

From: [Kinder, Dawn](#)
To: [Muramatsu, Mary](#)
Subject: Ethics Commission Request
Date: Thursday, June 13, 2024 11:21:50 AM
Attachments: [image001.png](#)

Dear Ethics Commission,

I am submitting this letter as my request for an advisory opinion pursuant to SMC 1.04A.170, which provides in part that upon the request of any employee, the Ethics Commission shall render a written advisory opinion concerning the applicability of the Ethics Code to situations solely related to the person making the request.

By way of background, I want to provide the following information. From April, 2016 to January 2019, I worked for the City in the Community, Housing and Human Services Department (CHHS) as the Director, and as the Neighborhood & Business Services division Director. I left City employment to take a position with Catholic Charities of Eastern Washington in my same professional field. I subsequently left my employment with Catholic Charities when Mayor Lisa Brown offered me the division head position in the Neighborhood, Housing and Human Services division (NHHS). My appointment by the Mayor was confirmed by the City Council on January 8, 2024, pursuant to the adoption of Resolution No. 2024-0006. Related to my request for an advisory opinion is the fact that my partner is employed with the Spokane Housing Authority.

Both Catholic Charities and the Spokane Housing Authority will on occasions apply for competitive grant funding with or through the City of Spokane. Many of these grants are processed through the CHHS department, which I oversee as the NHHS division head. The grant applications will sometimes be reviewed and recommended for an award for funding by a committee and Board under the oversight of CHHS before being approved by the City Council. As the NHHS Director, I do not oversee the review and recommendation of grant applications. I also do not approve any contracts or grant awards that could potentially involve Catholic Charities and the Spokane Housing Authority.

My primary concern is to maintain compliance with the Ethics Code at all times and to take preemptive steps to avoid any actual or apparent conflicts of interest or impropriety with my former employer and my partner's employer. I am specifically seeking an advisory opinion as to SMC 1.04A.030 A, B C and D regarding conflicts of interest and personal interest or influence in contracts.

Please let me know if you have questions or need further information.

Sincerely,
Dawn Kinder.



DAWN KINDER, MSW | CITY OF SPOKANE | NEIGHBORHOOD, HOUSING, AND HUMAN SERVICES DIRECTOR
509.625.6443 office | 509.385.4828 cell | dkinder@spokanecity.org | spokanecity.org

 FIND US  LIKE US  FOLLOW US

Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW

From: [Kinder, Dawn](#)
To: [Muramatsu, Mary](#)
Cc: [Piccolo, Mike](#)
Subject: RE: Ethics Commission Request
Date: Monday, June 17, 2024 8:13:57 AM
Attachments: [image001.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Thank you, Mary.

I am happy to provide any additional or clarifying information as requested by the Ethics Commission.

Dawn



DAWN KINDER, MSW | CITY OF SPOKANE | NEIGHBORHOOD, HOUSING, AND HUMAN SERVICES DIRECTOR
509.625.6443 office | 509.385.4828 cell | dkinder@spokanecity.org | spokanecity.org



Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW

From: Muramatsu, Mary <mmuramatsu@spokanecity.org>
Sent: Thursday, June 13, 2024 1:41 PM
To: Kinder, Dawn <dkinder@spokanecity.org>
Cc: Piccolo, Mike <mpiccolo@spokanecity.org>
Subject: RE: Ethics Commission Request

Ms. Kinder,

I'm in receipt of your email, addressed to the Ethics Commission, requesting an advisory opinion. We will convene a meeting of the Ethics Commission at which time they will consider your request. If they have any questions or need clarification on any aspect of your letter, I will notify you and allow you an opportunity to provide supplemental information.

Best regards,



Mary F. Muramatsu | City of Spokane | Office of the City Attorney
Assistant City Attorney | Ethics Commission Staff Director
509.625.6289 | 509.951-0465 (cell) | mmuramatsu@spokanecity.org spokanecity.org
808 W. Spokane Falls Boulevard • Spokane, WA 99201



CONFIDENTIALITY NOTICE:

This e-mail, including any attachments, is confidential and may include privileged information. If you are not the intended recipient, or believe you have received this e-mail in error, please do not copy, print, forward, re-transmit, or otherwise disseminate this e-mail, its contents, or any of its attachments. Please delete this e-mail. Also, please notify the sender that you have received this e-mail in error. Thank you.

