



The City of Lee's Summit
Final Agenda
City Council Rules Committee

Monday, September 26, 2016

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENTS:
4. APPROVAL OF ACTION LETTER
 - A. [2016-0527](#) Approval of Action Letter - August 22, 2016
5. Discussion Items:
 - A. [2016-0556](#) Discussion: The Council being informed in advance of guests attending Closed Sessions.
 - B. [2016-0557](#) Discussion: Start times for Committee Meetings.
 - C. [2016-0553](#) Discussion of a formal ethics policy for the City Council.
 - D. [2016-0554](#) Discussion of the Process of bringing items to Committees for review and discussion
9. ROUNDTABLE:
10. ADJOURNMENT

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".



The City of Lee's Summit

220 SE Green Street
Lee's Summit, MO 64063

Packet Information

File #: 2016-0527, **Version:** 1

Approval of Action Letter - August 22, 2016



The City of Lee's Summit
Action Letter
City Council Rules Committee

Monday, August 22, 2016

5:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. CALL TO ORDER

Councilmember Seif called the meeting to order at 5:00 p.m.

2. ROLL CALL

Present: 4 - Chairperson Seif Diane
Vice Chair Mosby Dave
Councilmember Binney Rob
Councilmember Carlyle Trish

Guests in attendance:

Jina Bellamy

Steve Arbo

Brian Head

3. PUBLIC COMMENTS:

No Public Comments

4. APPROVAL OF ACTION LETTER

A. [2016-0457](#) Approval of Action Letter - March 9, 2016

On motion of Councilmember Binney and Seconded by Councilmember Carlyle, the Action Letter for March 9, 2016 was unanimously approved by the Committee.

5. Discussion: Develop procedures and policy for City Council to procure and use outside, independent legal or miscellaneous resources.

Councilmember Seif gave a brief background on this item. She mentioned that \$50,000.00 had been set aside in the Budget Program to allow for outside Counsel to be hired when needed.

There was general discussion regarding the intent of hiring outside counsel and if there were times when it was needed.

City Manager Steve Arbo reminded the Committee that the City Council

City Council Rules Committee

Action Letter

August 22, 2016

already has the right to request a second opinion in rare instances where a majority of the Council requests it.

The Committee decided to report to the full Council that the Rules Committee was not going to take action regarding how to handle the \$50,000.00 budgeted.

Councilmember Binney moved to table this item with a report to the full Council that we had lengthy discussion with regard to the use of that funding and at this time we are not willing to take action. Councilmember Carlyle Seconded the motion. There was no additional discussion. All were in favor except Councilmember Mosby. Motion passed 3-1

6. ROUNDTABLE:

There was general discussion regarding future agenda topics. Those items slated for the next agenda are:

1. The Council being informed in advance about guests attending Closed Sessions.
2. Start times for Committee meetings not being held before 5:00 p.m.
3. Adopting a formal ethic's policy for the City Council (City Attorney will research what other Cities have done in relation to their ethics policies.)
4. Process of bringing something to a Committee. The Rules Committee would like to review the ordinance.

The Committee also discussed setting up a standard date and time to hold future Rules Committee meetings. The Committee decided on the 4th Monday of each month at 5:00 p.m.

The next meeting is scheduled for September 26, 2016 at 5:00 p.m. directly following the Council's Communications Task Force meeting.

7. ADJOURNMENT

Chairperson Seif adjourned the meeting at 5:43 p.m.

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Packet Information

File #: 2016-0556, **Version:** 1

Discussion: The Council being informed in advance of guests attending Closed Sessions.

Packet Information

File #: 2016-0557, **Version:** 1

Discussion: Start times for Committee Meetings.

Packet Information

File #: 2016-0553, **Version:** 1

Discussion of a formal ethics policy for the City Council.

Issue/Request:

At the last meeting of the Rules Committee the members requested sample ethics policies from other communities similar to the communities utilized for charter comparisons.

Please find those policies attached.

<p style="text-align: center;">City Council Rules Committee Ethic and Code of Conduct Samples</p>

City of Belton, Missouri – Ethics Ordinance

City of Cape Girardeau, Missouri – Code of Ordinances

City of Columbia, Missouri – Offenses Affecting Government – Code of Ordinance

City of Bonita Springs, Florida – Code of Conduct Resolution

ICMA – Code of Ethics with Guidelines

City of Independence, Missouri – Code of Conduct

City of Joplin, Missouri – Code of Ethics

City of Kansas City, Missouri – Code of Ethics

City of Kirkland, Missouri – Code of Ethics

City of Raymore, Missouri – Conflicts of Interest

City of Sedalia, Missouri – Code of Ordinances

City of Springfield, Missouri – Code of Ethics

ARTICLE VI. - ETHICS

DIVISION 1. - GENERALLY

Belton

Secs. 2-1092—2-1120. - Reserved.

DIVISION 2. - CONFLICTS OF INTEREST

Sec. 2-1121. - Declaration of policy.

- (a) The proper operation of municipal government requires:
 - (1) That public officials and employees be independent, impartial and responsible to the people;
 - (2) That government decisions and policy be made in the proper channels of the governmental structure;
 - (3) That public office not be used for personal gain; and
 - (4) That the public have confidence in the integrity of its government.
- (b) In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

(Code 1976, § 2-191; Ord. No. 91-2073, § 1, 8-27-1991; Ord. No. 93-2215, § 1, 8-24-1993; Ord. No. 94-2261, § 1, 8-23-1994; Ord. No. 95-2320, § 1, 8-22-1995; Ord. No. 96-2400, § 1, 8-27-1996; Ord. No. 97-2464, § 1, 8-26-1997)

Sec. 2-1122. - Conflicts of interest.

The mayor or any member of the city council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the city council the nature of his or her interest and shall disqualify himself or herself from voting on any matters relating to this interest.

(Code 1976, § 2-192; Ord. No. 91-2073, § 2, 8-27-1991; Ord. No. 93-2215, § 1, 8-24-1993; Ord. No. 94-2261, § 1, 8-23-1994; Ord. No. 95-2320, § 1, 8-22-1995; Ord. No. 96-2400, § 1, 8-27-1996; Ord. No. 97-2464, § 1, 8-26-1997)

Sec. 2-1123. - Disclosure reports.

Each elected official, the chief administrative officer, the chief purchasing officer, the parks and recreation director and the general counsel (if employed full-time) shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

- (1) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of \$500.00, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and
- (2) The date and the identities of the parties to each transaction known to the person with a total value in excess of \$500.00, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
- (3) The chief administrative officer, the chief purchasing officer, and the parks and recreation director also shall disclose by May 1 for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of \$1,000.00 or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that such person owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which such person was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;
 - c. The name and address of each corporation for which such person served in the

capacity of a director, officer or receiver.

(Code 1976, § 2-193; Ord. No. 91-2073, § 3, 8-27-1991; Ord. No. 94-2261, § 1, 8-23-1994; Ord. No. 95-2320, § 1, 8-22-1995; Ord. No. 96-2400, § 1, 8-27-1996; Ord. No. 97-2464, § 1, 8-26-1997, Ord. No. 2009-3563, § A, 8-25-2009; Ord. No. 2011-3746, § A, 8-23-2011)

Sec. 2-1124. - Filing of reports.

The reports shall be filed with the city clerk and with the secretary of state prior to January 1, 1993, and thereafter with the ethics commission. The reports shall be available for public inspection and copying during normal business hours.

(Code 1976, § 2-194; Ord. No. 91-2073, § 4, 8-27-1991; Ord. No. 93-2215, § 1, 8-24-1993; Ord. No. 94-2261, § 1, 8-23-1994; Ord. No. 95-2320, § 1, 8-22-1995; Ord. No. 96-2400, § 1, 8-27-1996; Ord. No. 97-2464, § 1, 8-26-1997)

Sec. 2-1125. - When filed.

The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

- (1) Each person appointed to office and required herein to file a financial disclosure statement shall file the statement within 30 days of such appointment or employment;
- (2) Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31, provided that any member of the city council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

(Code 1976, § 2-195; Ord. No. 91-2073, § 5, 8-27-1991; Ord. No. 93-2215, § 1, 8-24-1993; Ord. No. 94-2261, § 1, 8-23-1994; Ord. No. 95-2320, § 1, 8-22-1995; Ord. No. 96-2400, § 1, 8-27-1996; Ord. No. 97-2464, § 1, 8-26-1997)

Sec. 2-77. - Prohibited acts by elected, appointed officials, employees—Generally.

- (a) No elected or appointed official or employee of the city shall:
 - (1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value other than compensation to be paid by the city.
 - (2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated.
 - (3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person.
 - (4) With respect to any contract or transaction which is or may be the subject of an official act or action of the city, without proper legal authorization or official authority, disclose confidential information concerning the property, real estate, personal affairs, or legal affairs of the city to any individual or entities outside of the city council or city staff, or use such information to advance the financial or other private interest of himself or others.
 - (5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.
- (b) No elected or appointed official or employee of the city shall offer, promote, or advocate for a political appointment in exchange for anything of value to the city, to himself, or to any other person.

(Code 1967, § 2-42; Ord. No. 1158, § 4, 4-20-92; Ord. No. 2398, arts. 1, 4, 8-17-98; Ord. No. 2778, art. 1, 8-21-00; Ord. No. 3705, art. 1, 8-21-06; Ord. No. 3945, art. 1, 7-21-08; Ord. No. 4139, art. 1, 7-19-10; Ord. No. 4344, art. 1, 8-6-12; Ord. No. 4612, art. 1, 8-18-14)

Sec. 2-78. - Same—Executive, administrative capacity.

- (a) No elected or appointed official or employee of the city, serving in an executive or administrative capacity, shall:
 - (1)

Perform any service for the city for receipt or payment of any compensation, other than of the compensation provided for the performance of his official duties, in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received.

- (2) Sell, rent or lease any property to the city and receive consideration therefor in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
- (3) Participate in any matter, directly or indirectly, in which he attempts to influence any decision of the city when he knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to the city for consideration in excess of five hundred dollars (\$500.00) value per transaction or five thousand dollars (\$5,000.00) value per annum to him, to his spouse, to a dependent child in his custody or to any business with which he is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding; provided that the bid or offer accepted is the lowest received.
- (4) Perform any services during the time of his office or employment for any consideration from any person, other than the compensation provided for the performance of his official duties, by which service he attempts to influence a decision of the city.
- (5) Perform any service for consideration, during one (1) year after termination of his office or employment, by which performance he attempts to influence a decision of the city, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document.
- (6) Perform any service for any consideration for any person after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.

(Code 1967, § 2-43; Ord. No. 2398, arts. 2, 4, 8-17-98; Ord. No. 2778, art. 1, 8-21-00; Ord. No. 3705, art. 1, 8-21-06; Ord. No. 3945, art. 1, 7-21-08; Ord. No. 4139, art. 1, 7-19-10; Ord. No. 4344, art. 1, 8-6-12; Ord. No. 4612, art. 1, 8-18-14)

Sec. 2-79. - Same—Councilmembers.

(a) No member of the city council shall:

- (1) Perform any service for the city or any agency of the city for any consideration other than the compensation provided for the performance of his official duties.
- (2) Sell, rent or lease any property to the city for consideration in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
- (3) Attempt, for any compensation other than the compensation provided for the performance of his official duties, to influence the decision of the city on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in the preparation or filing of any public document or conference thereon.

