Law to file an annual Statement of Financial Interests with the Municipal Manager, and any position on the boards and commission of Monroeville.

Appointed Official - an individual holding an office, named in the Borough Code or in any other ordinance of this Municipality, to which he is named by Municipal Council, whether that individual serves full-time or part-time, whether or not he receives compensation from the Municipality for his services; and whether or not he holds a single named office or is one of several individuals serving on a board, commission or authority.

An individual employed by the Municipality on a full-time or part-time basis, exercising supervisory authority over any other Municipal employee and/or performing non-ministerial action in connection with Municipal affairs.

Business - any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

Business Dealing With the Municipality - any contract, service, work or business with, any sale, renting or other disposition to, any

purchase, leasing, or other acquisition from, and any grant, license, permit or other privilege from the Municipality or any Municipal board or commission, and any performance of, or litigation with respect to any of the foregoing.

Business With Which He or She is Associated - any business in which the person or a member of the person's family is a director, officer, owner, employee or holder of stock or percentage ownership exceeding five (5%) percent of the equity at fair market value of the business or more than five (5%) percent of the assets of the economic interests in indebtedness.

Candidate or Candidates - any individual, individuals or slate of individuals seeking any office which is filled by the vote of the electorate.

Classified Employees - an employee in classified service for the Municipality of Monroeville.

Compensation - anything of economic value, however designated, which is paid, granted, given, donated or transferred, or to be paid, loaned, granted, given, donated or transferred for personal services to any person, official, employee of the Municipality.

Conflict of Interest - any situation in which a public official or public employee is in a position where his or her vote or decision can result in a financial benefit to himself or herself or a member of his or her immediate family other than those benefits which may accrue to the public generally.

Ethics Board - shall mean a duly appointed and qualified Ethics Board of the Municipality of Monroeville comprised of three (3) individuals who are not regular employees or elected officials of the Municipality, and who shall possess qualifications necessary for carrying out their duties as members of the Ethics Board; and who shall be retained by the Municipality to conduct investigations, swear witnesses, take testimony, and make appropriate determinations as to whether or not violations of this Ordinance have been made.

Elected Office - the office of Mayor and Members of Council.

Elected Official - the Mayor and Members of Council

Family Member - any spouse, child, grandchild, parent, grandparent, sibling, in-law, aunt, uncle, niece, nephew, ex-spouse, stepparent, stepchild, half-brother, half-sister or the spouse of any such relative or person.

Gift - anything which is received without consideration of equal or greater value. "Gift" shall not include a political contribution otherwise reported as required by law, or a commercially reasonable loan made in the ordinary course of business. "Gift" shall include, but not be limited to, any payment, favor, gratuity, thing of value, service or services, promise, discount, admission, performance of any act or series of

acts, entertainment, reward, loan which is not commercially reasonable and made in the ordinary course of business, or promise of any of the preceding.

"Gift" shall not include: (a) a political contribution reported as permitted by law; (b) a commercially reasonable loan made in the ordinary course of business; or (c) a gift received from a relative.

Governmental Body - any department, commission, committee, council, board, bureau, division, service office, office, administration, legislative body or other establishment in the Municipal government or a political subdivision thereof.

Gross Waste of Funds - unnecessary expenditure of substantial sums of money, or a series of instances of unnecessary expenditures of smaller amounts.

Income - any money or thing of value received or to be received as a claim on future services whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other form of recompense or any combination thereof.

Municipality - the Municipality of Monroeville.

Person - any individual, union, association, committee, club or other organization or group of persons.

Political Office - a position in a political party.

Privilege - any exemption, consideration, special treatment or advantage.

Public Employee - any individual employed by the Municipality of Monroeville, with the exception of public officials.

Public Office - any elected or appointed office or position of the Municipality of Monroeville.

Public Official - any elected or appointed official of the Municipality of Monroeville.

Relative - a member of an individual's immediate family and also that individual's father, mother, grandfather, grandmother, son daughter, or sibling, whether by blood, adoption or marriage, the latter including, for example, step-parents, stepchildren, half-brothers and half-sisters.

Respondent - any person who is alleged to have, or who is found to have, violated the Code.

