



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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## OFFICE OF THE CITY ATTORNEY

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### MEMORANDUM

TO: Officials of the City of Rapid City

FROM: Carla Cushman, Assistant City Attorney

DATE: March 3, 2017

RE: Resolution 2016-096 A Resolution Adopting a Conflict of Interest Policy

On January 20, 2017, Council approved Resolution 2016-096 adopting a conflict of interest policy for officials of the City. The policy applies to any official (1) who serves on the Common Council, (2) who serves on any board, committee, or commission of the City, or (3) who is otherwise appointed to serve the City in any capacity. The policy was prompted by a 2016 change in state law that requires recipients of state grant dollars to enforce a conflict of interest policy for their organization.

A copy of the policy is attached, as well as pertinent state law provisions concerning conflicts of interest. Please read the policy and the relevant state laws carefully. If you have any questions or concerns after reading the policy, feel free to give me a call to discuss further.

I would like to highlight three things as you read these documents. First, the policy was drafted to offer guidance to assist you in evaluating potential conflicts of interest, and the relevant state laws should provide additional help. However, because the existence of a conflict is dependent upon the unique facts of a situation, it is difficult to provide black and white rules that will apply in every case. Second, if you need assistance in determining whether or not you have a conflict of interest concerning a matter that is before you in your official capacity, you may request an advisory opinion from the City Attorney's Office. Finally, if you find you have a conflict of interest, you are to disclose the conflict to the body on which you serve prior to consideration of the matter, and you shall not thereafter participate in the discussion or vote. You may comment on the matter if you leave the dais and/or speak as a citizen from the audience.

If you have any questions or concerns, please call 394-4140 and speak with me or one of my colleagues. You can also email me at [carla.cushman@rcgov.org](mailto:carla.cushman@rcgov.org).