(b) No sole proprietorship, partnership, joint venture or corporation in which any member of the city council is the sole proprietor, partner, coparticipant or owner of in excess of ten (10) percent of the outstanding shares of any class of stock, shall:

- (1) Perform any service for the city for any consideration in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received.
- (2) Sell, rent or lease any property to the city where the consideration is in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

(Code 1967, § 2-44; Ord. No. 2398, arts. 3, 4, 8-17-98; Ord. No. 2778, art. 1, 8-21-00; Ord. No. 3705, art. 1, 8-21-06; Ord. No. 3945, art. 1, 7-21-08; Ord. No. 4139, art. 1, 7-19-10; Ord. No. 4344, art. 1, 8-6-12; Ord. No. 4612, art. 1, 8-18-14)

Sec. 2-80. - Exceptions to this article.

- (a) No provision of this article shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or by law to be performed.
- (b) No provision of this article shall be construed to prohibit any person from communicating with the city attorney concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.
- (c) No provision of this article shall be construed to prohibit any person from receiving compensation for property taken by the city under the power of eminent domain in accordance with the provisions of the constitution and the laws of the state.

(Code 1967, § 2-45; Ord. No. 2398, art. 4, 8-17-98; Ord. No. 2778, art. 1, 8-21-00; Ord. No. 3705, art. 1, 8-21-06; Ord. No. 3945, art. 1, 7-21-08; Ord. No. 4139, art. 1, 7-19-10; Ord. No. 4344, art. 1, 8-6-12; Ord. No. 4612, art. 1, 8-18-14)

Sec. 2-81. - Procedure to disclose potential conflicts of interest and substantial interests.

- (a) *Declaration of policy.* The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.
- (b) *Conflicts of interest.* The mayor or any member of the city council who has a substantial personal or private interest as defined by this chapter in any matter before the council shall disclose on the minutes of the city council the nature of that interest and shall be disqualified from voting on, discussing with the council, or talking to staff on any matters relating to this interest.
- (c) *Disclosure reports.* Each elected official, the city manager, the chief purchasing officer and the city attorney (if employed full-time) shall disclose the following information by May first if any such transactions were engaged in during the previous calendar year:
 - (1) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the

political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and

- (2) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial personal or financial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
- (3) The city manager officer and the chief purchasing officer also shall disclose by May first for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten (10) percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two (2) percent or more of any class of outstanding stock, limited partnership units or other equity interests;
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.
- (4) In addition to all of the other information required to be disclosed by the provisions of this chapter, the mayor and each member of the city council shall report the following information for themselves, their spouses and each of their dependent children. This additional information shall be included with the other material included with the financial interest statements required to be filed by this chapter and shall be filed according to the same schedules and deadlines for such other reports:

- a. Any sole proprietorship owned, general partnerships or joint ventures, in which they are a partner or coparticipant; and closely held corporations or limited partnerships where they own any outstanding stock or financial interest.
- b. Any City of Cape Girardeau licenses held personally or by any of the entities included in section 2-81(c)(1).
- c. Address and description of any real estate owned in Cape Girardeau or Scott County.
- d. Any corporation where they serve as director, officer or receiver.

Copies of these reports shall be kept at the city clerk's office and shall be available to the public for inspection during regular office hours of the city clerk.

- (d) *Filing of reports.* The reports in the attached format (Exhibit A), shall be filed in duplicate with the city clerk and with the secretary of state prior to January 1, 1993, and thereafter with the ethics commission. The reports shall be available for public inspection and copying during normal business hours.
- (e) *When filed.* The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:
 - (1) Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;
 - (2) Every other person required to file a financial interest statement shall file the statement annually not later than May first and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the city council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

(Ord. No. 1072, art. 1, 9-3-91; Ord. No. 1158, §§ 2, 3, 4-20-92; Ord. No. 2398, art. 4, 8-17-98; Ord. No. 2778, art. 1, 8-21-00; Ord. No. 3705, art. 1, 8-21-06; Ord. No. 3945, art. 1, 7-21-08; Ord. No. 4139, art. 1, 7-19-10; Ord. No. 4344, art. 1, 8-6-12; Ord. No. 4612, art. 1, 8-18-14)

Editor's note— Exhibit A cited above has not been set out in the Code, but is on file in the office of the city attorney.

Sec. 2-82. - Distribution of conflict of interest ordinance.

The city clerk shall cause a copy of this chapter to be distributed to every public officer and employee of the city. Each public officer and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of his office or employment.

(Ord. No. 1158, § 5, 4-20-92; Ord. No. 2398, art. 4, 8-17-98; Ord. No. 2778, art. 1, 8-21-00; Ord. No. 3705, art. 1, 8-21-06; Ord. No. 3945, art. 1, 7-21-08; Ord. No. 4139, art. 1, 7-19-10; Ord. No. 4344, art. 1, 8-6-12; Ord. No. 4612, art. 1, 8-18-14)

Sec. 2-83. - Procedures—Penalties.

If any elected official violates any provision of sections 2-76 through 2-82, inclusive, whether willfully or unintentionally, that official is subject to the procedures and penalties set out in this section.

- (1) By a motion of a city council meeting, any council member may request a public hearing with respect to a violation of any provision of sections 2-76 through 2-82, inclusive, by any elected official. Such motion shall include details as to the identity of the elected official in question and the facts and circumstances supporting the movant's allegation of such violation.
- (2) If such motion is adopted by the council, a public hearing into the matter shall be held within thirty (30) days. At such public hearing, the movant shall first present all particulars relating to the alleged violation and the accused elected official shall then be afforded the opportunity to rebut the charges.
- (3) If the council determines that such violation has occurred, the council may, by resolution, censure the official. Such finding of the council may also be the basis for a proceeding for forfeiture of office or impeachment of such elected official.

(Ord. No. 1158, § 6, 4-20-92; Ord. No. 2398, art. 4, 8-17-98; Ord. No. 2778, art. 1, 8-21-00; Ord. No. 3705, art. 1, 8-21-06; Ord. No. 3945, art. 1, 7-21-08; Ord. No. 4139, art. 1, 7-19-10; Ord. No. 4344, art. 1, 8-6-12; Ord. No. 4612, art. 1, 8-18-14)

ARTICLE VII. - ETHICS COMMISSION

Sec. 2-130. - Composition.

There is hereby established an ethics commission, hereinafter referred to as "the commission," which shall consist of seven (7) members, who must be registered voters of the city, at least twenty-one (21) years of age, and residents of the city for at least two (2) consecutive years immediately prior to their appointment, all of whom shall be appointed by and approved by the city council.

- (1) No member of the commission shall, during his term of service or within one (1) year before or after:
 - a. Be employed by the City of Cape Girardeau, the state or any political subdivision of the state;
 - b. Be employed as a lobbyist;
 - c. Be a member of the city council;
 - d. Serve on any other governmental board, committee or commission;
 - e. Be an officer of any political party or political organization;
 - f. Permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition;
 - g. Participate in any way in any election campaign, except that a member or employee of the commission shall retain the right to register and vote in any election, to express his opinion privately on political subjects or candidates, to participate in the activities of a civic, community, social, labor or professional organization, and to be a member of a political party.
- (2) No member of the commission, during his term of service, shall hold or be a candidate for any other public office.
- (3) No member of the commission shall have been convicted of a felony or a crime involving moral turpitude.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-131. - Applications.

All prospective commission members must submit a written application, signed under oath, indicating that he meets the qualifications set out in this article. Any misstatement on that application shall result in his application not being considered, or in his immediate removal from the commission.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-132. - Terms.

The term of office of the members of the ethics commission shall be for five (5) years, excepting that the membership of the first commission appointed under this section shall serve for the following terms: One (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; two (2) for four (4) years; and two (2) for five (5) years. As the term of a member expires, the council shall appoint a successor for a term of five (5) years, except as provided below. No member of the commission shall serve on the commission after the expiration of his term. No person shall be appointed to more than one (1) full five (5) year term on the commission.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-133. - Forfeiture of office.

A member of the commission shall immediately forfeit his office if he:

- (1) Lacks at any time during his term of office any qualification for the office prescribed by this article or by law;
- (2) Violates any express requirement of this article;
- (3) Remains in default to the city after notice of such default; or
- (4) Ceases to be a resident or registered voter of the city.

(Ord. No. 2050, art. 1, 10-7-96; Ord. No. 2701, art. 3, 4-3-00)

Sec. 2-134. - Officers.

The ethics commission shall meet annually during the month of January of each year to elect officers. No person shall serve more than two (2) full terms as chairman.

(Ord. No. 2050, art. 1, 10-7-96; Ord. No. 2701, art. 3, 4-3-00)

Sec. 2-135. - Reserved.

Editor's note— Ord. No. 2701, art. 3, adopted April 3, 2000, repealed § 2-135 in its entirety. Formerly, said section pertained to compensation of ethics commission members. See the Code Comparative Table.

Sec. 2-136. - By-laws.

The commission shall draft by-laws to govern the conduct of its business. All by-laws shall be subject to approval by the city council and may be amended by the city council at any time. No by-laws shall be effective until they have been adopted by ordinance of the city council.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-137. - Financial disclosure; conflicts of interest.

All commission members shall be required to file a financial interest statement, as defined in section 2-81, within thirty (30) days of their appointment, and then annually thereafter by their appointment dates. They shall also comply with all conflict of interest regulations applicable to city council members and other elected or appointed officials as set out in section 2-76 through 2-83 of the Code of Ordinances of the City of Cape Girardeau, Missouri.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-138. - Quorum; voting.

- (a) A quorum for conducting business shall be five (5) members.
- (b) A vote of a majority of all members, regardless of quorum, is needed to pass any issue, except the decision to investigate a complaint, which shall only require three (3) affirmative votes. No member shall vote or take part in formal discussions or investigations on any matter which may materially or apparently affect the substantial personal or private interest of that member.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-139. - Meetings; records.

- (a) The only required meetings shall be those established in sections 2-134 and 2-140.4 of this article. The commission may also meet at times set out in its by-laws, and at any time upon the call of the chairman.
- (b) The commission shall keep complete minutes of its proceedings, showing the votes, and shall submit a copy of those minutes to the city council within fifteen (15) days after the meeting.
- (c) All proceedings of the commission shall be recorded, and shall be transcribed within fifteen (15) days after the meeting. A copy of that transcript shall immediately be filed with the city clerk.

- (d) The city clerk shall develop appropriate systems to file and maintain an index of all complaints, information, transcripts, minutes, reports and other records of the commission to facilitate public access to such information, except as may be limited by this article and confidentiality requirements otherwise provided by law.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-140. - Investigations.

- (a) *Generally.* The commission may, upon its own initiative, or shall, upon receipt of a valid complaint of any person or entity, review or investigate the official conduct of the mayor, council members, city manager, chief purchasing officer, city judge, and board members as it pertains to claimed ethical violations consisting of conflict of interests, forfeiture of office as defined in Chapter 3.07, Failure to Disclose, Failure to Meet Qualifications, Malfeasance or Misfeasance of duties.
- (b) *Valid complaint.* A valid complaint may be made by any person or entity, must be written and signed under oath, and must state sufficient facts to establish a violation of one of the sections listed in section 2-140.1 hereinabove, the names and addresses of all known witnesses to this conduct, and copies of all documents in the possession of the claimant which would support the allegation.
- (c) *Complaints initiated by the commission.* The commission may vote to initiate an investigation upon its own initiative if there is probable cause to believe that a violation has occurred in one of the categories listed in section 2-140.1 hereinabove. Prior to beginning any investigation on its own initiative, the commission shall file a written information with the city clerk, signed by all commission members affirmatively voting to proceed with the investigation, clearly setting forth the following items:
- (1) The name of the person to be investigated;
 - (2) The occurrence to be investigated;
 - (3) The date, time and place of that occurrence;
 - (4) A statement of how that occurrence allegedly violates one of the categories listed in section 2-140.1 hereinabove;
 - (5) The names and addresses of all known witnesses to this conduct;
 - (6) Copies of all documents in the possession of the commission which would support the allegation; and
 - (7) A statement that there is probable cause to believe that such a violation occurred.