CHAPTER 2. CONFLICTS OF INTEREST AND RESTRICTED ACTIVITIES

SECTION 201. Adverse Pecuniary Interest.

(a) No public official or public employee shall disclose or use for his or her own benefit or the benefit of others, confidential information which he or she has acquired by reason of his or her public position.

(b) No public official or public employee shall receive any benefit, or participate in the selection, award or administration of, or vote or participate in the legislative discussion on, any contract to which the Municipality is a party, or participate in the selection, award or administration of a contract supported by public funds if a conflict of interest, would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:

1. the public official or public employee;
2. any member of his or her family;
3. any person with whom he or she has a business or other financial relationship;
4. an organization which employs any of the above.

(c) No public official or public employee shall be, or become, interested directly or indirectly in any manner whatsoever, except by operation of law, in any business dealing with the Municipality of Monroeville board or commission.

(d) No public official or public employee shall act as agent, broker, employee or consultant for any person, firm, corporation or other entity interested directly or indirectly in any manner whatsoever in any business dealings with the Municipality of Monroeville board or commission.

(e) No public official or public employee shall engage in any business transaction or private employment or shall have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.

(f) No public official or public employee shall use or attempt to use his position to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for himself or herself, or any person, firm, or corporation or other entity with which he or she is associated. He or she shall be deemed "associated" with each person who is a member of his or her family, with each person with whom he or she has a business or other financial relationship and with each firm, corporation or other entity in which he or she has a present or anticipated interest, direct or indirect.

(g) No public official or public employee shall attempt to influence the course of any proposed legislation affecting any private or financial interest not readily apparent, of himself or herself, of any of

his or her family members, of any person with whom he or she has a business or other financial relationship or of each firm, corporation or other entity in which he or she has a present or anticipated interest, direct or indirect.

(h) Every public official and public employee shall publicly disclose, as provided in Section 202, any direct or indirect financial or other private interest in any proposed legislation of himself or herself, of any of his or her family members, of any person with whom he or she has a business or other financial relationship or of each firm, corporation or other entity in which he or she has a present or anticipated interest, direct or indirect. A subcontract of a contract with the municipality shall be deemed a "direct or indirect financial interest".

(i) No public official or public employee shall become financially interested, subsequent to final action, in any legislation including ordinances and resolutions, awards, contracts, leases, cases, claims, decisions, decrees or judgments made by him or her in his or her official capacity, during his or her term of office or employment and until two years have elapsed since the expiration of employment or service. This prohibition shall apply so as to prevent a family member or any person, firm, partnership, corporation, business association, trustee or straw party from becoming financially interested for or on behalf of a public official or public employee within said two year period.

(j) This section shall not be construed to prohibit any public official or public employee from:

1. accepting or receiving any benefit which is provided for or made available to citizens or residents or classes of citizens or residents;

2. being affiliated with by an investment not exceeding five (5%) percent of the equity at fair market value or more than five (5%) percent of the assets of the economic interest in indebtedness, employed by, or representing a person, firm or corporation or other entity whose business dealings with the Municipality or any Municipal board or commission form an insubstantial part of its total business, provided that he or she has no direct or indirect interest in such business dealings and receives no part of the benefit thereof, takes no part in such business dealings and receives no compensation in connection thereof.

(k) Nothing in this section shall apply to the affiliation of any public official or public employee with any non-profit or community service organization.

SECTION 201.1 ABSTENTION PROCEDURE.

Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed:

(a) Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would

result in a conflict of interests shall abstain from voting, and prior to the vote being taken, publicly announce and disclose the nature of his interests as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken; any such contract or municipal matter shall not be acted upon or approved by Council except by an affirmative vote of at least five (5) of the members thereof. When the interested officer is a member of Council, such officer shall refrain from voting on said contract or municipal matter.

(b) The provisions of this section shall not apply to cases where such officer is an employee of the person, firm or corporation involved in a municipal contract or municipal matter, in a capacity with no possible influence on the transaction and in which such person cannot possibly be benefited thereby, either financially or in any other material matter.

SECTION 202. Gifts.

(a) No public official or public employee or family member of a public official or public employee of the Municipality shall accept a "gift", as defined in the definitions of this Section.