ADVISORY: Please be advised the City of Spokane is required to comply with the Public Records Act Chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the City via email, including personal information, may ultimately be subject to disclosure as a public record.

From: Kinder, Dawn <dkinder@spokanecity.org>
Sent: Thursday, June 13, 2024 11:22 AM
To: Muramatsu, Mary <mmuramatsu@spokanecity.org>
Subject: Ethics Commission Request

Dear Ethics Commission,

I am submitting this letter as my request for an advisory opinion pursuant to SMC 1.04A.170, which provides in part that upon the request of any employee, the Ethics Commission shall render a written advisory opinion concerning the applicability of the Ethics Code to situations solely related to the person making the request.

By way of background, I want to provide the following information. From April, 2016 to January 2019, I worked for the City in the Community, Housing and Human Services Department (CHHS) as the Director, and as the Neighborhood & Business Services division Director. I left City employment to take a position with Catholic Charities of Eastern Washington in my same professional field. I subsequently left my employment with Catholic Charities when Mayor Lisa Brown offered me the division head position in the Neighborhood, Housing and Human Services division (NHHS). My appointment by the Mayor was confirmed by the City Council on January 8, 2024, pursuant to the adoption of Resolution No. 2024-0006. Related to my request for an advisory opinion is the fact that my partner is employed with the Spokane Housing Authority.

Both Catholic Charities and the Spokane Housing Authority will on occasions apply for competitive grant funding with or through the City of Spokane. Many of these grants are processed through the CHHS department, which I oversee as the NHHS division head. The grant applications will sometimes be reviewed and recommended for an award for funding by a committee and Board under the oversight of CHHS before being approved by the City Council. As the NHHS Director, I do not oversee the review and recommendation of grant applications. I also do not approve any contracts or grant awards that could potentially involve Catholic Charities and the Spokane Housing Authority.

My primary concern is to maintain compliance with the Ethics Code at all times and to take preemptive steps to avoid any actual or apparent conflicts of interest or impropriety with my former employer and my partner's employer. I am specifically seeking an advisory opinion as to SMC 1.04A.030 A, B C and D regarding conflicts of interest and personal interest or influence in contracts.

Please let me know if you have questions or need further information.

Sincerely,
Dawn Kinder.



DAWN KINDER, MSW | CITY OF SPOKANE | NEIGHBORHOOD, HOUSING, AND HUMAN SERVICES DIRECTOR

509.625.6443 office | 509.385.4828 cell | dkinder@spokanecity.org | spokanecity.org



Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW

From: [Muramatsu, Mary](#)
To: [Kinder, Dawn](#)
Cc: [Piccolo, Mike](#)
Subject: RE: Ethics Commission Request
Date: Tuesday, June 18, 2024 11:01:00 AM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Thank you Dawn. Before the Commission meets, I'm going to ask you to supplement your request by presenting a specific hypothetical. SMC 01.04A.170 (A) allows the Commission to render written advisory opinions concerning the applicability of the Ethics Code to hypothetical circumstances and/or situations solely related to the persons making the request. You've provided some important background information. What is needed now is a specific hypothetical and your question regarding the applicability of the Ethics Code to that fact scenario. Any additional facts you can provide (i.e., details about how grants are awarded, the organizational and supervisory structure of the individuals making the decisions, criteria and selection process, etc.) would be helpful as well.

Please reach out with any questions.

Best,

Mary



Mary F. Muramatsu | City of Spokane | Office of the City Attorney
Assistant City Attorney | Ethics Commission Staff Director
509.625.6289 | 509.951-0465 (cell) | mmuramatsu@spokanecity.org spokanecity.org
808 W. Spokane Falls Boulevard • Spokane, WA 99201



CONFIDENTIALITY NOTICE:

This e-mail, including any attachments, is confidential and may include privileged information. If you are not the intended recipient, or believe you have received this e-mail in error, please do not copy, print, forward, re-transmit, or otherwise disseminate this e-mail, its contents, or any of its attachments. Please delete this e-mail. Also, please notify the sender that you have received this e-mail in error. Thank you.

ADVISORY: Please be advised the City of Spokane is required to comply with the Public Records Act Chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the City via email, including personal information, may ultimately be subject to disclosure as a public record.

