

COHOCTAH TOWNSHIP
ORDINANCE NO. _____

AN ORDINANCE TO PROHIBIT NON-DISCLOSURE AGREEMENTS

The Township of Cohoctah Ordains:

Section. 1. Addition of New Section 2.1 to the Township Code of Ordinances.

A new Section 2.1 is hereby added to the Township Code of Ordinances and reads in its entirety as follows:

Section 2.1

- A. *Title.* This Ordinance may be cited as the “Cohoctah Township Nondisclosure Agreement Ordinance.”
- B. *Purpose.* To protect the public health, safety, and welfare, and to promote transparency and ethics in government, this Ordinance prohibits township officials, employees, agents, and representatives from entering into nondisclosure disclosure agreements when acting within the scope of their official capacity.
- C. *Definition.* For the purposes of this Ordinance, a “nondisclosure agreement” means an agreement or contract that includes a provision or clause that provides that a party to the agreement or contract is prohibited from disclosing, discussing, describing, or commenting on the agreement or contract or any of the terms therein.
- D. *Prohibition.* Beginning on and after the effective date of this Ordinance, a Township official, employee, agent, or representative may not enter into a nondisclosure agreement regarding any work done in their official capacity or that may affect their ability to fulfill their official duties. A Township official, employee, agent, or representative that is a party to a nondisclosure agreement outside of their official capacity must recuse from all participation within their official capacity involving the subject matter of the nondisclosure agreement.
- E. *Exceptions.* The prohibition above does not apply to confidentiality obligations that are:
 - 1. Required by law; or
 - 2. Narrowly defined and approved in writing in advance by the Township Board, following review and recommendation by the Township Attorney. To approve such an exception, the Township Board must determine that confidentiality is necessary to protect legitimate township interests and that public disclosure would cause demonstrable harm. The approval must be recorded in the public minutes and include a written finding explaining the necessity and scope of the confidentiality.

- F. *Penalties.* A violation of this Ordinance may result in disciplinary action consistent with applicable Township policies, employment agreements, and law. The Township Board may pursue any remedies available under law for unauthorized commitments.

Section 2. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 3. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date.

This Ordinance takes effect as provided by law.

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