



**Roll Call Number**

**Agenda Item Number**

48

**Date** March 24, 2025

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Sections 2-106 and 2-109, relating definitions and exceptions of the City Council Ethics Code",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage. Second by \_\_\_\_\_.

FORM APPROVED:

(First of three required readings)

*/s/ Thomas G. Fisher Jr.*

Thomas G. Fisher Jr.  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Sections 2-106 and 2-109, relating to definitions and exceptions.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Sections 2-106 and 2-109, as follows:

**Sec. 2-106. Definitions.**

~~Apparent conflict of interest occurs when a reasonable person would think that a councilmember's judgment is likely to be compromised.~~

Apparent conflict of interest or Appearance of conflict of interest means the impression that a reasonable person ~~might would~~ have, after full disclosure of the facts, that a councilmember's judgment ~~might would~~ be significantly influenced by outside financial interests, even though there may be no actual or legal conflict of interest. The City Ethics Officer shall only reach the conclusion that an apparent conflict of interest or appearance of conflict of interest exists upon presentation of clear and convincing evidence.

*Conflict of interest* means a situation in which financial or other personal considerations have the potential to compromise or bias a councilmember's judgment and objectivity.

*Immediate family* means the spouse, children, step-children, grandchildren, parents, step-parents, grandparents, brother, sister, step-brother, step-sister, and immediate household members of a councilmember.

*Potential conflict of interest* involves a situation that may develop into an actual or legal conflict of interest.

**Sec. 2-109. Exceptions.**

The prohibitions in section 2-107 shall not apply to the following:

- (a) Benefits or programs that are offered city wide to all other similarly situated residents or property on an ongoing fiscal year after fiscal year basis, such as tax abatement or backflow preventer reimbursement programs. Limited budgeted or one-time funded benefits or programs shall not be an exception to the requirements of section 2-107.
- (b) To the extent consistent with Iowa Code Chapter 68B and sections 2-110, 2-713, and 94-3 of this Code, *de minimis* or occasional monetary amounts or non-pecuniary gifts.

- (c) A commercially reasonable loan or commercially reasonable retail sale made in the ordinary course of business by an institution authorized by Iowa law.
- (d) Competitively bid or competitively awarded contracts with city funded entities.
- (e) Matters related to an entity in which 1) the councilmember has been designated by the city council to serve as a member of the board of directors or other governing board of an entity or 2) the councilmember is serving on a board of directors or other governing or policy board, received no remuneration, either directly or indirectly, for the service on such board and the primary nature of the entity is either charitable or governmental.
- (f) Matters related to a business entity which the councilmember or his or her immediate family support either financially or with in-kind contributions, but only if 1) the primary nature of the business entity is either charitable or governmental; and 2) the councilmember and his or her immediate family are not member of the board of directors or the governing board or paid employees of the business entity.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

/s/ Thomas G. Fisher Jr.

Thomas G. Fisher Jr.  
Deputy City Attorney