From: Kinder, Dawn <dkinder@spokanecity.org>
Sent: Monday, June 17, 2024 8:14 AM
To: Muramatsu, Mary <mmuramatsu@spokanecity.org>

Cc: Piccolo, Mike <mpiccolo@spokanecity.org>
Subject: RE: Ethics Commission Request

Thank you, Mary.

I am happy to provide any additional or clarifying information as requested by the Ethics Commission.

Dawn



DAWN KINDER, MSW | CITY OF SPOKANE | NEIGHBORHOOD, HOUSING, AND HUMAN SERVICES DIRECTOR
509.625.6443 office | 509.385.4828 cell | dkinder@spokanecity.org | spokanecity.org



Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW

From: Muramatsu, Mary <mmuramatsu@spokanecity.org>
Sent: Thursday, June 13, 2024 1:41 PM
To: Kinder, Dawn <dkinder@spokanecity.org>
Cc: Piccolo, Mike <mpiccolo@spokanecity.org>
Subject: RE: Ethics Commission Request

Ms. Kinder,

I'm in receipt of your email, addressed to the Ethics Commission, requesting an advisory opinion. We will convene a meeting of the Ethics Commission at which time they will consider your request. If they have any questions or need clarification on any aspect of your letter, I will notify you and allow you an opportunity to provide supplemental information.

Best regards,



Mary F. Muramatsu | City of Spokane | Office of the City Attorney
Assistant City Attorney | Ethics Commission Staff Director
509.625.6289 | 509.951-0465 (cell) | mmuramatsu@spokanecity.org | spokanecity.org
808 W. Spokane Falls Boulevard • Spokane, WA 99201



CONFIDENTIALITY NOTICE:

This e-mail, including any attachments, is confidential and may include privileged information. If you are not the intended recipient, or believe you have received this e-mail in error, please do not copy, print, forward, re-transmit, or otherwise disseminate this e-mail, its contents, or any of its attachments. Please

delete this e-mail. Also, please notify the sender that you have received this e-mail in error. Thank you.

ADVISORY: Please be advised the City of Spokane is required to comply with the Public Records Act Chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the City via email, including personal information, may ultimately be subject to disclosure as a public record.

From: Kinder, Dawn <dkinder@spokanecity.org>
Sent: Thursday, June 13, 2024 11:22 AM
To: Muramatsu, Mary <mmuramatsu@spokanecity.org>
Subject: Ethics Commission Request

Dear Ethics Commission,

I am submitting this letter as my request for an advisory opinion pursuant to SMC 1.04A.170, which provides in part that upon the request of any employee, the Ethics Commission shall render a written advisory opinion concerning the applicability of the Ethics Code to situations solely related to the person making the request.

By way of background, I want to provide the following information. From April, 2016 to January 2019, I worked for the City in the Community, Housing and Human Services Department (CHHS) as the Director, and as the Neighborhood & Business Services division Director. I left City employment to take a position with Catholic Charities of Eastern Washington in my same professional field. I subsequently left my employment with Catholic Charities when Mayor Lisa Brown offered me the division head position in the Neighborhood, Housing and Human Services division (NHHS). My appointment by the Mayor was confirmed by the City Council on January 8, 2024, pursuant to the adoption of Resolution No. 2024-0006. Related to my request for an advisory opinion is the fact that my partner is employed with the Spokane Housing Authority.

Both Catholic Charities and the Spokane Housing Authority will on occasions apply for competitive grant funding with or through the City of Spokane. Many of these grants are processed through the CHHS department, which I oversee as the NHHS division head. The grant applications will sometimes be reviewed and recommended for an award for funding by a committee and Board under the oversight of CHHS before being approved by the City Council. As the NHHS Director, I do not oversee the review and recommendation of grant applications. I also do not approve any contracts or grant awards that could potentially involve Catholic Charities and the Spokane Housing Authority.

My primary concern is to maintain compliance with the Ethics Code at all times and to take preemptive steps to avoid any actual or apparent conflicts of interest or impropriety with my former employer and my partner's employer. I am specifically seeking an advisory opinion as to SMC 1.04A.030 A, B C and D regarding conflicts of

interest and personal interest or influence in contracts.

Please let me know if you have questions or need further information.

Sincerely,
Dawn Kinder.



DAWN KINDER, MSW | CITY OF SPOKANE | NEIGHBORHOOD, HOUSING, AND HUMAN SERVICES DIRECTOR
509.625.6443 office | 509.385.4828 cell | dkinder@spokanecity.org | spokanecity.org



Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW

From: [Kinder, Dawn](#)
To: [Muramatsu, Mary](#)
Cc: [Piccolo, Mike](#)
Subject: RE: Ethics Commission Request
Date: Monday, June 24, 2024 3:34:01 PM
Attachments: [image001.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[NHHS Org Chart CHHS Boards.pptx](#)

Hi Mary,

Thank you for the follow up questions.

1. Attached is an org chart I made to reflect the structure of the NHHS Division (slide 1) and the Board structures of the CHHS and CoC Board which are both managed and supported by CHHS (slides 2 and 3).
2. Community, Housing, and Human Services (CHHS) Board grant making process: this is an advisory Board created by the City for the CHHS Department
 - a. The CHHS Board committees support the CHHS department in drafting RFP's and RFP documents. Once documents are created CHHS staff work with IT Services to post notification and the documents are then public. These documents are internal only until publicly posted to protect the competitive RFP process, much like procurement etc. Finance and legal departments do review RFP documents prior to posting.
 - b. Once an RFP closes CHHS staff review applications for risk assessments and for eligibility. Depending on the RFP the scoring criteria and staff recommendation documents and processes can vary slightly to accommodate numerous factors such as funding source, activity type (for example social services are different from construction).
 - c. The appropriate RFP committee evaluates and scores all eligible applications, scoring documents are posted with the RFP so all applicants can view it in advance of applying. Once all applications are scored the committee creates a slate of recommendations for the CHHS Board.
 - d. The committee presents their funding recommendations to the CHHS Board, the CHHS Board then votes to send the recommendations forward to City Council for vote to approve recommendations. Council can make some changes to recommendations.
 - e. Once Council has voted CHHS staff begin the contracting process for awarded projects.
3. Continuum of Care (CoC) grant making process: this is different as the CoC is **not** a City board, but a HUD required board, that must be separate from local governments, to process all CoC funds. The City (via CHHS) serves as the CoC Collaborative Applicant and HMIS Lead.
 - a. This is an annual federal competition that renews and can create new projects using CoC funds.
 - b. CHHS staff facilitate the renewal/competition as the Collaborative Applicant for the CoC

- i. CHHS facilitate the application process, hold technical assistance sessions etc.
- c. The CoC RFP committee then scores applications using federal guidance and projects are prioritized based on high to low score, the CoC then funds projects in scored order until funding runs out.
- d. CHHS staff draft contracts for awarded projects and move contracts through the Council process, Council cannot change recommendations.

My role is to support my division, coordinate with state and federal partners, support the administrations initiatives and priorities, facilitate local systems conversations with providers, residents, community leaders etc. I do not score, evaluate, or recommend applications that go through either Board (and subsequently through CHHS to City Council). I do support CHHS with systems level planning in terms of data analysis to inform priorities, performance, or needs for funding, compliance, and regulatory needs of the system and of the City, applications for the City to receive grant funds that may be awarded through an RFP process outlined above etc.

The primary question would be: Is there anything I need to do to avoid a perceived or real conflict of interest when/if my former employer CCEW and/or my partners place of work Spokane Housing Authority, applies for funds through the RFP process outlined above? I already plan on not signing contracts with CCEW through my first year of employment back with the City of Spokane and will not sign contracts with an entity that employs any family member.

Please let me know if there is anything else that I can provide or if any clarification is needed on the above information.

Thank you,
Dawn



DAWN KINDER, MSW | CITY OF SPOKANE | NEIGHBORHOOD, HOUSING, AND HUMAN SERVICES DIRECTOR
509.625.6443 office | 509.385.4828 cell | dkinder@spokanecity.org | spokanecity.org



Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW

From: Muramatsu, Mary <mmuramatsu@spokanecity.org>
Sent: Tuesday, June 18, 2024 11:02 AM
To: Kinder, Dawn <dkinder@spokanecity.org>
Cc: Piccolo, Mike <mpiccolo@spokanecity.org>
Subject: RE: Ethics Commission Request

Thank you Dawn. Before the Commission meets, I'm going to ask you to supplement your request by presenting a specific hypothetical. SMC 01.04A.170 (A) allows the Commission to render written advisory opinions concerning the applicability of the Ethics Code to hypothetical circumstances

and/or situations solely related to the persons making the request. You've provided some important background information. What is needed now is a specific hypothetical and your question regarding the applicability of the Ethics Code to that fact scenario. Any additional facts you can provide (i.e., details about how grants are awarded, the organizational and supervisory structure of the individuals making the decisions, criteria and selection process, etc.) would be helpful as well.

