

ORDINANCE No. ~~193A~~193B
CONFLICTS OF INTEREST

WHEREAS, the Iowa Supreme Court has established that the premise and purpose of all conflict of interest requirements is “to avoid subjecting public officials to the difficult and often insoluble task of deciding between their duty to the public and their own private interest or advantage[;]” and

WHEREAS, the City Council of University Heights, Iowa deems it advisable to adopt a Conflicts of Interest Ordinance to promote transparency and accountability in City government; and

WHEREAS, the citizens of University Heights are entitled to have matters before the City of University Heights considered and determined free of conflicts of interest; and

WHEREAS, Iowa Code chapters 68B and 362 provide a foundation for regulating conflicts of interest but do not preclude municipalities from building upon this foundation by enacting their own policies and ordinances,

NOW THEREFORE, BE IT RESOLVED by the City Council of University Heights that the following ordinance is adopted:

Section 1. DEFINITIONS.

- A. “City” means the City of University Heights, Iowa, and its boards, commissions, employees, and agents.
- B. “Individual” means a City Officer, Mayor, Council Member, a member of the Zoning Commission, Board of Adjustment, or Tree Board, and a member of any other appointed commission or board of the City, and a City employee or independent contractor with whom the City regularly engages for professional or other services.
- C. “Family Member” means an Individual’s spouse, parent, child, grandchild, sibling, significant other, step-child, son- or daughter-in-law, and mother- or father-in law.
- D. “Pecuniary Interest” means a legal, equitable, or other beneficial interest, direct or indirect, and includes such interests that may be reasonably expected in addition to those presently existing.
- E. “Organizational Interest” means holding a Pecuniary Interest in and/or serving as an employee, officer, director, manager, or in another position of supervision or authority, direct or indirect, of an organization, entity, business, or other enterprise other than the City.

Section 2. CONFLICTS OF INTEREST POLICY.

- A. In addition to those circumstances identified by Iowa law, as presently existing or hereafter amended, a Conflict of Interest exists where an Individual or an Individual's Family Member has a Pecuniary Interest or Organizational Interest with respect to any person, group, organization, or entity having or concerning any proposal, matter, measure, contract, job, work, or services performed for or materials supplied to the City, unless otherwise expressly permitted by Iowa law.
- B. In the event an Individual has a Conflict of Interest, the Individual shall promptly inform the City before the commencement of any discussion or other consideration of the matter.
- C. The statement of an Individual that the Individual has a Conflict of Interest is conclusive.
- D. An Individual with a Conflict of Interest who identifies, fully discloses, and describes in detail the nature of the Conflict of Interest shall not ~~discuss or~~ vote on a matter in which the Conflict of Interest exists but may otherwise participate in discussion and debate preliminary to a vote.
- E. Any Conflict of Interest shall be noted in the minutes of the pertinent Council meeting and other applicable records of the City.
- F. Any matter or measure adopted or other action taken by the City where a Conflict of Interest exists is void, except as provided by Iowa law and not in contravention of this Ordinance.

Section 3. ADMINISTRATION. The minutes of the calendar year's first City Council meeting shall reflect the completion and submission to the City a signed version of the Conflict of Interest Form ("Form") by all Individuals. An appointed Individual shall complete the Form no later than 30 days after appointment. The Form is adopted and established as follows:

CONFLICT OF INTEREST FORM

I, the undersigned, hereby acknowledge that I have read and that I understand the spirit and letter of the Conflict of Interest Ordinance of the City of University Heights, Iowa.

Signature

Date

Print Name

Print Title

Section 4. REPEALER, SAVING CLAUSE. All ordinances, resolutions, or parts thereof in conflict herewith are hereby repealed to the extent of such conflict. If any section, provision or part of this ordinance shall be adjudicated invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. EFFECTIVE DATE. This Ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council on this ____ day of _____, 2016, and approved this ____ day of _____, 2016.

Weldon E. Heitman (Wally), Mayor
City of University Heights

ATTEST:
(seal)

Christine M. Anderson, City Clerk

STATE OF IOWA)
)
COUNTY OF JOHNSON) SS:

On the ____ day of October, 2016, before me, a notary public in and for the state of Iowa, personally appeared Weldon E. Heitman, Mayor, and Christine M. Anderson, Clerk, of the City of University Heights, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that said instrument was acknowledged and sealed on behalf of the City, and that Weldon E. Heitman and Christine M. Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
)
COUNTY OF JOHNSON) SS:

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of _____, 2016.

Christine M. Anderson

Signed and sworn to before me on the ____ day of _____, 2016, by Christine Anderson, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa