

Proposal Number: 13

Name of Proposed Section: Conflict of Interest

Suggested Article: In General

Introduced by: Commissioner Cherry

Date Introduced: 10/8/2015

Date Reported for Second Reading:

Date of Second Reading:

Date Reported for Third Reading:

Date Passed:

Text:

- A. ANY ELECTED OFFICIAL, CITY EMPLOYEE, APPOINTED OFFICIAL, OR PRINCIPAL OFFICIAL WHO IN THE DISCHARGE OF OFFICIAL DUTIES WOULD BE REQUIRED TO TAKE AN OFFICIAL¹ ACTION OR MAKE AN OFFICIAL² DECISION THAT WOULD SUBSTANTIALLY AFFECT THE OFFICIAL'S FINANCIAL INTERESTS OR THOSE OF AN ASSOCIATED BUSINESS, SPOUSE, SON, DAUGHTER, PARENT, GRANDPARENT, BROTHER, SISTER, OR ANY PERSON WHO RESIDES OR AT SOME TIME RESIDED IN THE SAME HOUSEHOLD AS THE OFFICER OR EMPLOYEE OR IMMEDIATE FAMILY MEMBER AS DEFINED IN THIS CHARTER³ MUST TAKE THE FOLLOWING ACTIONS:**
- 1. PREPARE A WRITTEN STATEMENT DESCRIBING THE MATTER REQUIRING ACTION OR DECISION AND THE NATURE OF THE POTENTIAL CONFLICT OF INTEREST**
 - 2. DELIVER COPIES OF THE STATEMENT TO THE EMPLOYEE'S IMMEDIATE SUPERIOR, IF ANY; AND**
 - 3. IF AN ELECTED OFFICIAL OR APPOINTED OFFICIAL, DELIVER COPIES TO THE CITY CLERK.**
 - 4. IF A POTENTIAL CONFLICT OF INTEREST PRESENTS ITSELF AND THERE IS INSUFFICIENT TIME TO COMPLY WITH CLAUSES (A) TO (C), THE EMPLOYEE OR ELECTED OFFICIAL MUST ORALLY INFORM THE SUPERIOR OR THE OFFICIAL BODY OF SERVICE OR COMMITTEE OF THE BODY OF THE POTENTIAL CONFLICT.**
 - 5. THE SUPERIOR MUST ASSIGN THE MATTER, IF POSSIBLE, TO ANOTHER EMPLOYEE WHO DOES NOT HAVE A POTENTIAL**

¹ Amended in Committee of the Whole 7/12/2016

² Amended in Committee of the Whole 7/12/2016

³ Amended in Committee of the Whole 7/12/2016

CONFLICT OF INTEREST. IF THERE IS NO IMMEDIATE SUPERIOR, THE OFFICIAL MUST ABSTAIN, IF POSSIBLE, FROM INFLUENCE OVER THE ACTION OR DECISION IN QUESTION. IF THE OFFICIAL IS A MEMBER OF THE COUNCIL, THE COUNCILPERSON IS EXCUSED FROM TAKING PART IN THE ACTION OR DECISION IN QUESTION. IF THE OFFICIAL IS NOT PERMITTED OR IS OTHERWISE UNABLE TO ABSTAIN FROM ACTION IN CONNECTION WITH THE MATTER, THE OFFICIAL MUST FILE A STATEMENT DESCRIBING THE POTENTIAL CONFLICT AND THE ACTION TAKEN WITH THE CITY CLERK. THE STATEMENT MUST BE FILED WITHIN A WEEK OF THE ACTION TAKEN.

B. PRIOR TO SIGNING A CONTRACT WITH ANY INDIVIDUAL OR COMPANY OR THE HIRING OF ANY EMPLOYEE OR APPOINTEE, THE CITY SHALL REQUIRE THAT THE SAID ENTITY FILE, ON A FORM PROVIDED BY THE CLERK, A SWORN STATEMENT DETAILING THE POLITICAL CONTRIBUTIONS MADE TO ANY ELECTED CITY OFFICIAL WITHIN THE PAST 24 MONTHS. IN THE CASE OF A COMPANY MAKING A FILING, THE FILING SHALL DETAIL THE POLITICAL CONTRIBUTIONS MADE BY ANY ASSOCIATED POLITICAL ACTION COMMITTEE, OWNERS, PRINCIPAL OFFICERS, OR GOVERNMENTAL LIAISONS TO ANY ELECTED CITY OFFICIAL WITHIN THE PAST 24 MONTHS. IF TOTAL CONTRIBUTIONS TO CITY ELECTED OFFICIALS TOTAL LESS THAN \$500. WITHIN THE PAST 24 MONTHS THEN NO FILING IS REQUIRED.

C. THE CLERK SHALL MAINTAIN RECORDS OF ALL FILINGS MADE UNDER THIS SECTION AND POST THEM TO THE CITY'S WEBSITE⁴

~~B. An elective officer, appointee or employee who has a conflict between a personal interest and the public interest as defined by law, this Charter or ordinance shall fully disclose to the Chief Legal Officer the nature of the conflict.~~

~~C. Except as provided by law, no elective officer, appointee or employee of the City may participate in, vote upon or act upon any matter if a conflict exists.⁵~~

⁴ Amended in Committee of the Whole 5/12/2016

⁵ Amended in Committee of the Whole 5/12/2016