Please reach out with any questions.

Best,

Mary



Mary F. Muramatsu | City of Spokane | Office of the City Attorney
Assistant City Attorney | Ethics Commission Staff Director
509.625.6289 | 509.951-0465 (cell) | mmuramatsu@spokanecity.org spokanecity.org
808 W. Spokane Falls Boulevard • Spokane, WA 99201



CONFIDENTIALITY NOTICE:

This e-mail, including any attachments, is confidential and may include privileged information. If you are not the intended recipient, or believe you have received this e-mail in error, please do not copy, print, forward, re-transmit, or otherwise disseminate this e-mail, its contents, or any of its attachments. Please delete this e-mail. Also, please notify the sender that you have received this e-mail in error. Thank you.

ADVISORY: Please be advised the City of Spokane is required to comply with the Public Records Act Chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the City via email, including personal information, may ultimately be subject to disclosure as a public record.

From: Kinder, Dawn <dkinder@spokanecity.org>
Sent: Monday, June 17, 2024 8:14 AM
To: Muramatsu, Mary <mmuramatsu@spokanecity.org>
Cc: Piccolo, Mike <mpiccolo@spokanecity.org>
Subject: RE: Ethics Commission Request

Thank you, Mary.

I am happy to provide any additional or clarifying information as requested by the Ethics Commission.

Dawn



DAWN KINDER, MSW | CITY OF SPOKANE | NEIGHBORHOOD, HOUSING, AND HUMAN SERVICES DIRECTOR
509.625.6443 office | 509.385.4828 cell | dkinder@spokanecity.org | spokanecity.org



Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW

From: Muramatsu, Mary <mmuramatsu@spokanecity.org>
Sent: Thursday, June 13, 2024 1:41 PM
To: Kinder, Dawn <dkinder@spokanecity.org>
Cc: Piccolo, Mike <mpiccolo@spokanecity.org>
Subject: RE: Ethics Commission Request

Ms. Kinder,

I'm in receipt of your email, addressed to the Ethics Commission, requesting an advisory opinion. We will convene a meeting of the Ethics Commission at which time they will consider your request. If they have any questions or need clarification on any aspect of your letter, I will notify you and allow you an opportunity to provide supplemental information.

Best regards,



Mary F. Muramatsu | City of Spokane | Office of the City Attorney
Assistant City Attorney | Ethics Commission Staff Director
509.625.6289 | 509.951-0465 (cell) | mmuramatsu@spokanecity.org | spokanecity.org
808 W. Spokane Falls Boulevard • Spokane, WA 99201



CONFIDENTIALITY NOTICE:

This e-mail, including any attachments, is confidential and may include privileged information. If you are not the intended recipient, or believe you have received this e-mail in error, please do not copy, print, forward, re-transmit, or otherwise disseminate this e-mail, its contents, or any of its attachments. Please delete this e-mail. Also, please notify the sender that you have received this e-mail in error. Thank you.

ADVISORY: Please be advised the City of Spokane is required to comply with the Public Records Act Chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the City via email, including personal information, may ultimately be subject to disclosure as a public record.

From: Kinder, Dawn <dkinder@spokanecity.org>

Sent: Thursday, June 13, 2024 11:22 AM

To: Muramatsu, Mary <mmuramatsu@spokanecity.org>

Subject: Ethics Commission Request

Dear Ethics Commission,

I am submitting this letter as my request for an advisory opinion pursuant to SMC 1.04A.170, which provides in part that upon the request of any employee, the Ethics Commission shall render a written advisory opinion concerning the applicability of the Ethics Code to situations solely related to the person making the request.

