

# **COWLES & THOMPSON**

## **MEMORANDUM**

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**TO:** Mayor Todd Meier, City Council Members, City Manager Lea Dunn

**FROM:** John Hill

**RE:** Application of Section 2-93(11), Code of Ordinances, to Campaign

**DATE:** July 2, 2014

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Mayor, Council members, and Ms. Dunn, as requested by the Council at its June 16, 2014 meeting, an item is on the Council's July 8 agenda regarding the application of Section 2-93(11) of the Code of Ordinances to activities of the Mayor during the 2014 campaign for Council. That subsection states that no official shall:

Use his official position or town-owned facilities, personnel, equipment, supplies, vehicles, printing facilities, postage facilities, long-distance telephone services or any other resources for private purposes, personal advantage, pecuniary gain for such official or for others or for any political campaign for himself or others. However, this shall not prohibit an official from using his official position to promote or encourage economic development and businesses within the town, provided (a) the official, and any person related to the official within the second degree by consanguinity or affinity, does not receive a benefit from such promotion or encouragement, and (b) the promotion or encouragement of economic development and businesses is not for the purpose of promoting, and does not promote, other than incidentally, the official or any person related to the official within the second degree by consanguinity or affinity.

This subsection is a part of the Town's Code of Ethics. In connection with this item and as has been discussed, the Code doesn't include a process for adjudicating alleged violations. Accordingly, it doesn't provide for the Council to render a determination as to whether or not a violation occurred. Therefore, any action by the Council regarding an alleged violation would not be binding. Additionally, the Council can change or modify the language of an ordinance, but only through an amendment to the ordinance.

If you have any questions or comments or would like to discuss, please let me know.