- (d) *Filing.* All valid complaints as set out in sub-paragraph (b), and information as set out in sub-paragraph (c), must be filed with the city clerk before any action may be taken by the commission. The city clerk shall immediately deliver a copy of the complaint to all commission members. The commission shall meet within thirty (30) days of the date the complaint or information was filed with the city clerk to begin its investigation.
- (e) *Restrictions.* No complaint or occurrence shall be investigated which concerns alleged criminal conduct which allegedly occurred previous to the period of time allowed by law for criminal prosecution for such conduct. The commission may refuse to investigate any conduct which is the subject of civil or criminal litigation. The commission shall not investigate any complaint or occurrence concerning conduct which is not criminal in nature which occurred more than two (2) years prior to the date of the filing of the complaint or the information mentioned in paragraphs (b) or (c) hereinabove.
- (f) *Investigative powers.*
- (1) The commission shall have access to all city records reasonably calculated to lead to the discovery of evidence which will reasonably assist the commission in carrying out the duties prescribed in this article, and which are not closed by state statute.
 - (2) The commission shall have power to request additional information from any person who may have knowledge of the matter being investigated. It may administer oaths and affirmations. All testimony before the commission shall be recorded and under oath.
 - (3) Anyone who knowingly gives false testimony before the commission shall be guilty of a misdemeanor punishable under section 1-8 of this Code.
- (g) *Counsel.*
- (1) The commission may request the city attorney, or if a conflict exists, the city council shall designate independent counsel to assist in its investigations.
 - (2) Any person who is the subject of an investigation under this article, may be present at any proceeding before the commission and may be represented by counsel.
- (h) *Confidentiality.* All proceedings and records of the commission to review complaints, conduct investigations, and decide whether to initiate an investigation shall be closed until a report under section 2-140.10 is issued to the City council, except as otherwise provided in this article and by applicable state law. Any person who violates the confidentiality requirements imposed by this section shall be guilty of a misdemeanor punishable under section 1-8 of this Code.
- (i)

Hearing procedure. All hearings before the commission shall be conducted according to the procedures established by its by-laws. Those hearings shall allow introduction of all relevant evidence, and provide the accused ample opportunity to rebut the allegations against him. The accused must be given a copy of the complaint or information against him before any investigation may proceed. The accused is also entitled to copies of all records obtained by the commission during its investigative process.

- (j) *Report to council.* Within thirty (30) days after the completion of every investigation, the commission shall issue a written report of its findings to the city council, which report shall be made available to the public at that time. The written report shall also contain a copy of the complaint or information, minutes and transcripts of all meetings in any way discussing the occurrence, all evidence obtained by the commission, and a recommendation of specific action. Within thirty (30) days of the city council receiving the commission's report, the city council shall vote to take action on the complaint or information. Such action shall be based solely on the facts set out in the report and shall be to accept, reject, or adopt a modification of the commission's recommendations.
- (k) *Definitions.* The following definitions shall be used in interpretation of this article:
- (1) *Official conduct:* Any behavior by a public officer or employee specifically related to the duties of his office.
 - (2) *Mayor:* The individual serving as mayor under Article III of the City Charter, during his term of office.
 - (3) *Council members:* The individuals serving as council members under Article III of the City Charter, during their terms of office.
 - (4) *City manager:* The individual serving as city manager under Article IV of the City Charter, during his term of office.
 - (5) *Chief purchasing officer:* The individual serving as finance director, and head of the finance department, during his term of office.
 - (6) *City judge:* The individual serving as municipal judge or special municipal judge, under Chapter 16 of the Code of Ordinances of the City of Cape Girardeau, during his term of office.
 - (7) *Board members:* The individuals serving on boards and commissions, as set out in Sections 5.03, 5.04, 5.05 and 5.11 of the City Charter, during their terms of office.
 - (8) *Conflict of interests:* The standards established in Chapter 2, Article IV of the City Code.
 - (9) *Forfeiture of office:* The standards established in Section 3.07(b) of the City Charter.

- (10) *Failure to disclose:* Any wilful failure or refusal to reveal any conflict of interest or to file any required financial interest statement.
- (11) *Failure to meet qualifications:* The failure of any individual to satisfy or maintain the eligibility requirements of his office.
- (12) *Malfeasance or misfeasance of duties:* The commission of any act which violates federal, state or municipal statutes or ordinances in the performance of his official duties.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-141. - Non-exclusivity.

The procedures set out in this article are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. The provisions of this article shall not be construed to limit or affect any other remedy or right of appeal or objection. The city council shall still have original jurisdiction to initiate and conduct its own investigation of any alleged ethical violation.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-142. - Malicious complaints.

If, in the opinion of the commission, the complaining party was motivated by malice or reason contrary to the spirit of any law on which such complaint was based, in filing the complaint without just cause, this finding shall be reported to the city council and to appropriate law enforcement authorities. Any person who knowingly files a complaint without just cause, or with malice, shall be guilty of a misdemeanor punishable under section 1-8 of this Code.

(Ord. No. 2050, art. 1, 10-7-96)

Sec. 2-143. - Appeals.

If any accused person is aggrieved by an adverse decision of the city council to accept, reject, or adopt a modification of the commission's recommendations, he may file with the city clerk within thirty (30) days of that decision a written request for a new hearing before the city council.

No appeal to the city council is available, however, if the city council has already commenced its own investigation into the matter. In that event, any appeal must be filed with the circuit court within thirty (30) days of the final decision of the city council.

(Ord. No. 2050, art. 1, 10-7-96)

Columbia

DIVISION 14. - OFFENSES AFFECTING GOVERNMENT⁽⁶⁾*Footnotes:**-- (6) --**Cross reference— Disorderly persons at fires, § 9-2; false fire alarms, § 9-3.*

Sec. 16-221. - Obstructing government operations.

- (a) A person commits the crime of obstructing government operations if he purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force or other physical interference or obstacle.
- (b) Obstructing governmental operations is a class B misdemeanor.

(Code 1964, § 7.995)

State Law reference— Similar provisions, RSMo. § 576.030.

Sec. 16-222. - Official misconduct.

- (a) A public servant, in his public capacity or under color of his office or employment, commits the crime of official misconduct if:
- (1) He knowingly discriminates against any employee or any applicant for employment on account of race, creed, color, sex or national origin, provided such employee or applicant possesses adequate training and educational qualifications;
 - (2) He knowingly demands or receives any fee or reward for the execution of any official act or the performance of a duty imposed by law or by the terms of his employment, that is not due, or that is more than is due, or before it is due;
 - (3) He knowingly collects taxes when none are due, or exacts or demands more than is due;
 - (4) He is the city or county treasurer, city or county clerk, or other municipal or county officer, or judge of a municipal or county court, and knowingly orders the payment of any money or draws any warrant, or pays over any money for any purpose other than the specific purpose for which the same was assessed, levied and collected, unless it is or shall have become impossible to use such money for that specific purpose;
 - (5) He is an officer or employee of any court and knowingly charges, collects or receives less fee for his services than is provided by law;
 - (6)

He is an officer or employee of any court and knowingly, directly or indirectly, buys, purchases or trades for any fee taxed or to be taxed as costs in any court of this state, or any county warrant, at less than par value which may be by law due or to become due to any person by or through any such court;

- (7) He is a county officer, deputy or employee and knowingly traffics for or purchases at less than the par value or speculates in any court warrant issued by order of the county court of his county, or in any claim or demand held against such county.

(b) Official misconduct is a class A misdemeanor.

(Code 1964, § 7.1000)

State Law reference— Similar provisions, RSMo. § 576.040.

Sec. 16-223. - Misuse of official information.

(a) A public servant commits the crime of misuse of official information if, in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, he knowingly:

- (1) Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or
- (2) Speculates or wagers on the basis of such information or official action; or
- (3) Aids, advises or encourages another to do any of the foregoing with purpose of conferring a pecuniary benefit on any person.

(b) Misuse of official information is a class A misdemeanor.

(Code 1964, § 7.1005)

State Law reference— Similar provisions, RSMo. § 575.050.

Sec. 16-224. - Deceiving a law enforcement officer.

(a) A person commits the offense of deceiving a law enforcement officer if he shall knowingly deceive a law enforcement officer for the following purposes:

- (1) To prevent discovery of any offense or crime which has been or is being committed by any person; or
- (2)

To prevent or hinder investigation, apprehension, prosecution, conviction or punishment of any person for conduct constituting an offense under the ordinances of the city or the laws of the state.

- (b) It is a defense to a prosecution under this section that the actor retracted the false information or removed the deception but this defense shall not apply if the retraction or removal was made after:
 - (1) The falsity of the information or the deception was exposed; or
 - (2) Any law enforcement officer took substantial action in reliance on the false information or deception.
- (c) The defendant shall have the burden of injecting the issue of retraction or removal under paragraph (b) of this section.
- (d) Deceiving a law enforcement officer is a class A misdemeanor.

(Code 1964, § 7.1010)

Sec. 16-225. - False identification.

Any person who possesses:

- (a) A reproduced, modified or altered motor vehicle driver's license from any state, jurisdiction or licensing authority;
- (b) A reproduced, modified, or altered, non-driver's identification card or any other modified or altered identification card originally issued by any governmental or educational institution or authority;
- (c) Any identification document of another person which indicates that person is twenty-one (21) years of age or older when the possessor is under twenty-one (21) years of age; or
- (d) Any identification card or document which appears on its face to be issued by a legitimate governmental or educational issuing authority which indicates the possessor is twenty-one (21) years of age or older when the possessor is under twenty-one (21) years of age;

is guilty of a class A misdemeanor.

(Ord. No. 17605, § 1, 3-3-03; Ord. No. 17985, § 1, 2-2-04)

Secs. 16-226—16-230. - Reserved.

Bonita Springs, Florida

CITY OF BONITA SPRINGS, FLORIDA RESOLUTION NO. 10-057

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CREATING THE ADMINISTRATIVE CODE FOR RULES OF CONDUCT FOR THE BONITA SPRINGS CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Bonita Springs City Council, as the duly elected governing body for the City of Bonita Springs; and

WHEREAS, the City Charter establishes that the Bonita Springs City Council shall determine its own rules and order of business, with section 22 specifying that City Council may set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office.

WHEREAS, City Council desires to create an Administrative Code to establish a Code of Conduct for its elected officials.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

1. The City Council declares that the procedures set forth, attached hereto, and incorporated by reference herein by "Exhibit A", as amended, is applicable to Bonita Springs City Council.
2. This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Florida this 15th day of September, 2010.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Nelson	Aye	Spear	Aye
McIntosh	Aye	Simons	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date Filed With City Clerk: _____

**CITY OF BONITA SPRINGS CODE OF CONDUCT
FOR ELECTED OFFICIALS**

**The Three Rs of Bonita Springs Government Leadership:
Roles, Responsibilities and Respect**

The City Charter provides information on the roles and responsibilities of Councilmembers, the Deputy Mayor and the Mayor. The Florida Code of Ethics for Public Officers and Employees provides guidance on ethical issues to ensure that City Council conducts themselves independently and impartially, not using their office for private gain. There is also an Administrative Code for conducting meetings, but until now, what has not been clearly written down is a Code of Conduct for Bonita Springs City Councilmembers.

The Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, city staff, constituents, and others with whom they come into contact with while representing the City of Bonita Springs. It reflects the work of the City Council with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The City Council also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The contents of this Code of Conduct includes:	Page
A. Overview of Roles and Responsibilities	2
B. Policies and Protocol Related to Conduct	4
C. Council Conduct with One Another	5
D. Council Conduct with City Staff	6
E. Council Conduct with the Public	8
F. Council Conduct with Other Public Agencies	9
G. Council Conduct with Advisory Boards	10
H. Council Conduct with the Media	11
I. Sanctions	12

The constant and consistent themes through all of the conduct guidelines are dignity and respect. Councilmembers experience stress in making decisions that impact the lives of the citizens. At times, the impacts of the entire community must be weighed against the impact of only a few. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.

A. Overview of Roles and Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Bonita Springs City Charter, Ordinances and Administrative Code and in the Handbook for Municipal Elected Officials, published by the Florida League of Cities.

MAYOR (City Charter §18)

- Elected "at-large" for a four-year term
- Recognized as head of the City Government for all ceremonial purposes
- Preside over meetings of the City Council
- Has same speaking and voting rights as any other member
- Shall in no case have the power to veto
- Executes and authenticates legal instruments requiring signature
- Leads the Council into an effective, cohesive working team

DEPUTY MAYOR (City Charter §18 And 21)

- Elected by the City Council at the first meeting following a new election.
- Performs the duties of the Mayor if the Mayor is absent, unable to fulfill duties, ceases to be qualified or is removed from office.
- Relinquishes City Council seat when serving as Mayor, assuming the duties of Mayor, unless more than 180 days from next election (then a Special Election).

ALL COUNCILMEMBERS (City Charter §12)

All members of the City Council, including the Mayor and Deputy Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.

All Councilmembers should:

- Fully participate in City Council meetings and other duly advertised public meetings while demonstrating dignity, respect, kindness, consideration, and courtesy to all.
- Prepare in advance of meetings and be familiar with issues on the agenda. Address clarifications prior to meeting with applicable staff.
- Be respectful of other people's time. Stay focused and act efficiently during Council meetings or other City related meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Bonita Spring's government.
- Provide contact information with the City Clerk in case of an emergency or an urgent situation arises while the Councilmember is otherwise not available.
- Demonstrate honesty and integrity in every action and statement.

- Follow Federal, State and Municipal Laws guiding public officials, including, but not limited to, Honest Services Act, State Ethics, Sunshine and Public Records Law, Administrative Code for City Council meetings, Communications Policy, etc.

B. Policies and Protocol Related to Conduct

1. Ceremonial Events – City Charter §18 designates the Mayor to serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if the event organizers would like another representative from the Council.

2. Correspondence Signatures - Councilmembers do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings (exception: zoning ex parte contact). City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor or the appropriate City staff.

3. Endorsements of Candidates - Councilmembers have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings or functions.

4. Intergovernmental Relations – Generally, City Charter §18 designates the Mayor to represent the City in intergovernmental relationships (the exception are designated liaisons). The Council values intergovernmental relations with neighboring communities and other entities. As a result, Councilmembers should make a concerted effort to attend scheduled meetings with other entities to further promote intergovernmental relations.

5. Legislative Process - The City generally follows Roberts Rule of Order for meeting management. See the Administrative Code for City Council meetings.

6. Public Meeting Hearing Protocol - The Mayor will open the public meetings, following the Rules of Procedure for City Council meetings. The Mayor has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. Councilmembers should withhold comment during the public hearing portion of the meeting until the conclusion of the public's portion of the hearing. Councilmembers should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

7. Travel Expenses (City Charter §19, Bonita Springs Ordinance No. 00-12) - May receive reimbursement of actual expenses while performing their official duties. Councilmembers who travel on official City Business either in-state or out-of-state. Such travel shall include attendance at conferences, seminars, and training sessions on behalf of the City. The City shall pay reasonable expenses for registration fees, lodging, meals, transportation, and allowable miscellaneous expenses for the Councilmember only. (City Council are responsible for spouse or others travelling with the Council member). All travel expenses will be handled in the same manner and consistent with the provisions of state law and ordinances.

C. Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve, protect and enhance the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS –

1. Practice civility, professionalism and decorum in discussions and debate - Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Councilmembers should conduct themselves in a professional manner at all times, including physical appearance.

2. Honor the role of the Mayor in maintaining order - It is the responsibility of the Mayor to keep the comments of all persons, including but not limited to, the Councilmembers on track during public meetings. Councilmembers should honor efforts by the Mayor to focus discussions on current agenda items. If there is disagreement about the agenda or the Mayor's actions in refraining staff, public or Councilmembers from speaking, those objections should be voiced politely and with reason.

3. Avoid personal comments that could offend other Councilmembers - If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Councilmember to justify or apologize for the language used. The Mayor will maintain order of this discussion.

4. Demonstrate effective problem-solving approaches -

Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

5. Be punctual and keep comments relative to topics discussed -

Councilmembers have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Councilmembers be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discussed scheduled issues. If a Councilmember has an item requested to be on the agenda, it is important they set the example by providing timely written materials.

IN PRIVATE ENCOUNTERS

1. Continue respectful behavior in private - The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

2. Be aware of the insecurity of written notes, voice and text messages, and e-mail - Technology allows words written or said without much forethought to be distributed wide and far. The Public Records Law mandates that any material made or received by an agency in connection with official business be used to perpetuate, communicate or formalize knowledge is a public record, and unless exempt, must be turned over to someone requesting to see that material. Before you create a document, ask yourself: Would you feel comfortable to have this note faxed or PDF'd to others? How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this email message was forwarded to others? Written notes, voicemail messages and email related to City business are public communication subject to disclosure.

3. Even private conversations can have a public presence - Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

D. Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff members, who implement and administer the Council

policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

1. Treat all staff as professionals - Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

2. Limit contact to specific City staff - Questions of City staff and/or requests for additional background information should be directed to the City Manager, City Attorney, or Department Heads. The City Manager should be copied on or informed of any request.

Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Councilmembers should ask the City Manager for direction. Materials supplied to a Councilmember in response to a request will be made available to all members of the Council so that all have equal access to information.

3. Do not disrupt City staff from their jobs – Staff wants to be accessible for City Council, but Councilmembers should avoid disrupting City staff while they are in meetings, on the phone, or engrossed in performing their job functions.

4. Never publicly criticize an individual employee - Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager.

5. Do not get involved in administrative functions - Councilmembers must not attempt to influence City Staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. The City Charter, Section 20 also contains information about the prohibition of Council interference in administrative functions.

6. Check with City staff on correspondence before taking action - Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.

7. Do not attend staff meetings (with or without public) unless requested by staff or City Council - Even if the Councilmember does not say anything, the Councilmembers presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

8. Limit requests for staff support - Even in high priority or emergency situations, requests for additional staff support should be made to the City

Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government and following City Council direction.

9. Do not solicit political support from staff - Councilmembers should not solicit any type of political support (financial contributions, display of poster or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

E. Council Conduct with the Public

1. IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality prejudice or disrespect should be evident on the part of individual Councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

a. Be welcoming to speakers and treat them with care and gentleness - Speaking in front of Council can be a difficult experience for some people. Some issues the Council undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

b. Be fair and equitable in allocating public hearing time to individual speakers - The Mayor, in accordance with the Administrative Code for City Council meetings, will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated four minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public comment unless the Council requests additional clarification. After the close of any public comment portion, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

c. Give the appearance of active listening - It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, gazing around the room or getting up from your seat gives the appearance of disinterest. Be aware of facial expressions and body language (e.g., head and

arm movements), especially those that could be interpreted as "smirking", disbelief, anger or boredom.

d. Ask for clarification, but avoid debate and argument with the public - Only the Mayor – not individual Councilmembers – can interrupt a speaker during a presentation. However, a Councilmember can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disturbing. If speakers become flustered or defensive, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Councilmembers to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

e. No personal attacks of any kind, under any circumstance!

f. Follow parliamentary procedure in conducting public meetings - The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.

2. IN UNOFFICIAL SETTINGS

a. Make no promise on behalf of the Council - Councilmembers will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

b. Make no personal comments about other Councilmembers - It is acceptable to disagree publicly about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions and actions.

c. Remember that despite its impressive size, Bonita Springs is a small community at heart – Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Bonita Springs. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

F. Council Conduct with Other Public Agencies

a. Be clear about representing the City or personal interests - If a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Councilmember must clearly state:

- (i) if his or her statement reflects personal opinion or is the official stance of the City;
- (ii) whether this is the majority or minority opinion of the Council. Even if the Council member is representing his or her own personal opinions, remember that this still may reflect upon the City as an organization.
- (iii) If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.
- (iv) If the Council member is representing another organization whose position is different from the City, the Council member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

b. Correspondence also should be equally clear about representation - City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Clerk to be filed as part of the permanent public record. To avoid confusion regarding City Council's position, it is best that City letterhead not be used for correspondence of Councilmembers representing a personal point of view, or a dissenting point of view from an official Council position.

G. Council Conduct with Advisory Boards

The City has established several advisory boards as a means of gathering more community input. Citizens who serve on advisory boards become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

a. If attending an advisory boards meeting, and you are not the liaison, be careful to only express personal opinions - Councilmembers may attend any advisory board meeting, which are always open to any member of the public. However, if the advisory board is conducting a public hearing, the Council member shall refrain from attending. Councilmembers should be sensitive to the way their participation could be viewed as unfairly affecting the process. Any

public comments by a Council member at an advisory board meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council. Also be cognizant of the Sunshine Law, precluding discussion (outside of meeting advertised for City Council) by two or more members of City Council on any item that may take action upon. A council member's presence may affect the conduct of the advisory boards and limit their role and function.

b. Limit contact with advisory boards members - It is inappropriate, and at times illegal, for a Council member to contact an advisory board member to lobby on behalf of an individual, business, or developer. Councilmembers should contact staff in order to clarify a position taken by the advisory boards.

c. Remember that advisory boards serve City Council, not individual Councilmembers - City Council appoints individuals to serve on Advisory boards, and it is the responsibility of advisory boards to follow policy established by the Council. But advisory board members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten advisory board members with removal if they disagree about an issue. Appointment and re-appointment to an advisory boards should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. An advisory board's appointment should not be used as a political "reward".

d. Be respectful of diverse opinions - A primary role of advisory boards is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers must be fair and respectful of any citizens serving on advisory boards.

e. Keep election issues away from public forums and advisory board meetings – Section 14 of the City Charter calls for nonpartisan elections. While Councilmembers are free to participate in politics when not conducting official business, they should refrain from campaigning for office or providing political support or non-support for those who are running for any elected office (national, state or local) while conducting official duties or when attending advisory meetings.

f. Inappropriate behavior can lead to removal - Inappropriate behavior by an advisory board member should be brought to the attention of City Council, and with the assistance of the City Attorney in preparing the greensheet, the individual may be subject to removal from the advisory board or if the advisory board is not operating in accordance with City Council's direction, dissolution of the advisory board.

H. Council Conduct with the Media

Councilmembers may be contacted by the media for background and quotes.

a. **The best advice for dealing with the media is to avoid going “off the record”** - Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

b. **Choose words carefully and cautiously** - Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

I. Sanctions

Councilmembers Behavior and Conduct (City Charter §22) - City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of this Code of Conduct could lead to other sanctions as deemed appropriate by Council, including forfeiture of office. It is the responsibility of City Council to initiate action if a Council member's behavior may warrant sanction due to a breach of these written standards of conduct. Any action taken on the alleged violation(s) must be brought up with the City Council in a public meeting.

If the violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Councilmembers, the complaining party should bring to the attention to City Council, with City Council voting whether the City Manager, the City Attorney and/or outside investigator should investigate the allegation and report the findings to City Council. If necessary, City Council can under §23 of the City Charter subpoena witnesses, administer oaths and require the production of evidence, in order to make their decisions in accordance with §22 of the City Charter.

Upon adoption of this Code of Conduct, following election to office and once a year thereafter, each elected officer will confirm that they have received a copy of this Code of Conduct for their review and use.

Signature

Date



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in April 2015. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2015.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

Tenet 4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

GUIDELINE

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

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Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on "Confidential Information"). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a

local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in, or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member's family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

ARTICLE 5

BOARD MEMBERS, COUNCILMEMBERS, AND EMPLOYEES GENERALLY

Code of Conduct

Section 5.1. Function of local government. Councilmembers, board members, and employees shall accept the fundamental principle that the sole function of local government is the efficient provision of facilities and services deemed essential for the kind of urban living desired by the resident population.

(1) Councilmembers, board members, and employees are agents of public purpose and shall hold office or employment for the benefit of the public.

(2) Councilmembers, board members, and employees, recognizing that the public interest is their primary concern, shall faithfully discharge their official duties regardless of personal considerations.

Section 5.2. Fair and equal treatment. Councilmembers, board members, and employees shall give fair and equal treatment to every citizen.

(1) Canvassing of any councilmember, directly or indirectly, to obtain preferential consideration for appointment in the municipal service shall disqualify the candidate for appointment.

(2) No individual who seeks appointment or promotion to any municipal office or position shall directly or indirectly give, render, or pay any money, service, or any other valuable thing to any person for, or in connection with, his/her test, appointment, proposed appointment, promotion, or proposed promotion.

(3) Councilmembers, board members, and employees shall not use city-owned vehicles, equipment, materials, or property for personal convenience or profit.

(4) No councilmember, board member, or employee shall grant a special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

Section 5.3. Conflict of interests. Councilmembers, board members, and employees shall not place themselves in a position which may substantially conflict with their official duties or which may be a substantial influence to act other than in the best interests of

the public since they owe an undivided loyalty to the public they serve. By way of illustration, and not limitation, the following shall be deemed to constitute conflict of interests:

(1) No councilmember, board member, or employee shall transact any business in his/her official capacity with any business entity of which he/she is an officer, agent, or member or in which he/she owns a substantial interest; nor shall he/she make any personal investments in any business entity which will create a substantial conflict between his/her private interest and the public interest; nor shall he/she or any business entity of which he/she is an officer, agent, or member, or the owner of substantial interest, sell any goods or services to any business entity which is licensed by or regulated in any manner by the city when such sales shall constitute a substantial conflict.

(2) No councilmember, board member, or employee shall appear in behalf of private interests before any officer, department, or agency of the city government where such appearance will create a substantial conflict between his/her private interest and the public interest.

(3) No councilmember, board member, or employee shall enter into any private business transaction with any person or business entity that has a matter pending or to be pending upon which the councilmember, board member, or employee is or will be called upon to render a decision or pass judgment. If any councilmember, board member, or employee is already engaged in the business transaction at the time that a matter arises, he/she shall be disqualified from rendering any decision or passing any judgment upon the same.

(4) After termination of service or employment, no person who has served as a councilmember, board member, or employee of the city shall, within such time period (whichever is longer) as may be provided by state law or city ordinance, appear before any agency of the city government or receive compensation for services rendered on behalf of any person or business entity, in relation to any case, proceeding, or

application with respect to which the person was directly concerned, and in which he/she personally participated during the prior period of service or employment with the city. Notwithstanding, nothing herein contained shall be construed to prohibit any business entity, in which any councilmember, board member, or employee is a member, from appearing, rendering services in relation to any matter before, or transacting business with any agency of the city, where the councilmember, board member, or employee does not share in the profits resulting therefrom.

(5) Councilmembers, board members, and employees who have a direct or indirect financial or other private interest in any proposed legislation and who participate in discussion before or give official opinion to the council, shall publicly disclose the nature and extent of such interest, and the disclosure shall be entered in the journal of the council.

(6) No councilmember, board member, or employee in the course of his/her official duties shall represent private interests in any action or proceeding against the interests of the city, in any litigation to which the city is a party, or in any action or proceeding in the municipal court in which the city, any agency, councilmember, board member, or employee of the city in the course of his/her official duties is a complainant.

(7) No councilmember, board member, or employee of the city shall accept any valuable gift, whether in the form of service, loan, thing, or promise, or in any other form, from any person or business entity, which, to his/her knowledge is interested directly or indirectly, in any manner whatsoever, in business dealings with the city.

(8) No councilmember, board member, or employee shall disclose confidential information concerning the property, government or affairs of the city, nor shall he/she use such information to advance the financial or other private interest of himself/herself or others.

(9) No councilmember, board member, or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction which creates a substantial conflict with his/her official duties.

(10) No councilmember, board member, or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties.

(11) No councilmember, board member, or employee shall solicit, negotiate for, or promise to accept employment with any person or business entity with which he/she is engaged on behalf of the city in the transaction of business or which is or may be affected by his/her official action.

(12) No person or business entity shall attempt, directly or indirectly, to secure preferential treatment in dealings with the city government by offering any valuable gift, whether in the form of service, loan, thing, or promise, or in any other form, to councilmembers, board members, or employees. If any person or business entity violates the foregoing provision, any current contracts which he/she or it may have with the city shall be cancelled; and such person or business entity shall not be eligible to bid on any city contracts for a period of two (2) years.

(13) No councilmember, nor the city manager, the director of finance, the city purchasing agent, or any other employee or board member whom the council may designate by ordinance or personnel rules, shall sell or barter anything to the city or to a contractor to be supplied to the city; or make any contract with the city; or purchase anything from the city other than those things which the city offers generally to the public (as for example, utility services), and then only on the same terms as are offered to the public. Any violation of this section, with the knowledge, express or implied, of the person or business entity contracting with the city, shall render the contract voidable by the city manager or the council. This paragraph shall not apply to the taking of property by condemnation proceedings.

Section 5.4. Political activities.

Prior History:

The following italicized sections of 5.4(1) were declared unconstitutional.

Ref: Local 781, International Association of Firefighters, AFL-CIO, et al, v City of Independence, Case No CV95-4100;

Ref: Local 781, International Association of Firefighters, AFL-CIO, et al., v City of Independence, Missouri, Appellant No. WD53404

(1) No employee of the city shall:

(a) *Continue in such position after becoming a candidate for nomination or election to any public office;*

(b) *Give, pay, lend, or contribute any part of his/her salary or compensation or any money or other valuable thing to any person on account of or to be applied to the promotion of any political party or organization or for any political purpose whatsoever;*

(c) *Serve as an officer or committeemember of a political club or*

organization, or solicit any person to vote for or against any candidate for any public office, or seek signatures to any petition provided by this charter or any primary or general election law, or act as a worker at the polls, or distribute badges, colors, or indicia favoring or opposing a candidate for nomination or election to any public office, or otherwise work for or against the nomination or election of any candidate for public office, or work for or against the recall of any public officer; and

(d) Use any vehicle, equipment, materials, or other property of the city in the interest of or against the nomination or election of any candidate for any public office, or for any other political purpose.

(2) No councilmember nor board member shall:

- (a) Orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any employee of the city; and
- (b) Use any vehicle, equipment, materials, or other property of the city in the interest of or against the nomination or election of any candidate for any public office, or for any other political purpose.

Prior History:

The following section was declared unconstitutional.

Ref: Local 781, International Association of Firefighters, AFL-CIO, et al., v City of Independence, Case No CV95-4100; Ref: Local 781, International Association of Firefighters, AFL-CIO, et al., v City of Independence, Missouri, Appellant No. WD53404

(3) *No person or business entity shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any employee of the city.*

(4) Should a board member, after successfully pursuing nomination to election, become so elected he/she shall resign his/her position with said board or commission before taking the oath of that public office, except as provided by this charter, ordinance or by state law.

(5) All persons and business entities under this article mentioned shall retain the right to vote as they may choose and the right to express their opinions on all political subjects and candidates notwithstanding the provisions of this article.

(6) No other person shall use any vehicle, equipment, materials, or other property of the city in the interest of or against the nomination or election of any candidate for any public office, or for any other political purpose.

Section 5.5. Penalty section. Any person or business entity, who willfully or through culpable negligence violates any of the provisions of Sections 5.1 to 5.4 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars nor more than five hundred (500) dollars, or by imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment. Any person who is convicted hereunder shall, for a period of five (5) years thereafter, be ineligible to hold any office or position of employment in the city service. Any such conviction of any councilmember, board member, or employee of the city shall also be cause for removal from office or employment, and such councilmember, board member, or employee shall be automatically removed by the said conviction effective at the expiration of the period during which he/she may appeal or, in case of appeal, when the case is finally determined, unless the regular removal authority has already removed such person.

All prosecutions for violations of the provisions of Sections 5.1 and 5.4 of this article shall be instituted by the city counselor. If the city counselor shall declare that he/she has a conflict of interest or otherwise disqualifies himself/herself, then the city manager shall appoint a special prosecutor for that purpose. In the event the city manager shall fail to appoint a special prosecutor within 30 days of notification of conflict of interest or disqualification of the city counselor then the city council shall by majority vote appoint the special prosecutor. In all events, the city council may appoint a special prosecutor by majority vote.

Prior History:

Charter was amended by Ordinance No. 8744 and 8909 at election of August 6, 1985 to change the language in paragraph two:

All prosecutions for violations of the provisions of Sections 5.1 to 5.4 of this article shall be instituted by the city counselor. If the city counselor shall declare that he/she has a conflict of

interest or otherwise disqualifies himself/herself, then the city manager shall appoint a special prosecutor for that purpose. In the event the city manager shall fail to appoint a special prosecutor within 30 days of notification of conflict of interest or disqualification of the city counselor then the city council shall by majority vote appoint the special prosecutor. In all events, the city council may appoint a special prosecutor by majority vote.

Jurisdiction of any case involving violations of Sections 5.1 to 5.4 of this article shall be vested in the circuit court of Jackson County, Missouri.

Any resident of the city of Independence may institute an action to prevent or prohibit a violation of the charter by suing for injunctive relief. If such action is successful, the city shall bear court costs and the plaintiff's reasonable attorney fees.

Prior History: Charter was amended by Ordinance No. 8744 and 8909 at Election of August 6, 1985.

All prosecutions for violations of the provisions of Sections 5.1 to 5.4 of this article shall be instituted by the prosecuting attorney of Jackson County. The municipal court shall not have jurisdiction of any case involving violation of Sections 5.1 to 5.4 of this article.

Section 5.6. Board of ethics: Created, membership. There shall be a board of ethics, which shall consist of five (5) members appointed by the council for four (4)-year terms which shall overlap based upon the expiration dates of the terms of original appointment.

Section 5.7 Board of ethics: Procedures, powers and duties.

(1) The board of ethics shall not render any opinion, finding, or advisory recommendation which does not relate to Sections 5.1 to 5.7 of this article unless additional duties are provided by ordinance.

(2) Any councilmember may request, in writing, opinions, findings, and advisory recommendations as to any person, business entity, board member, employee, or other member of the council or as to any matter of a general nature. The city manager, may request, in writing, opinions, findings, and advisory recommendations of a general nature or as to any person, business entity, or employee of the city; however, the city manager shall not request any opinion, finding, or advisory recommendation relating to any councilmember or board member.

In the event that the above written requests relate to the conduct of a certain person, business entity, councilmember, or employee a copy of any such request shall be provided to said person or business entity within five (5) days of receipt by the board by registered, certified or similar special mail, or by personal service.

(3) Any councilmember, board member, person, business entity or employee of the city may voluntarily request, in writing, such opinions, findings, and advisory recommendations as would relate to the conduct of such person or business entity making such request.