1. from a person seeking to obtain a contract grant, employment or any financial relationship from the Municipality;

2. from a person or business having a financial relationship with the Municipality;

3. from a person or business whose operations or activities are regulated or inspected by the Municipality;

4. from a principal, agent and/or attorney in proceedings in which the Municipality is an adverse party;

5. from a person who has an interest that may be substantially affected by the performance or non-performance of any public official's or public employee's official duties.

(b) Exceptions - The prohibitions imposed by Subsection (a.) shall not apply to the following:

1. Acceptance of a "gift" when circumstances make it clear that the motivation for the "gift" is due to family relationship, close personal relationship or traditional practices among close friends such as exchange of birthday and holiday gifts.

2. Acceptance of an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, civic or similar organization.

3. Acceptance of a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance.

4. Acceptance of small tokens or favors given to everyone attending a function or celebrating an occasion.

5. Acceptance of a legal political contribution made to and reported by a duly registered campaign committee. However, there shall not have been an understanding that the contribution was for the purpose of influencing a vote, action or judgment of the public official or public employee.

6. Acceptance of unsolicited advertising or promotional material such as pens, calendars and other such items of nominal intrinsic value.

7. Acceptance of food and refreshment of nominal value on infrequent occasions, or the ordinary course of a luncheon, dinner party, or meeting.

SECTION 203. Employment Restrictions.

(a) No public official or public employee shall engage in, solicit, negotiate for, or promise to accept private employment or render his or her services for private interests or conduct a private business when this employment, service or business creates a conflict of interest or impairs the proper discharge of his or her duties.

(b) Full-time public employees shall provide written notification of acceptance of a secondary, paid position of their Director. Included in this notification should be the name of the secondary employer and the employee's intended job classification and duties. Secondary employment may be undertaken only when not in conflict with the conditions of employment or regulations promulgated by the Municipality.

(c) No person who has served as a public official or public employee, whether paid or unpaid, within a period of two (2) years after termination of his or her employment or service, shall appear before any Municipal board or commission, department or public official or employee on behalf of any person, firm, corporation or other entity, or receive compensation or remuneration of funds for any services rendered on behalf of any person, firm, corporation or other entity, in relation to any case proceeding, application, business dealings or other matter with the Municipality, and Municipal board or commission.

SECTION 204. Preferential Treatment in Employment

No public official, with the exception of the Manager and Directors of Departments, shall exert his or her influence to gain or attempt to gain preferential treatment on behalf of an applicant for employment with the Municipality with the exception of his or her personal staff, except for good cause shown. "Good cause" shall be found to be a showing that such effort is necessary for the best interests of the Municipality.

SECTION 205. Equal Treatment.

(a) No public official or public employee shall grant, offer or provide any privilege to any person, persons, business or other entity beyond that which is available to every other person, business or other entity with the exception of any legally determined affirmative action plan or Municipal authorized program.

(b) No public official or public employee shall in any manner receive benefit from the profits of any work or service for the Municipality, or accept any service or thing of value directly or indirectly upon more favorable terms than those granted to the public generally, from any person, firm, corporation, or other entity having dealings with the Municipality. Privileges granted by the Municipality to public officials are exempted from the terms of this provision.

(c) No public official or public employee shall solicit or receive any compensation, gratuity or other thing of value for any act done in the course of public work other than his normal wage or salary paid by the Municipality and set as a condition of employment or as provided for in law.

SECTION 206. Use of Office For Private Gain.

No public official or public employee shall use his or her official influence to assist any person for a fee or other compensation other than the compensation that is provided by law. The performance of usual and customary constituent services without additional compensation does not constitute the use of prestige of office for private gain.

SECTION 207. Use of Public Property.

No public official or public employee shall request, or permit the use of, or use, any Municipal motor vehicle, equipment, material, or property except in the conduct of official Municipal business or as provided in the terms of his or her employment.

SECTION 208. Political Activity.

(a) No public official or public employee shall require any public employee to engage in any campaign activities related to the election of any candidate or candidates.