By way of background, I want to provide the following information. From April, 2016 to January 2019, I worked for the City in the Community, Housing and Human Services Department (CHHS) as the Director, and as the Neighborhood & Business Services division Director. I left City employment to take a position with Catholic Charities of Eastern Washington in my same professional field. I subsequently left my employment with Catholic Charities when Mayor Lisa Brown offered me the division head position in the Neighborhood, Housing and Human Services division (NHHS). My appointment by the Mayor was confirmed by the City Council on January 8, 2024, pursuant to the adoption of Resolution No. 2024-0006. Related to my request for an advisory opinion is the fact that my partner is employed with the Spokane Housing Authority.

Both Catholic Charities and the Spokane Housing Authority will on occasions apply for competitive grant funding with or through the City of Spokane. Many of these grants are processed through the CHHS department, which I oversee as the NHHS division head. The grant applications will sometimes be reviewed and recommended for an award for funding by a committee and Board under the oversight of CHHS before being approved by the City Council. As the NHHS Director, I do not oversee the review and recommendation of grant applications. I also do not approve any contracts or grant awards that could potentially involve Catholic Charities and the Spokane Housing Authority.

My primary concern is to maintain compliance with the Ethics Code at all times and to take preemptive steps to avoid any actual or apparent conflicts of interest or impropriety with my former employer and my partner's employer. I am specifically seeking an advisory opinion as to SMC 1.04A.030 A, B C and D regarding conflicts of interest and personal interest or influence in contracts.

Please let me know if you have questions or need further information.

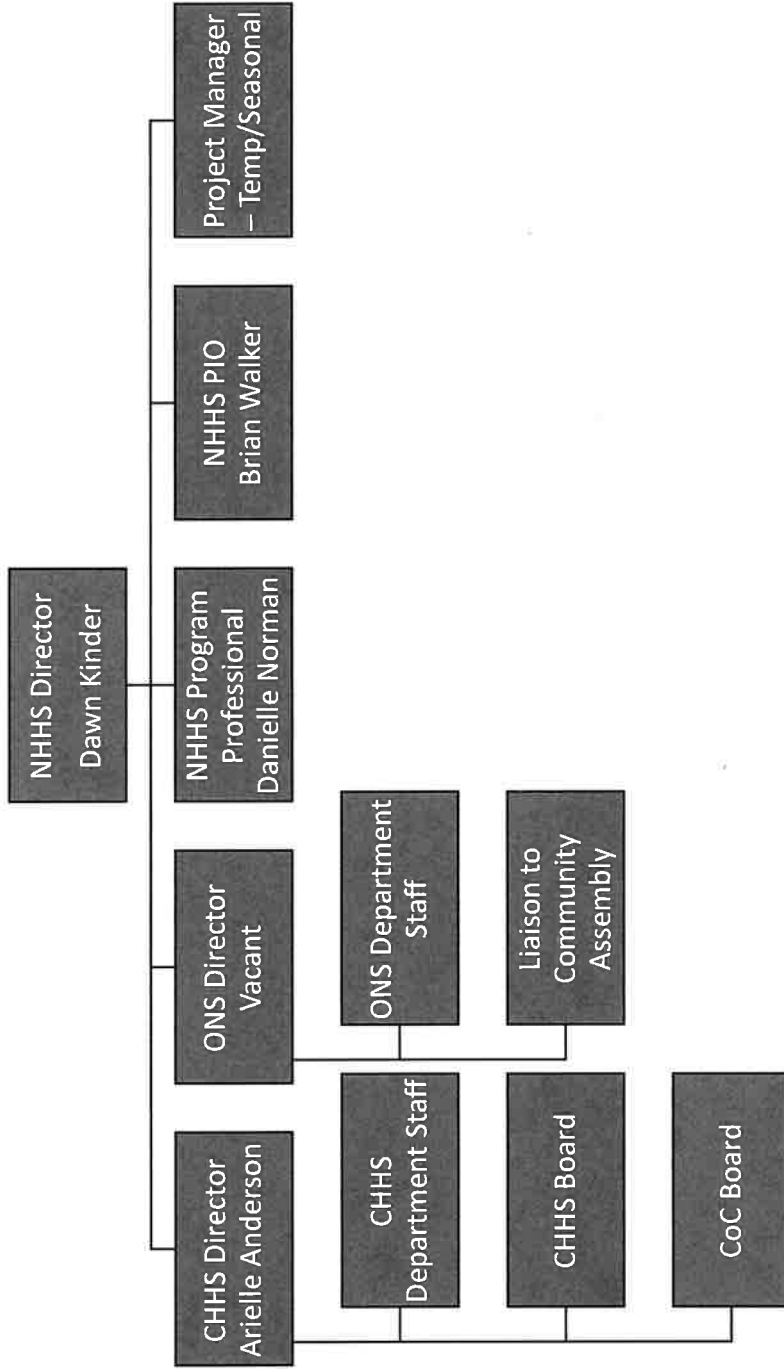
Sincerely,
Dawn Kinder.

