

ORDINANCE NO. 2016- 11-603

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE OF CITY OF TONTITOWN, ARKANSAS APPROVING AND ADOPTING A CONFLICT OF INTEREST POLICY FOR MEMBERS AND OFFICIALS AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Tontitown, Arkansas desires to provide a set of guidelines intended to create and maintain understanding and cooperation by and between the Members and Officials of the City of Tontitown, Arkansas; and

**WHEREAS**, the Mayor and the City Council agree that it is in the best interest of the City of Tontitown to adopt a conflict of interest policy to establish the responsibilities and level of exceptions of the City of Tontitown and its members and officials; and


**WHEREAS**, the Mayor and the City Council have reviewed the conflict of interest policy and believe the proposed City of Tontitown, Arkansas, Conflict of Interest Policy for Members and Officials should be adopted, to be effective as of the date of passage.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Tontitown, Arkansas as follows:

Section 1: That the attached City of Tontitown, Arkansas, Conflict of Interest Policy for Members and Officials is hereby approved and adopted as the City of Tontitown, Arkansas, Conflict of Interest Policy for Members and Officials, to be effective immediately.

**PASSED AND APPROVED** this 1st day November, 2016.

APPROVED:

  
\_\_\_\_\_  
PAUL COLVIN, JR., Mayor

ATTEST:

  
\_\_\_\_\_  
Rhonda Ardemagni, City Recorder-Treasurer



**CITY OF TONTITOWN, ARKANSAS  
CONFLICT OF INTEREST POLICY FOR MEMBERS AND OFFICIALS**

Adopted 11-01-2016

**INTRODUCTION AND PURPOSE**

The City of Tontitown, Arkansas (the "City") has adopted this conflict of interest policy (the "Policy") with respect to its Members and Officials. All City Council Members and Officials should be provided with this Policy upon commencement of employment, election or appointment and required to acknowledge that they have read, understand and are in compliance with the terms of the Policy. City Council Members and Officials should review on an ongoing basis circumstances that constitute a conflict of interest or the appearance of a conflict of interest, abide by this Policy, and seek guidance when necessary and appropriate.

This Policy is intended to supplement, but not replace, any applicable local, state, and federal laws governing conflicts of interest applicable to public authorities.

**Required Filings:** City Council Members and Officials are required to file an annual disclosure report with the Clerk/Recorder for the City of Tontitown, Arkansas, pursuant to Arkansas Code Annotated Section 21-8-703, as may be amended from time to time.

**Conflicts of Interest:** A conflict of interest is a situation in which the financial, familial, or personal interest of a City Council Member or Official come into actual or perceived conflict with his or her duties and responsibilities with the City. Perceived conflicts of interest are situations where there is the appearance that a City Council Member or Official can personally benefit from actions or decisions made in his or her official capacity, or where a City Council Member or Official may be influenced to act in a manner that does not represent the best interests of the City. The perception of a conflict may occur if circumstances would suggest to reasonable person that a City Council Member or Official may have a conflict. The appearance of a conflict and an actual conflict should be treated in the same manner for the purposes of the Policy.

A City Council Member or Official shall not be deemed to have any apparent or actual conflict of interest by virtue of his or her status as an official or employee of the City of Tontitown, Arkansas, or by his or her status as the owner of property, or affiliation with any organization that owns property, connected to the water or wastewater system of the City of Tontitown, Arkansas.

City Council Members and Officials must conduct themselves at all times in a manner that avoids any appearance that they can be improperly or unduly influenced or that they are acting in a violation of the public trust. While it is not possible to describe or anticipate all the circumstances that might involve a conflict of interest, a conflict of interest typically arises whenever a City Council Member or Official has or will have:

- A financial or personal interest, either directly or indirectly, in any person, firm, corporation, or association that has or will have a transaction, agreement or any other arrangement in which the City participates.
- The ability to use his or her position, confidential information or the assets of the City to his or her personal advantage.
- Solicited or accepted a gift of any amount under circumstances in which it could reasonably be inferred that the gift was intended to influence or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward for any action on his or her part.
- Any other circumstances that may make or appear to make it difficult for the City Council or Official to exercise independent judgment and properly exercise his or her official duties.

If a City Council Member or Official has a question as to whether a conflict of interest exists, he or she may contact the Arkansas Ethics Commission for clarification and advice.

**Exception:** As provided in Arkansas Code Annotated Section 14-42-107, it may not be deemed a conflict of interest with regards to contracts for furnishing supplies, equipment, or services to be performed for the City by a corporation in which no alderman, council member, official, or municipal employee holds any executive or managerial office or by a corporation in which a controlling interest is held by stockholders who are not alderman or council members.

## **PROCEDURES**

**Duty to Disclose:** All material facts related to an actual or apparent conflict of interest, including the nature of the interest and information about a conflicting transaction, if any, shall be disclosed in good faith and in writing to the City's Mayor and Clerk/Recorder, except where a City Council Member recuses himself or herself from all deliberations, votes or internal discussion on matters relating to an actual or apparent conflict of interest. Such written disclosure shall be retained by Clerk/Recorder.

**Recusal and Abstention:** No City Council Member or Official may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any organization in which he or she is deemed to have an interest. City Council Members and Officials must recuse themselves from deliberations, votes, or internal discussion on matters relating to any organization, entity or individual where their impartiality in the deliberation or vote might be reasonably questioned, and they are prohibited from attempting to influence other City Council Members and Officials in the deliberation and voting on the matter.

**Records of Conflict of Interest:** When appropriate, the minutes of the City's meeting during which a perceived or actual conflict of interest is disclosed or discussed shall reflect the name of the interested person, the nature of the conflict, and a description of how the conflict was resolved.

**Reporting of Violations:** City Council Members and Officials should promptly report any violations of the Policy to the City Mayor.

**Penalties:** Any City Council Member or Official who fails to comply with this Policy may be penalized in the manner provided for in law, rules or regulation.

**Council Approval:** Pursuant to Arkansas Code Annotated Section 14-42-107, the City Council may enact an ordinance specifically permitting aldermen, council members, officials, or municipal employees to conduct business with the City and prescribing the extent of this authority.

I have read and I understand this Conflict of Interest Policy for City Council Members and Officials. I have had an opportunity to thoroughly review and ask any question(s) that I may have about it.

Signed \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