(4) The board shall have the power in all cases, whether or not a request has been made under Section 5.7 (2) or Section 5.7 (3) hereof, to initiate its own investigations, to hold hearings, to issue opinions, findings, and advisory recommendations to subpoena witnesses to testify, and to compel the production of documents and other effects as evidence. The chairperson may administer oaths and affirmations. The board may request the city manager to assign such clerical, legal, and investigatory personnel as may be needed from time to time, provided the expenditure authorized by the city manager be within the amount appropriated by the council and made in accordance with proper purchasing procedures.

(5) Failure to obey any subpoena or order to produce shall constitute a misdemeanor; and, any person or business entity who is convicted for such failure to obey shall be punished by a fine of not less than twenty-five (25) dollars nor more than five hundred (500) dollars. The municipal court shall have jurisdiction of such cases.

(6) In the event that the board shall act without a request having been made pursuant to Section 5.7 (2) or Section 5.7 (3) hereof, the board shall provide written notice to any person or business entity whose conduct is being investigated, at least fifteen (15) days prior to the issuance of any opinion, finding, or advisory recommendation pertaining to said person or business entity. Said notice shall specify the nature of the conduct being considered, the time and date of any hearing pertaining to said person or business entity, and shall be served upon such person or business entity by registered, certified, or similar special mail, or by personal service.

(7) Within five (5) days of receiving any request made under the provisions of Section 5.7 (2) or any notice under the provisions of Section 5.7 (2) or any notice issued pursuant to Section 5.7 (6) any person or business entity may request, in writing, a hearing before the board. The board shall grant such a hearing prior to issuance of any opinion, finding, or advisory recommendation that pertains to such person or business entity.

(8) Opinions, findings, and advisory recommendations may relate to present, or

possible future, conflicts of interests or political activities. The board shall determine what constitutes "substantial conflict", "substantial influence", and "substantial interest". The board shall determine what constitutes a conflict of interest under the provisions of Section 5.3 and what constitutes a prohibited political activity under the provisions of Section 5.4.

(9) Opinions, findings, and advisory recommendations concerning application and violation of Sections 5.1 to 5.7 of this article shall be adopted by the board only upon affirmative vote of at least three (3) members of said board. Opinions and findings of the board shall be final and not subject to appeal to any person or administrative or legislative body and not subject to administrative review by any court. In appropriate cases, the board shall issue non-binding (advisory) recommendations to the superintending authority as to what action, if any, should be taken as a result of its opinions and findings. Notwithstanding the provisions hereof, the board shall have continuing authority and discretion to reconsider prior opinions, findings, or advisory recommendations relating to Sections 5.1 to 5.7 of this article.

(10) The board shall submit its opinions, findings, and advisory recommendations to the person or business entity requesting them, to the superintending authority, and to the council in the event that any request is made pursuant to Section 5.7 (2).

In the event that a request is made pursuant to the provisions of Section 5.7 (3) or a board-initiated inquiry pursuant to the provisions of Section 5.7 (4), the board may, as it deems appropriate, determine who should receive such opinions, findings, and advisory recommendations. The board shall take appropriate action, affirmative, negative, or other, within one hundred and twenty (120) days after receipt of a request made under the provisions of Section 5.7 (2) or Section 5.7 (3).

The board shall publish or make public its opinions, findings, and advisory recommendations with such deletions as may be desired, in the discretion of the board, to prevent disclosure of the identity of the councilmember, board member, or employee, person or business entity involved. In deciding to make such deletions, the board may consider whether or not the person or business entity involved voluntarily initiated the request for board action pursuant to the provisions of Section 5.7 (3).

Miscellaneous Provisions

Section 5.8. Boards and commissions created by this charter: Qualifications, compensation, organization, removal, vacancies. Only persons who are registered qualified voters of the city and who have resided within the city

for at least one (1) year prior to their appointment or election, may be appointed or elected members of the boards and commissions created by this charter.

Such members shall serve without compensation. Any nominee for position shall first be apprised of the duties and responsibilities of the office and be provided a copy of the code of conduct article of this charter.

At the time provided for the beginning of the term of a newly appointed or elected member or members or as soon thereafter as practicable, such board or commission shall elect a chairperson, vice chairperson, and a secretary; provided that the chairperson of the judicial commission shall be appointed by the council. The secretary of such board or commission need not be a member thereof. Such board or commission shall determine the time and place of its regular meetings, and the chairperson or a majority of the members may call special meetings.

The council may remove any member of any such board or commission whom it has appointed, with or without cause by the favorable vote for removal of at least four (4) members of the council. The vote shall be by roll call, and the ayes and noes shall be entered in the journal.

A vacancy in any such board or commission shall be filled for the unexpired term.

Section 5.9. Qualifications of boardmembers and employees.

Boardmembers and employees of the city shall have the qualifications provided by this charter and such additional qualifications as the council may provide; but the council shall not provide additional qualifications for the mayor and other councilmembers.

Section 5.10. Persons in arrears for city taxes not qualified to hold office or employment. No person who is in arrears for any city taxes, shall be entitled to hold any office or employment in the city government. The method of determining such delinquency shall be provided by ordinance and shall include notice, reasonable opportunity to pay, and a hearing if requested.

Section 5.11. Nepotism. Neither the mayor, the council, the city manager, nor any boardmember, employee, or agency of the city government may appoint or elect any person related to the mayor, to any other councilmember, to the city manager, or to himself/herself, or in the case of a plural authority, to one of its members, by affinity or

consanguinity within the fourth degree, to any office or position in the city government; but this shall not prohibit any boardmember or employee already in the service of the city from continuing therein.

Any such appointment or election shall be null and void. The mayor, any councilmember, boardmember, or employee who appoints a person so related to him/her, or who, as a member of a plural authority, knowingly votes to appoint or elect a person so related to him/her, shall thereby forfeit his/her office or position.

Section 5.12. No favoritism or discrimination because of race, politics, or religion. No person in the service of the city or seeking admission thereto shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of race, creed, color, national origin, age, sex, ethnic background, or political or religious opinions or affiliations.

Section 5.13. Holding more than one office. Except as may be otherwise provided by this charter or by ordinance, the same person shall not hold more than one office in the city. The city manager may hold more than one such office, through appointment by himself/herself, by the council, or by other city authority having power to fill the particular office, subject to any regulations which the council may make by ordinance; but he/she may not receive compensation for service in such other offices. The council may provide that the city manager shall hold ex officio designated administrative offices subordinate to the city manager as well as other designated compatible city offices.

Section 5.14. Official bonds. The city manager, the director of finance, the city purchasing agent, and such other employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may provide, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds. No payment of compensation shall be made to any such employee until the bond herein required shall have been approved by the director of finance and filed in the department of finance; provided that the bond of the director of finance shall be approved by the city manager and filed in the city manager's office.

Section 5.15. Oath or affirmation of office. Every officer of the city, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation of office that he/she will

support the Constitution of the United States, the constitution and laws of the State of Missouri, and the charter and ordinances of the City of Independence, and that he/she will demean himself/herself faithfully in office. The oath or affirmation shall be filed in the office of the city clerk.

Section 5.16. Who may administer oaths and affirmations. All persons authorized by federal or state law, the mayor, the city manager, the city clerk, the municipal judge or judges, the director of finance, the chairperson of the personnel board, and such other persons as this charter or the council may authorize, may administer oaths and affirmations in any matter pertaining to the affairs and government of the city.

Section 5.17. Acting boardmembers and employees. The appointing or electing authority who may appoint or elect the successor of a boardmember or employee, may appoint or elect a person to act during the temporary absence, disability, leave, or suspension of such boardmember or employee, or, in case of a vacancy, until a successor is appointed or elected and qualifies, unless the council provides by general ordinance that a particular superior or subordinate of such boardmember or employee shall act. The council by general ordinance may provide for a deputy to act in such cases.

Section 5.18. Officers to continue until successors are elected or appointed and qualify. Every officer who is elected or appointed for a term ending at a definite time shall continue to serve thereafter until his/her successor is elected or appointed and qualifies unless his/her services are sooner terminated by resignation, removal, disqualification, death, abolition of the office, or other legal manner.

Section 5.19. Removal of officers and employees. The power to lay off, suspend, demote, and remove accompanies the power to appoint or elect; provided that the mayor may not remove a municipal judge other than a municipal judge pro tempore and, provided further, that the council may not remove the city counselor.

Section 5.20. Definition of terms. For purposes of this article only the following terms shall be defined to mean:

(1) "Employee" is one who works for wages or salary in the service of the city government and shall include but shall not be limited to the city clerk, the management auditor, municipal judge or judges, clerk of municipal court, city manager, assistant city manager or managers and directors of all administrative departments; however the

terms shall not include councilmembers or board members.

(2) "Boardmember" is one who is elected or appointed to a board, commission or other plural authority created by this charter or by ordinance but shall not include a member of the council.

(3) "Business entity" is any corporation, association, firm, partnership, proprietorship or other business organization of any kind or

character including, but not limited to, charitable, eleemosynary, educational and organizations.

(4) "Officer" is a person who holds one of the following offices in the city government: councilmember, boardmember, city manager, assistant city manager or managers, management auditor, city clerk, municipal judge or judges, clerk of municipal court, and directors of all administrative departments.

SECTION 2-50 Code of Ethics

The public judges its government by the way city council members conduct themselves in the post to which they are elected. The public has a right to expect that every city council member will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents. Such confidence and respect can best be promoted if every city council member will uniformly:

Treat all citizens with courtesy, impartiality, fairness and equality under the law; and

Avoid both actual and potential conflicts between their private self-interest and the public interest.

To help city council members achieve these goals is one of the objectives of this section. The other objective is based on the proposition that no man can serve two (2) masters, nor should he attempt to do so. Therefore, this Code proposes to relieve him of the impossible task of judging himself. Instead, under the provisions of the Charter, this Code places judgment in the hands of the council who will review the facts and measure them by the yardstick of public morality established by this Code.

Definitions

Public body: Any agency, board, body, commission, committee, department or office of the City of Joplin, Missouri.

Financial interest: Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his services to the municipality) to an official or employee.

Personal interest: Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.

Person: Any person, firm, association, group, partnership or corporation, or any combination thereof.

City council member: The mayor and other members of the City Council of Joplin, Missouri.

Fair and equal treatment

Impartiality - No city council member shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

Use of public property - No city council member shall request, use or permit the use of, any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person. This rule shall not be deemed to prohibit a city council member from requesting, using or permitting the use of such publicly owned or publicly supplied property,

vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

Conflict of interest

A city council member shall not have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. Any violation of this provision renders the contract or sale void, and any council member violating this section thereby forfeits his office or employment. Provided, however, that nothing contained herein shall be construed to apply to any contract, sale or lease not initiated, proposed, instituted, introduced or commenced by an officer or employee of the city who may be involved or interested in such undertaking.

A city council member shall not hold any other lucrative public office or hold a lucrative position in the city government during his term as council member except positions as a member of the National Guard, naval or military reserve, or notary public.

City council members are prohibited from either directly or indirectly bidding on or purchasing property owned by the city or under the direction and control of the city unless the property is being sold at a public sale or auction or by sealed bids. City property or property under the direction and control of the city shall not be sold to city council member unless at a public sale or auction or by sealed bids.

Disclosure of interest in legislation

A city council member who has a financial or other personal interest in any legislation shall disclose on the records of the city council or other appropriate authority the nature and extent of such interest and may vote on such legislation provided that the city council member is not prohibited from voting by some other provision of law. This provision shall not apply if the council member disqualified himself from voting.

