



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Rules Committee
DATE: February 3, 2022
SUBJECT: Amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, Article 1-6, Code of Ethics

Recommendation:

Accept this report and set the attached ordinance amending the following ordinance for a public hearing on March 14, 2022:

Amending the Code of Ordinances, Title I, General Code; Article 1- 6, Code of Ethics

On January 24 and 31, 2022, the Rules Committee met pursuant to a referral from the City Council to review the Ethics Ordinance and recommend any amendments thereto.

Discussion

At the January 11, 2022 City Council meeting, the City Council requested that the Rules Committee meet to review the Ethics Ordinance. On January 24 and 31, 2022, the Rules Committee reviewed the Ethics Ordinance, and also reviewed the City Charter and the City Council Rules.

With respect to the Ethics Ordinance, the Rules Committee reviewed the definition of “Conflict of Interest” under Section 1-6-3. While the Rules Committee determined that the definition was generally clear and easy to understand, it proposes amendments to this definition to further identify when employment of an officer, elected official and/or a family member of such person constitutes a Conflict of Interest. Note that officer, elected official and family member are defined terms under Section 1-6-3 of the Ethics Ordinance. In addition, the Rules Committee recommends that the Conflict of Interest definition be amended to expressly include a prohibition for City Councilors, who have a family member employed with the City of Concord, from participating in City Council discussions relative to collective bargaining, compensation, cost of living adjustments or benefits for City employees. The Rules Committee also recommends that this definition include a reference to Section 53 of the City Charter, which

provides, “[n]o elective or appointive officer or employee of the City shall take part in a decision concerning the business of the City in which the officer or employee has a financial interest aside from salary as such, direct or indirect, greater than any other citizen or taxpayer.”

The Rules Committee also suggests an amendment to Ethics Ordinance Section 1-6-5. Under this Section, the Rules Committee has created an amendment to make clear that officers are prohibited from appearing on behalf of another’s private interest before the Public Body of which they are a member.