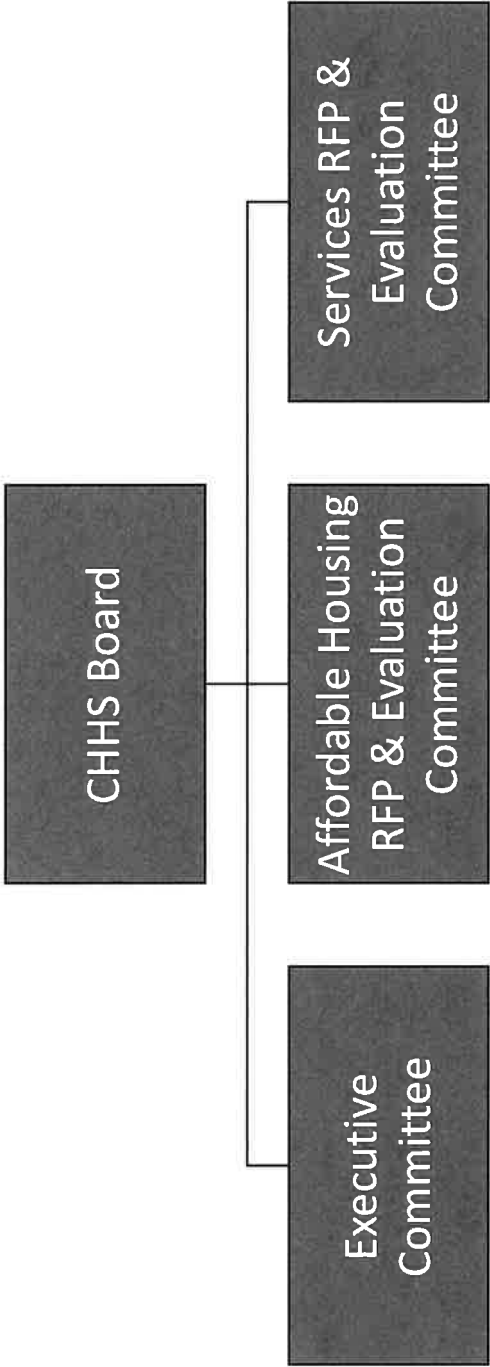


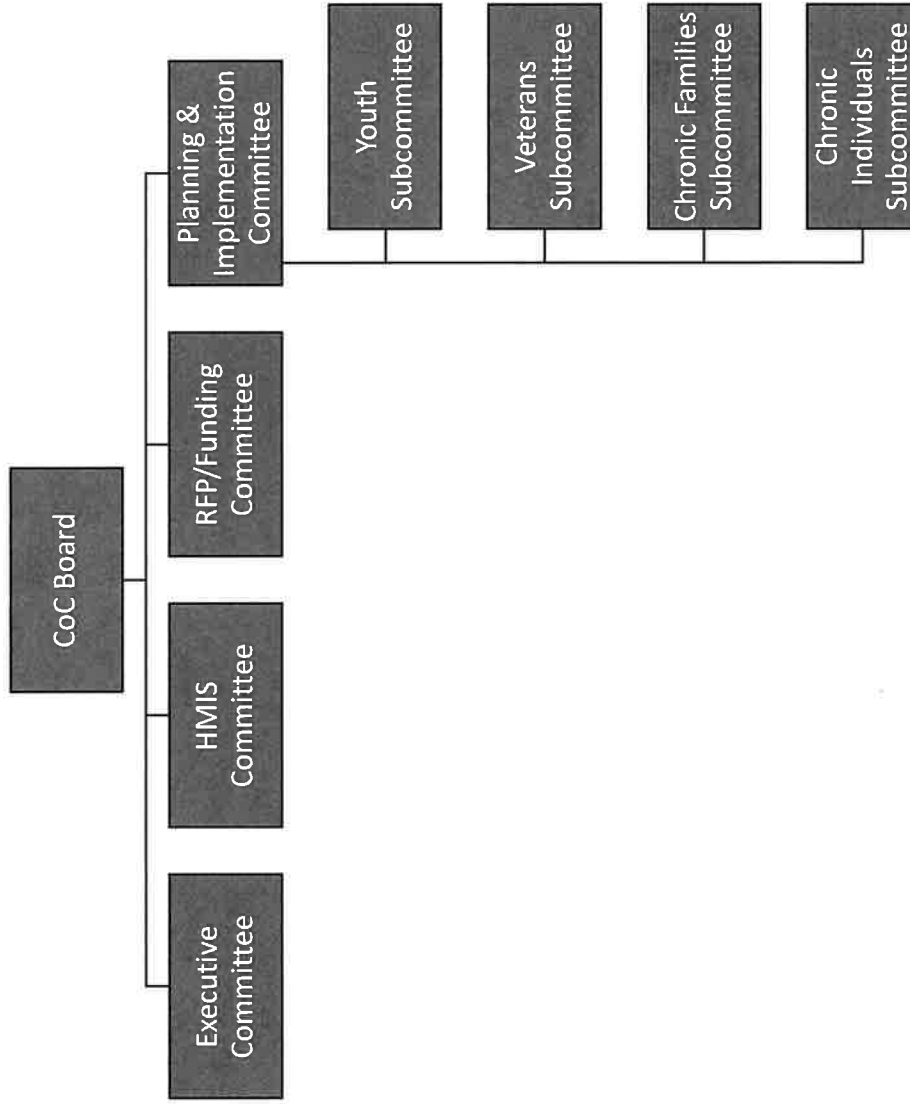
DAWN KINDER, MSW | CITY OF SPOKANE | NEIGHBORHOOD, HOUSING, AND HUMAN SERVICES DIRECTOR
509.625.6443 office | 509.385.4828 cell | dkinder@spokanecity.org | spokanecity.org



Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW







Section 01.04A.030 Prohibited Conduct

The following shall constitute a violation of this Code of Ethics:

A. General Prohibition Against Conflicts of Interest.

In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no current City officer or employee shall have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that might be seen as conflicting with the City officer or employee's proper discharge of his or her official duties, the conduct of official City business or as adverse to the interests of the City. Performance of a legally required duty by a City officer or employee shall not be considered a violation of the Code of Ethics.

1. Any employee who becomes aware that he or she might have a potential conflict of interest that arises in the course of his or her official duties shall notify in writing his or her supervisor or appointing authority of the potential conflict.
2. Upon receipt of such a notification, the supervisor or appointing authority shall take action to resolve the potential conflict of interest within a reasonable time, which may include, but is not limited to, designating an alternative employee to perform the duty that is involved in the potential conflict. The supervisor or appointing authority shall document the disposition of the potential conflict in writing in files maintained by the appointing authority. The supervisor or appointing authority may request an advisory opinion from the Ethics Commission before addressing and resolving of the potential conflict.

B. Personal Interests in Contracts Prohibited.

No City officer or employee shall participate in his or her capacity as a City officer or employee in the making of a contract in which he or she has a personal interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the City officer or employee has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the governing body authorizes, approves or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the City officer(s) having the remote interest as defined below.

C. Remote Interest.

For purposes of this section, a "remote interest" means:

1. that of a non-salaried non-compensated officer of a nonprofit corporation;
2. that of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
3. that of a landlord or tenant of a contracting party;
4. that of a holder of less than one percent of the shares of a corporation, limited liability company or other entity which is a contracting party.

D. Personal Influence in Contract Selection Prohibited.

No City officer or employee shall influence the City's selection of, or its conduct of business with, a corporation, person or firm having or proposing to do business with the City if the City officer or employee has a personal interest in or with the corporation, person or firm, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, as defined in the preceding section. Provided, however, that no City officer or employee may receive anything of value from the City as a result of any contract to which the City shall be a party except for the City officer or employee's salary or lawful compensation.