Representing personal interest before city agencies or courts

No city council member shall appear on behalf of personal interest before any agency of the city. Provided, however, that nothing herein contained shall be construed to prohibit a city council member from being present for the purpose of consulting with his representative when such representative appears on behalf of such council member's personal interest before an agency of the city. A city council member shall not represent personal interest in any action or proceeding against the interest of the city in any litigation in which the city is a party.

A city council member may appear before city agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of

public or civic obligations. However, no council member or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

No city council member shall, for a period of one (1) year after the termination of service with the city, appear before any board, commission, committee or agency of the city in relation to any case, proceeding or application in which he personally participated during the period of his service or which was under his active consideration. A city council member shall not be employed by the City of Joplin, Missouri, or any of its departments, boards or agencies for a period of one (1) year after leaving the position of council member.

Gifts and favors

No city council member shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official (1) accept any gift, favor, or thing of value that may tend to influence him in the discharge of his duties, or (2) grant in the discharge of his duties any improper favor, service, or thing of value. Purchase of a meal for a city council member shall not be a valuable gift. The prohibition against gifts or favors shall not apply to an occasional no pecuniary gift, insignificant in value, or an award publicly presented in recognition of public service, or any gift which would have been offered or given if he were not a city council member.

Confidential information

No city council member shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the municipality. No city council member shall use or permit the use of any confidential information to advance the financial or personal interest of himself or any other person.

Prohibition of interference

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any way interfere with the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, unless specifically otherwise provided in the Charter, the council and its members shall deal with the administrative officers and services solely through the city manager, and neither the council nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately.

Political activity

A city council member shall not use the prestige of his position on behalf of any political party or candidate for elected office and to this end shall refrain from using the official title of council member in support of or in opposition to candidates for political office or a political party, nor shall a city council member use his official title in support of or opposition to legislation or other matters pending before governmental bodies, other than the City of Joplin, Missouri, or when city council has officially taken a position with respect to the same.

No candidate for city council of the City of Joplin, Missouri, shall ask or direct any employee or salaried officer of the city to perform any act or service for the candidate which relates to the candidate's election campaign other than as part of the employee's or salaried officer's official duties.

Immoral conduct

If a city council member is convicted of a crime involving moral turpitude, the council member's office shall immediately become vacant. City council members should refrain from engaging in conduct which is improper and from using the position of council member to obtain a favor or advantage not available to the public at large.

Other laws

City council member shall comply with the laws of the city pertaining to the conduct of city elections, use of city property for posting of campaign literature, campaigning in city offices and buildings, and any other law that applies to the conduct of city council members in their official duties.

Sanctions

Violation of any provision of this code of ethics should raise conscientious questions for the council member concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the city. Violation may constitute a cause for censure, suspension, removal from office, or other disciplinary action pursuant to the Charter. Provided, however, the council shall not impose sanctions upon a member unless such sanctions receive an affirmative vote of three-fourths (3/4) of the members of the entire council.

SECTION 2-107 Financial Interest Disclosure

Conflicts of interest

All elected and appointed officials as well as employees of the city shall comply with RSMo 105.454 on conflicts of interest as well as any other state law, or ordinance of the city governing official conduct.

Any member of the City Council who has a 'substantial or private interest' in any measure, bill, order or ordinance proposed or pending before the City Council, must disclose that interest to the City Clerk, and such disclosure shall be recorded in the appropriate journal of the City Council. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children whether singularly or collectively, directly or indirectly of:

Ten (10) percent or more of any business entity; or

An interest having a value of ten thousand dollars (\$10,000.00) or more; or

The receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00) or more, per year, from any individual, partnership, organization, or association within any calendar year.

Disclosure reports

Each city council member, the city manager, the city purchasing agent, or the director of finance if no such purchasing agent is appointed, and the full time city attorney, shall disclose the following information by May 1, if any such transaction occurred during the previous calendar year:

For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00.), if any, that such person had with the city, other than compensation received as an employee or payment of any tax, fee, or penalty due to the city and other than transfers for no consideration to the city;

The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the city, other than payment of any tax, fee or penalty due to the city of transactions involving payment for providing utility service to the city, and other than transfers for no consideration to the city.

The city manager, and the city purchasing agent, or the director of finance if no such purchasing agent is appointed, and the full time city attorney also shall disclose by May 1, for the previous calendar year, the following information:

The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

The name and address of each sole proprietorship that he owned; the name and address and general nature of the business conducted of each general partnership and joint venture in which he was a partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten (10) percent or more of any class of the outstanding stock or limited partnership units; and the name of any public traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two (2) percent or more of any class of outstanding stock, limited partnership units or other equity interests;

The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Filing of reports

The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

Every person required to file a financial interest statement shall file the statement annually not later than May 1, and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the city council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement;

Each person appointed to office shall file the statement within thirty (30) days of such appointment of employment.

Financial disclosure reports giving the financial information required in subsection (b) shall be filed with the City Clerk's office and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

SECTION 2-51 Guidelines for Incurring Expenses by the Mayor and Council Members

The following guidelines shall govern the incursion of expenses by the Mayor and Council Members:

As allowed by the city Charter 2.03, the mayor and city council members shall be reimbursed for necessary expenses in connection with their duties.

That council shall at the beginning of each council year develop a plan of attendance for meetings/conferences specifying how many council members shall attend each and approving expenses to carry out the plan. The goal of the plan shall be

to afford the council members the opportunity to attend the functions which they believe will benefit the city the most while minimizing expenses.

Travel arrangements for motel, air fare, etc. shall be made through the purchasing department and billed directly to the city. The purchasing department through its normal procedures will be responsible for comparing prices of competitive services. Where applicable, the city's administrative policy for travel expenses adopted June 1, 1992, on file with the director of finance, as the same may be amended from time to time, shall govern reimbursement of transportation, subsistence, registration fees, and special expenses as set forth in said policy.

Council members will strive to keep expenses to a minimum by using car pools, sharing motel rooms, and minimizing phone calls.

Council members shall closely check their calendars before being registered for meetings/ conferences to minimize "no-show" charges.

Expenses for council member's spouses will not be paid by the city. If a spouse attends a meeting/conference, the council member shall appropriately maintain expense records to insure that spouse's meals, entertainment, etc., are separately identifiable and not reported on the request for reimbursement. The council member shall be billed and will reimburse the city for any expenses applicable to the spouse which were billed directly to the city with other meeting/ conference expenses (such as registration, additional motel room charge, etc.)

City functions such as receptions, dinners, etc. should be held at appropriate community meeting facilities insofar as practicable.

As provided by city Charter Section 2.03, the mayor shall be allowed reimbursement up to one hundred dollars (\$100.00) per month for incidental expenses incurred in the performance of his duties. Expenditures in excess of the one hundred dollars (\$100.00) per month incurred by the mayor and all expenses incurred by council members shall be approved by the council in the form of the annual budget prior to incursion or the expenses will not be considered eligible for reimbursement.

The city manager shall report and account quarterly to the council the expenses incurred by the mayor and council members.

SECTION 2.08 Prohibition of Interference

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any way interfere with the appointment or removal of officers and employees in the administrative service of the city, except for positions in the administrative service filled by the Council. Except for the purpose of inquiry, unless specifically otherwise provided in this charter, the Council and its members shall deal with the administrative officers and services solely through the city manager, and neither

the Council nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately. Any Council Member violating the provisions of this section shall forfeit his office. Whether such violations have occurred shall be determined by members of the Council and their decisions shall be final.

SECTION 6.31 Signs

The purpose of these regulations is to establish standards for the erection and use of signs, symbols, markings and advertising devices within the City of Joplin. These standards are designed to protect and promote public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating a detriment to the general public.

Political sign means any sign which displays the name of a candidate for a political office or elected position or which encourages the vote for any public issue or question that may be found on the ballot of the next regular or special election.

SECTION 6.32 Applicability of article.

(a) Generally. The provisions of this article shall apply to the construction, erection, alteration, use, location and maintenance of all signs located out-of-doors; to those signs painted on any part of a building; and to those signs placed within a building for the express purpose of being visible from the exterior of the building.

(c) Exemptions from permit requirement. All provisions of this article shall apply to the following signs, except that permits or permit fees shall not be required for:

(2) **Political signs** not exceeding **8 square feet** in area provided such signs shall not be more than five feet in height and shall not be located closer than **15 feet to the back of curb** or edge of street.

SECTION 13.08 Return: Canvass

The Council shall canvass the election returns and declare the results of any municipal election, regular or special, at a meeting to be held not later than one week following such election. The candidate or candidates receiving the highest number of votes for each office shall be declared elected and inducted into office at that time.

SECTION 15.10 Oath of Office: Employment

Before entering upon the duties of his office, every officer of the city shall take and subscribe, and file with the City Clerk, his oath (or affirmation) as follows: "I do

ARTICLE XV. - CODE OF ETHICS^[56]

Kansas City

Footnotes:

-- (56) --

Cross reference— Interest of gas inspector in manufacture and sale of equipment used by gas companies, § 32-2.

DIVISION 1. - GENERAL^[57]

Footnotes:

-- (57) --

Editor's note— Ord. No. 130249, § 2, adopted May 30, 2013, amended the Code by adding new §§ 2-2000—2-2004. In order to prevent duplication of section numbers, the new sections have been numbered as §§ 2-2001—2-2005 at the discretion of the editor.

Sec. 2-2001. - Declaration of policy; purpose of code.

(a) *Policy of the city.* The proper operation of democratic government requires that:

(1) Officials and employees:

- a. Are independent, impartial and responsible to the public;
- b. Are agents of the public and hold office for the benefit of the public;
- c. Do not use public office or employment for personal gain;
- d. Are bound to discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern and shall be loyal to the objectives expressed by the electorate and the programs developed to attain those objectives;
- e. Shall uphold the constitution of the United States, constitution of Missouri, and City Charter and carry out impartially the laws of the nation, state and municipality, and thus foster respect for all government;
- f. Shall not exceed their authority or breach the law or ask others to do so;
- g. Shall work in full cooperation with other officials and employees unless prohibited from so doing by law or by officially recognized confidential nature of their work; and
- h. As representatives of the public, their conduct in both official and private affairs should be above reproach.

(2) Decisions and policy are made in the proper channels of the governmental structure; and

(3) People served by the government have confidence in the integrity of their government.

Therefore, the provisions and purpose of this code of ethics and such rules and regulations as may be established are accepted as and declared to be in the best interests of the city.

- (b) *Purpose.* The purpose of this code of ethics is to establish minimum ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. This code of ethics is designed to prevent unethical behavior, to avoid even the appearance of impropriety, to provide meaningful redress, and to encourage transparency in government.
- (c) *Not exclusive.* The provisions of this code of ethics may not be the exclusive source of guidance, rules, regulations, or other requirements addressing ethical behavior of officials and employees. Provisions providing for the ethical conduct of officials and employees will be in addition to the provisions of this code of ethics. If there is a conflict between this code of ethics and a more specific provision, the two will be interpreted together if possible, but if not the provisions of the more specific provision will govern.
- (d) *Cross references—Budgetary and financial policies.* There is recognized the additional obligations of persons involved in the city's investment process set out in subsection 2-1950 (d), debt process, subsection 2-1990(d), and swap transaction process, subsection 2-1990(n) (4).

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2002. - Definitions.

As used in this code of ethics, these terms shall have the following meanings unless it is apparent from the context that a different meaning is intended:

Board means any appointive board or commission or other appointive body or authority of the city established by charter, ordinance, resolution or act of the mayor.

Commission means the municipal officials and officers ethics commission, unless the context dictates otherwise.

Contract means any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for valuable consideration to be paid by the city or is to be sold or transferred by the city.

Councilmember means any member of the city council, including the mayor.