(b) No public official or public employee shall use any public property, material or resources on behalf of any political party, political committee, candidate or candidates, or use his or her official authority for the purpose of interfering with an election or affecting the results thereof except the Municipal Council Chambers, upon written consent by the Manager. It is intention that all political parties shall have equal access to the chambers as approved by the Manager.

(c) No appointed official or public employee shall engage in any type of partisan political activity while at work, or while the employee should be at work.

(d) An appointed official or public employee who desires to undertake any partisan political activity restricted by this Section may take a leave of absence from Municipal employment without pay, thereby temporarily leaving the Municipal payroll.

SECTION 209. Representation of Private Interests Before Municipal Agencies.

It shall be unlawful for any elected or appointed official or for any employee to appear in behalf of another private interest before any agency of the Municipality, or to represent any private interest in the action or proceeding against the interests of the Municipality in any litigation to which the Municipality is a party.

CHAPTER 3. ETHICS BOARD

SECTION 301. Composition of Board.

The Ethics Board shall be composed of three (3) individuals who shall be appointed in the following manner:

- 1.) One (1) individual appointed by the Council of the Municipality of Monroeville;
- 2.) One (1) individual appointed by the Mayor of the Municipality of Monroeville; and
- 3.) A third individual to appointed by the Council Representative and the Mayor Representative.

All members of the Ethics Board shall sit for a term of two (2) years. In the case of a vacancy on the Board, an appointment shall be made to said vacancy by that body who made the original appointment prior to the vacancy occurring.

SECTION 302. Responsibilities of Ethics Board.

(a) There is hereby delegated to the Ethics Board as defined herein, the responsibility set forth in Section 303 relating to enforcement procedures. If an allegation or complaint is filed with the Office of the Municipal Manager, said Managers shall send notice to the Ethics Board to conduct an investigation into the allegation or complaint. PROVIDED, that in the event said complaint shall involve in some manner the office of the Ethics Board, said matter shall be referred to the Municipal Solicitor for investigation, all in accordance with the procedures outlined herein.

SECTION 303. Enforcement Procedures.

(a) Any person who has knowledge of a violation of this Code of Ethics committed by any person subject to the jurisdiction of this Ordinance, may make a signed written report of the same to the Municipal Manager. The fact that a report has been received, the contents of the report, and the identity of the person making the report shall remain confidential until such time as the Manager, after receipt of notice as provided herein, has referred the same to the Ethics Board for an initial threshold determination that probable cause exists to believe that a violation of the Code of Ethics has occurred.

(b) Upon receipt of a report, the Ethics Board, without benefit of subpoenas or sworn testimony, shall make such preliminary investigation as it deems appropriate to determine whether probable cause exists to believe that a violation of the Code of Ethics has occurred. If the Ethics Board is satisfied that probable cause does exist, it may choose between two courses of action as follows:

1. Refer the matter to the proper authorities for criminal prosecution, provided that, upon a determination that the proof beyond a reasonable doubt necessary for criminal conviction is not available, the proper authorities may refer the matter back to the Ethics Board proceedings consistent with this Ordinance.

2. Retain the matter for its own formal investigation with a view toward the ultimate disposition by the Ethics Board in the event it is determined an actual violation has occurred.

(c) If the Ethics Board should determine probable cause does not exist, it shall communicate its decision in writing to the person who made the initial report. The Ethics Board's determination of lack of probable cause shall remain confidential, unless the person who made the initial report chooses to make his or her complaint public. Should this latter event occur, all of the Ethics Board's records, files, notes, correspondence, and investigative materials relating to the finding of lack of probable cause shall be made open for public inspection.

(d) Should the Ethics Board decide to retain the matter for its own formal investigation pursuant to Subsection B.2 above, the Ethics Board shall notify, in writing, the person who made the report and the person complained against, of his decision to pursue a formal investigation by way of holding a hearing to determine if a violation has occurred. The person complained against may choose whether the hearing shall be open or closed to the public.

