

Sec. 602.402. - Activities of officers and employees in matters affecting City.

- (a) It shall be a violation of this Chapter for an officer or employee of the City or an independent agency, otherwise than in the proper discharge of his or her official duties:
 - (1) To act as agent or attorney for prosecuting any claim against the City or an independent agency, or to receive any gratuity or any share of or interest in any claim against the City or an independent agency, in consideration of assistance in the prosecution of the claim;
 - (2) To act as agent or attorney for anyone before any unit of government in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which the City or an independent agency is a party or has a direct and substantial interest;
 - (3) To act as agent or attorney for anyone before any unit of government in connection with a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge or other particular matter with respect to which he or she, or a unit of government of which he or she is a member, has acted upon in an official capacity either before or concurrently with his or her acting as agent or attorney.
 - (4) To testify as an expert witness in any proceeding before any body or court over the objection of the City or an independent agency.
- (b) Nothing in this Section shall prevent an officer or employee of the City or an independent agency, if not inconsistent with the faithful performance of his or her duties, from acting without compensation as agent or attorney for a person who is the subject of disciplinary or other personnel administrative proceedings in connection with those proceedings.
- (c) Nothing in this Section shall prevent an officer or employee of the City or an independent agency from acting, with or without compensation, as agent or attorney for his or her parents, spouse, child or any person for whom, or for any estate for which, he or she is serving as personal representative except in those matters in which he or she has participated personally and substantially as an officer or employee of the City or an independent agency, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which are the subject of his or her official responsibility; provided, that the official responsible for appointment to his or her position approves.
- (d) Other than the restrictions in paragraph (a)(4) above, nothing in this Section shall prevent an officer or employee of the City or an independent agency from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.
- (e) It shall be a violation of this Chapter for any person, who is a partner of an officer or employee of the City or an independent agency, knowingly to act as agent or attorney for anyone other than the City or an independent agency in connection with any administrative or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and in which the officer or employee of the City or an independent agency participates or has participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his or her official responsibility.
- (f) The provisions in subsection (a)(1), (2), (3), and (4) do not apply to advisory body officials.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 3; Ord. 2014-457-E, § 1)

Note— Former § 602.401.