

## ORDINANCE 2005-10

### AN ORDINANCE AMENDING ORDINANCE NO. 2001-10; AN ORDINANCE AMENDING SECTION 5 THE CODE OF ETHICS FOR THE OFFICIALS OF THE CITY OF OZARK, ARKANSAS; PERMITTING COUNCILMEN AND OTHER CITY EMPLOYEES TO PERFORM DUAL SERVICES FOR THE CITY; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Ozark recognizes that the holding of public office is a public trust and that the citizens of Ozark expect their public officials to carry out their duties in a manner that brings honor and integrity to the City. This code of Ethics has been adopted to establish ethical standards of conduct; to provide a process for accusations of ethical misconduct; and to provide for sanctions and penalties in the event of violations

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ozark, Arkansas, that:

#### Section 1. Definitions

- (a) "City official means any individual holding an elected or appointed position in the government of the City of Ozark. This includes but is not limited to the mayor, the members of the City Council, the City Clerk, the City Treasurer, the City Attorney, members of the Planning Commission, and department heads.
- (b) "Family" means an individual who is a spouse, natural or adopted child, parent, brother, sister, brother-in-law, sister-in-law, father-in-law, son-in-law, or daughter-in-law.
- (c) "Financial Interest" means any relationship to a business in which a city official or member of his or family is an officer, director, or owns more than a 10 percent (10%) interest.
- (d)
- (e) "Compensation" means any money or anything of value received, or to be received as a claim for future services, whether in the form of a retainer, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, or any other form of recompense or any combination thereof. It includes a payment made under obligation for services or other value received.
- (f) "Business" means any specific and particular corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self employed individual, receivership,

trust or any legal entity through which a commercial enterprise is conducted.

- (g) "Contracts" means any contract, lease agreement, grant, request for proposal, subgrant, sub-contract, Sub-lease or assignment.
- (h) "Gift" means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefore. It does not include:
  - (1) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a public servant regarding his or her official duties. (NOTE: payments for travel or reimbursement for any expenses are not informational material)
  - (2) The giving or receiving of food, lodging, or travel which bears a relationship to the public servant's office and when appearing in an official capacity;
  - (3) Gifts which are not used and which, within thirty (30) days after receipt, are returned to the donor;
  - (4) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this paragraph;
  - (5) Campaign contributions;
  - (6) Any devise or inheritance;
  - (7) Anything with a value of \$100.00 or less: or
  - (8) Wedding presents.
- (h) "Person" means a business, individual, corporation, union, association, firm, partnership, committee, club or other organization-or group of persons.

## Section 2. Compliance with Law

City officials shall comply with all constitutional and statutory provisions relating to elected office. Violation of any constitutional or statutory provision shall be grounds for administering penalties as provided in the Code of Ethics.

### Section 3. Advisory Opinions

A city official may request in writing an advisory opinion from the City Attorney concerning his or her compliance with the City of Ozark Code of Ethics.

### Section 4. Use of Influence and Knowledge for Personal Gain

A City official, personally or through others, shall not knowingly:

- (a) Use the influence or knowledge of his or her office to obtain personal or family financial gain other than that provided by law for the performance of the city official's duties.
- (b) Acquire a financial interest in any business which the city official has reason to believe may be directly affected to its economic benefit taken by the City of Ozark
- (c) Perform an act that adversely affects a business when the city official or his or her family has a financial interest in a competing business.
- (d) Use or attempt to use his or her official position to secure or create privileges, advantages, or special treatment for the city official's benefit or the city official's family unless the enactment or administration of law benefits the public generally.
- (e) Use of public funds or the time or counsel of public employees, for his or her personal or family gain.
- (f) Use his or her official position by any means to influence any City department or employee for personal or family gain by the use of express or implied threat of reprisal.

### Section 5. Contracts with the City of Ozark

- A. No city official shall have a financial interest in any contract with the City unless it is awarded through a process of public notice and competitive bidding, or through a public notice requesting proposals. Contracts entered into prior to a city official's beginning his or her term or appointment are not subject to this rule. Extension of any such contracts are subject to the provisions of this rule. Further, contracts for the purchase of goods or the providing of services with a value of less than \$500.00 are not subject to

this rule. However, such contracts under \$500.00 shall be subject to all other provisions of this Ordinance.

- B. Any council member or other city employee may be permitted to engage in dual services for the City of Ozark, provided that compensation for one of said services does not exceed \$500.00 per annum.

#### Section 6. Conflicts of Interest

A city official shall not participate in the discussion of a question or vote on any matter in which the city official knows:

- (a) he or she, or any member of his or her family, or a business in which the city official has a financial interest, will derive a benefit as a result of legislative action. This prohibition does not apply when the matter provides a benefit to the city official, his or her family, or business associate, as a member of a business, profession, occupation or other group.
- (b) will specifically relate to a business which employs the city official or in which he or she receives compensation as an attorney or consultant. The prohibition does not apply when the matter provides a benefit, which accrues, generally to other like businesses, professions, occupations, or other groups.

#### Section 7. Receipt of Gifts.

All city officials will abide by A.C.A. Title 21, Chapter 8 (Ethics and Conflicts of Interest), and the rules established by the Arkansas Ethics Commission concerning the receipt of gifts by public servants,

#### Section 8. Penalties.

- (a) Any city official that violates Sections 4,5, or 6 of this ordinance shall, upon conviction in Municipal court, be subject to a fine not exceeding \$250 for each and every violation.
- (b) Any city official that violated A.C.A. Title 21, Chapter 8, shall be subject to the penalties prescribed by the chapter.

APPROVED AND PASSED BY A \_\_\_\_\_ MAJORITY OF THE CITY  
COUNCIL OF THE CITY OF OZARK THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 2005.

C.L. Coley  
Mayor, "Bat" Coley

ATTEST

Carol Sneath  
City Clerk, Carol Sneath