(e) Hearings conducted by the Ethics Board shall be informal. The person complained against may be represented by legal counsel and/or by his or her bargaining representative, and may present and cross-examine witnesses and give evidence before the Ethics Board. The Ethics Board may call witnesses on its own motion and compel the production of books, records, papers, or other evidence needed. To that end, the proper authorities shall issue subpoenas and subpoenas duces tecum at the request of the Ethics Board or the person complained against. All testimony shall

be under oath administered by the Ethics Board. The Ethics Board may adjourn its hearing from time to time in order to allow for the orderly presentation of evidence.

Upon motion made by the person complained against or upon his own motion, the Ethics Board may temporarily stay or permanently suspend its investigation when, in its informed discretion, the manifest needs of justice and fairness will be better served thereby.

The Ethics Board shall prepare an official record of the hearing, including all testimony, which shall be recorded manually or be mechanical device, and exhibits; provided that the Ethics Board shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(f) Within thirty (30) days after the conclusion of the hearing, the Ethics Board shall make and fully record in its permanent records, findings of fact, conclusions of law, and its determination of a final disposition. A copy of the findings, conclusions, and final disposition shall be forwarded by registered mail to the person who made the initial report and to the person complained against at addresses as given by both persons to the Ethics Board. An additional copy of the findings, conclusions, and recommendations shall be forwarded to the Municipal Council.

(g) Any person found, by final written order of the Ethics Board to be in violation of this Code of Ethics may appeal the Board's decision to the Court of Common Pleas of Allegheny County.

CHAPTER 4. VIOLATIONS AND PENALTIES

SECTION 401. Violation and Penalties.

(a) Any elected official, appointed official or public employee who violates the Code shall be subject to the following disciplinary action:

1. private formal reprimand;
2. written reprimand;
3. suspension without pay for up to five (5) days;
4. dismissal as set forth in the Home Rule Charter and other applicable laws; and
5. other types of penalties authorized by collective bargaining agreements or statutes.

(b) Upon dismissal, and when warranted, appropriate information will be volunteered by the Municipality to the proper local, state or federal authorities for further action.

(c) Any disciplinary action taken by the Municipality shall be conducted in accordance with pertinent provisions of relevant labor agreements, with applicable procedures as established by the Municipal Department of Personnel and Civil Service for Municipal officers and employees, and with applicable notions for procedural due process of law.

(d) In addition, any public official or public employee who violates the Code shall be subject to a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS for a first violation and not exceeding ONE THOUSAND (\$1,000.00) DOLLARS for each additional violation and, in default thereof, imprisonment not exceeding seventy-two (72) hours.

(e) When appropriate, the Municipality may take the necessary legal steps pursuant to a breach of contract with a third party, agent, subrecipient, contractor or consultant. Such steps may include, but not limited to:

1. terminate the Agreement with no further transfer of funds, or
2. recover appropriate liquidated damages.

(f) Any person who realizes financial gain by way of a violation of any provision of this code, in addition to any other penalty provided by law or this Code, shall pay into the Treasury of the Municipality of Monroeville, a sum of money equal to double the financial gain resulting from such violation. The Ethics Board or Council shall determine the amount of financial gain realized.

(g) Any person, corporation, company or other entity found to have benefitted as a result of a violation of this Code, shall be debarred from participating in business dealings with the Municipality for ten (10) years, unless the Municipality would suffer a hardship as a result of the debarring, in addition to being subject to any other penalty provided by law or this Code.

(h) A public official, appointed official or public employee of a political subdivision who acts in good faith reliance on a written, no confidential opinion of the Solicitor of the political subdivision or upon an opinion of the Solicitor of the political subdivision, publicly stated at an opened meeting of the political subdivision and recorded in the official minutes of the meeting, shall not be subject to the penalties provided for in Subsection (a), (b), (c), (d), (f), or (g) of this Section. Solicitor's opinion has been rendered under duress or were the parties seeking and rendering the Solicitor's opinion have colluded to purposely commit a violation of this Ordinance.

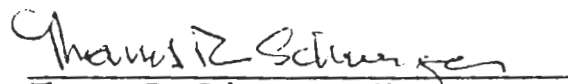
ENACTED AND ORDAINED this 13 day of March, 1990.

ATTEST:



Municipal Manager

MUNICIPALITY OF MONROEVILLE



Thomas R. Schuerger, Mayor

ENTERED into the Legal Book on March 23, 1990.