CEDAR RAPIDS
City of Five Seasons®

November 21, 2013

Patrick Baird
464 Dows Road
Cedar Rapids, IA 52403-7002

Dear Mr. Baird:

This is in response to your recent request for additional guidance. Following our advisory opinion responding to your initial inquiry about service on the Airport Commission, you asked whether your recusal on economic development matters and your ownership of property near the airport preclude you from having your land be part of a Superpark certification.

As to the Superpark, you have advised us that Iowa's economic development director has been looking for large sections of undeveloped land that could be used for a company looking to build on 500 or more acres. There are very few such sites within the state of Iowa. The land owned by the airport is one of those sites. As the airport has no need to use this site for a 3rd runway for at least 50 years, such site is available for lease.

About a month ago, the consultant that designates land as shovel-ready came to Cedar Rapids. During a visit to your land, you were asked to consider having your land included along with the airport's land as part of a shovel ready Superpark. You believe your land is important to this designation because your land can be sold outright and has access to rail. The airport's land is subject to FAA restrictions and cannot be sold and has no access to rail.

Based upon the above information, your situation is subject to the provisions of section 6.22 of the Cedar Rapids Municipal Code. Because you are a member of the Airport Commission, you are a City Official. Section 6.22(c)(5). The facts you set out reveal there are three potentials for the existence of a Conflict of Interest Action.

Section 6.22(c)(6)(A) of the Code states:

6. Conflict of Interest Action means any one of the following:

A. Any Official Action on a matter in which the City Official has or can reasonably be expected to have a Private Financial Interest in the outcome;
* * * *

C. Acting in a private capacity on matters dealt with as a City Official. For purposes of these rules, "acting in a private capacity" is limited to the City Official and does not include the City Official's Immediate Family and also does not include participating in

any City program or process in a manner that is the same or similar to the manner, or the terms and conditions by which the general public participates;

D. The use of confidential information for purposes other than the fulfillment of the City Official's duties.

Any actions you may take as a member of the Airport Commission related to or dealing with a Superpark and any use of nonpublic information would create a conflict of interest.

You may take no Airport Commission official action in any way relating to or dealing with Superpark matters. Under section 6.22(c)(8) of the Code, "official action means any act taken by a City Official in furtherance of the City Official's duties and powers as a City Official even if such action is advisory only and not binding on the City or any board, commission, agency, or officer."

In order to avoid a Conflict of Interest Action, you must recuse yourself from any involvement with any Airport Commission consideration or acts related to or dealing with a Superpark. Please submit and observe that recusal immediately. This is in addition to your general recusal on economic development matters.

The recusal does not prevent you from taking private actions related to your property. However, you must not use confidential information for purposes other than the fulfillment of your Airport Commission duties.

We appreciate your providing this information and seeking guidance. You are to be commended for your recognition of the potential for a conflict of interest and your desire to avoid even the appearance of a conflict. Thank you for your sensitivity to ethical considerations and your service on the Airport Commission.

Please let us know if you have any further questions.

Sincerely,

Robert L. Teig, Chair
For the Board

Jacobi, Elizabeth D.

From: Pat Baird <patbaird@yahoo.com>
Sent: Thursday, October 24, 2013 7:37 AM
To: Bob
Subject: Re: Clarification

Bob, broadly speaking, the term "shovel ready" refers to land that is immediately ready to be developed. It usually means the land has utilities, zoning and access already in place. A few years a go, someone had the idea to certify land as "shovel ready" so that companies looking to locate a business would have a data base of such property to work from. It is my understanding that there are about 15-20 location consultants out there that assist companies in locating sites to develop, and that shovel ready designated land is important to them.

In my own case, I was told 2-3 years a go by the folks from within the Metro Economic Alliance that they were looking for landowners in the area to certify their land as shovel ready to see if it would make a difference in their recruiting efforts. I volunteered my land and have worked with Hall and Hall Engineers to gather all of the information necessary.

Okay - the Superpark issue. Debbie Durham, Iowa's economic development director, has been looking for large sections of undeveloped land that could be used for a company looking to build on 500 or more acres. There are very few such sites within the state of Iowa. The land owned by the airport is one of those sites. As the airport as no need to use this site for a 3rd runway for at least 50 years, such site is available for lease.

About a month a go, the consultant that designates land as shovel ready came to Cedar Rapids. During their visit to my land, they asked me to consider having my land included along with the airport's land as part of a shovel ready superpark. I believe my land is important to them in this designation as my land can be sold outright and has access to rail. The airport's land is subject to FAA restrictions and cannot be sold and has no access to rail.

That is what I know. If you need more information about all of this, I would put you in touch with Dennis Jordan of the Economic Alliance.

And, just one more thing. I want to reiterate that I have no need whatsoever to develop this land during my term as airport commissioner. I also don't want to take any chances with a conflict of interest while serving as commissioner.

Thanks for your help and advice. No matter what, I will recuse myself from any matters involving economic development and the airport going forward.

Pat

On Thursday, October 24, 2013 12:32 AM, Bob <bobteig@gmail.com> wrote:
Hi, Pat. Can you send more information on the Superpark. I don't know anything about it. Thanks.

~Bob

-----Original Message-----
From: Pat Baird
Sent: Tuesday, October 22, 2013 4:17 PM
To: bobteig@gmail.com
Subject: Clarification

Bob, thanks for the letter and considering my situation. As you know, I became a land owner long before I became an Airport Commissioner and before the airport began considering an economic development effort. I intend to take no chances when it comes to this potential for conflict.

I forwarded the letter on to Carroll Reasoner, our Airport Commissioner Chairperson, and she asked for one more clarification. There is no question that I will recuse myself from any airport considerations involving economic development of land in the area. That is clear. What Carroll is wondering is whether this precludes me from having my land be part of the Superpark certification.

I have often felt that if I have to ask the question then I should already know the answer. Let me know if this nuance is not clear or if you would like to discuss.

Thanks again.

Pat

Sent from my iPad