Domestic partner is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses. To be a domestic partner within this code of ethics, registration with the city clerk of a domestic partnership is not required.

Elected official means the mayor or any member of the city council.

Financial benefit includes any money, service, license, permit, contract, authorization, loan, discount, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

Household includes anyone whose primary residence is in the official or employee's home.

Immediate family member means a spouse or unemancipated child, or a domestic partner and the domestic partner's unemancipated child.

Interest means a pecuniary, property, or commercial interest, or any other interest the primary significance of which has been, will be, or might be the realization of economic gain or the avoidance of economic loss to an elected official, board member, his or her relative, or his or her designee whether direct or indirect; provided, however, that "interest" shall not include any matter involving the common public good or necessity, or any matter in which a similar benefit is conferred to all persons or property similarly situated; and further, that ownership individually or in a fiduciary capacity of any securities, or of any beneficial interest in securities, of a corporation shall not be deemed to create an "interest" in the corporation unless the aggregate amount of such securities, or interest in such securities, amount to five percent or more of any class of the securities of the corporation then outstanding or constitutes a controlling interest in the corporation.

Official or employee means the mayor and the mayor's assistants; a member of the city council and a member's assistants; a member of any city board, commission, authority, task force, committee or other organized group of people called to serve the city; a member of any other board, commission or other organized group of people appointed to that group to serve as a representative of the city; the city manager and all assistant city managers; department directors, including the city clerk and city auditor, and their deputies; contract employees; and all other employees of the city. Official or employee shall also include all volunteers unless the office or department in which the volunteer service is offered has adopted a special code of ethics

applicable to volunteers. Official or employee shall also include the judges of the municipal court insofar as this code of ethics is not inconsistent with the Code of Judicial Conduct promulgated by the Missouri Supreme Court.

Personal benefit includes benefits other than those that are directly financially advantageous. These include financial benefits to relatives, business associates, and others, as well as non-financial benefits to these people and to oneself, including such things as reputation and the success of one's career.

Relative means any of the following persons related to the employee or the employee's spouse or domestic partner:

- (1) Children, parents;
- (2) Grandchildren, grandparents, brothers and sisters;
- (3) Great-grandchildren, great-grandparents, nephews and nieces, uncles and aunts; or
- (4) Great-great-grandchildren, great-great-grandparents, grand nephews and grand nieces, first cousins, great uncles and great aunts.

Subordinate means another official or employee over whose activities an official or employee has direction, supervision or control.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2003. - Orientation and training.

(a) *Orientation and training for mayor and council members.*

(1) *Ethics training prerequisite to assuming office.*

- a. *Elected officials.* A person shall receive orientation training on ethics after election as either a council member or mayor and before the city clerk administers the oath of office to that council member or mayor.
- b. *City manager to provide training.* The city manager shall provide this training. The city manager may delegate specific matters for presentation to the mayor-elect and council members-elect.
- c. *Training topics.* Training provided by the city manager shall include, at a minimum, the following:
 1. Rights and responsibilities of the mayor and council members;
 2. Legislative procedures;

3. Code of ethics;
4. Conflicts of interest;
5. Financial disclosure requirements;
6. Public records; and
7. Campaign finance.

Applicable local, state and federal laws shall be included within the training.

- (2) *Structure of government.* The city manager shall furnish each council member-elect and the mayor-elect with a written synopsis of the functions and responsibilities of each city department and a synopsis of the city financing sources, including definitions of terms. Council members-elect and the mayor-elect will have the opportunity to meet with each department head and receive orientation on that department's functions and responsibilities and to meet with the director of human resources and receive orientation on salary and benefits.
- (3) *Legislative process.* The city attorney shall provide an explanation of the procedures required by law to enact the types of legislation that may be considered by the council.
- (4) *Periodic training.* Updates on orientation training topics shall be furnished to council members and the mayor by the city manager every six months.

(b) *Orientation and training for other officials and all employees.*

- (1) *Ethics handbook.* The city manager shall furnish each other official and all employees with a current copy of a handbook that contains this code of ethics, as well as Missouri statutes and city administrative regulations relating to ethical conduct, within the first month after their service or employment has begun.
- (2) *Periodic training.* The city manager shall periodically furnish ethical training updates to all other officials and all employees.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2004. - Use of city property.

- (a) *Prohibition.* No official or employee shall request or permit the use of city-owned or city-leased vehicles, equipment, materials or property for personal convenience or profit.
- (b) *Exceptions.*
 - (1)

Availability to the public. This prohibition shall not apply when such services are available to the public generally, and the official or employee complies with all rules and requirements applicable to the public.

- (2) *Provided by city to public official.* This prohibition shall not apply if such services are provided as municipal policy for the use of such official or employee.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2005. - Authority to promulgate regulations.

- (a) *Mayor.* The mayor is authorized to establish rules or regulations in addition to or stricter than the rules found in this code of ethics. Such rules may apply to any or all employees of the mayor's staff.
- (b) *Mayor pro tem.* The mayor pro tem is authorized to establish rules or regulations in addition to or stricter than the rules found in this code of ethics. Such rules may apply to any or all employees of the staff of the city council.
- (c) *City manager.* The city manager is authorized to establish rules or regulations in addition to or stricter than the rules found in this code of ethics. Such rules may apply to any or all employees under the ultimate supervision of the city manager.
- (d) *Board of parks and recreation commissioners.* The board of parks and recreation commissioners is authorized to establish rules or regulations in addition to or stricter than the rules found in this code of ethics. Such rules may apply to the commissioners and any or all employees under the ultimate supervision of the board of parks and recreation commissioners.
- (e) *Department directors.* All department directors are authorized to establish rules or regulations in addition to or stricter than the rules found in this code of ethics. The director of parks and recreation is also authorized to establish rules or regulations in addition to or stricter than those promulgated by the board of parks and recreation commissioners. Such rules may apply to any or all employees under the ultimate supervision of the director.
- (f) *Boards and commissions.* All boards and commissions acting by a majority of the board or commission are authorized to establish rules or regulations in addition to or stricter than the rules found in this code of ethics for their members.

(Ord. No. 130249, § 2, 5-30-13)

Secs. 2-2006—2-2019. - Reserved.

DIVISION 2. - CONFLICTS OF INTEREST

Sec. 2-2020. - Conflict of interest.

- (a) *Benefits received.* An official or employee may not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows, or has reason to believe, may result in a personal or financial benefit, not shared with a substantial segment of the city's population, for any of the following persons or entities:
- (1) Himself or herself;
 - (2) A member of his or her household, his or her spouse or domestic partner, or the employer or business of any of these people;
 - (3) A sibling or step-sibling, step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people; or
 - (4) A nongovernmental civic group, union, social, charitable, or religious organization of which he or she (or his or her spouse or domestic partner) is an officer, director, or board member, or which he or she holds any other position on the organization's administrative or governing body.
- (b) *Service on boards or commissions.* An official or employee serving as a member of a board, commission, or any other entity as a representative of the city shall not have a conflict of interest when the business of that entity is before the city. An official or employee serving as a member of a board, commission, or any other entity not as a representative of the city but as a private citizen, even if the board or entity seeks out an official or employee because of their position with the city, shall have a conflict of interest when matters touching upon the business of the board, commission, or any other entity comes before the city.
- (c) *Labor contracts.* A council member has a conflict of interest with respect to any labor contract to which he or she, or a member of his or her household, may be a party.
- (d) *Private financial transactions.* An official or employee must disclose at the beginning of any transaction, project, or discussions about any transaction or project, if a known person with a substantial financial interest is a customer or client to which an official or employee has supplied goods or services through one or more private transactions during the previous 24 months, having, in the aggregate, a value of or greater than \$1,000. Such circumstances must be disclosed to the city clerk. These records shall be available to the internal auditor, ethics compliance officer and director of the department to which assigned, the mayor if assigned

to the mayor's office, the mayor pro tem if assigned to a council member or the council office or the city manager if assigned to the city manager's office or not otherwise assigned. Such disclosure will include a statement that in the opinion of the official or employee no conflict of interest exists and the reason why that is stated.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2021. - Disclosure of conflicts and withdrawal.

- (a) *Withdrawal required.* An official or employee must refrain from acting on or discussing, formally or informally, a matter before the city, if acting on the matter, or failing to act on the matter, may personally or financially benefit any of the persons or entities listed in section 2-2020. Such official or employee should join the public if the withdrawal occurs at an open meeting, or leave the room if it is a closed meeting.
- (b) *Involuntary withdrawal.* If a board or agency member is requested to withdraw from participation in a matter, for the reason that he or she has a conflict of interest, by:
- (1) Another member;
 - (2) A party to the current matter; or
 - (3) Anyone else who may be affected by a decision relating to this matter, the member must decide whether to withdraw. If the member decides not to withdraw, the member must announce in an open session of a meeting of the board or agency why the member will not withdraw from participating in the matter.
- (c) *Reasons for voluntary withdrawal.* Withdrawal at a meeting requires the public announcement, on the record, of the reason for withdrawal.
- (d) *No appearance of impropriety.* By disclosure and recusal pursuant to this section, there is no appearance of impropriety.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2022. - Preferential treatment.

No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2023. - Transactions with subordinates.

- (a) *Prohibition.* No official or employee may engage in a financial transaction exceeding \$50.00, including the giving of loans or receiving of loans or monetary contributions, including charitable contributions, with a subordinate or person or business over which, in the official or employee's official duties and responsibilities, he or she exercises supervisory responsibility.
- (b) *Exception.* This prohibition shall not apply when the financial transaction is in the normal course of a regular commercial business or occupation.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2024. - Conflict of interest annual report.

- (a) *Disclosure to Missouri Ethics Commission.* Members of the council, including the mayor, the city manager and assistants, the city clerk, the city auditor, the internal auditor, the commissioner of purchases and supplies, the city attorney, and the directors of all departments of the city, shall file with the city clerk and the state ethics commission the long form of the state ethics commission's personal financial disclosure statement completed in conformance with state law.
- (b) *Disclosure to the supreme court.* Judges of the city municipal division of the circuit court shall file disclosure reports required of judges by the supreme court of the state, and will not be required to duplicate filings with the state ethics commission or the city clerk.
- (c) *Disclosure to the city clerk.* Members of all boards, commissions and other entities of the city or who receive substantial funding from the city or which make recommendations on the expenditure of public funds, except members and contractors who are required to file a personal financial disclosure statement under subsection (a) of this section, shall file an annual conflict of interest disclosure report on the form provided by the city clerk or equivalent form provided by the state ethics commission which shall provide the following information, before May 1 of each year:
 - (1) Employers who are contractors and/or suppliers of the city, and from whom the appointee received income of \$10,000.00 or more during the period covered by the report;
 - (2) Each sole proprietorship who are contractors and/or suppliers of the city, owned by appointee;
 - (3) Each general partnership and joint venture who are contractors and/or suppliers of the city, and in which the appointee is a partner or participant;

- (4) Each closely-held corporation or limited partnership who are contractors and/or suppliers of the city, and in which the appointee owns ten percent or more of any class of the outstanding stock or units;
 - (5) Each publicly-traded corporation or limited partnership who are contractors and/or suppliers of the city, and which is listed on a regulated stock exchange or automated quotation system in which the appointee owns two percent or more of any class of outstanding stock, units or other equity interests;
 - (6) Miscellaneous income of \$9,999.99 or more from any single source who are contractors and/or suppliers to the city, and not otherwise included in the report;
 - (7) Each corporation who is a contractor and/or supplier to the city, and in which the appointee served as a director, officer or receivers;
 - (8) Each not-for-profit corporation, association, organization or union in which the appointee served as an officer, director, employee or trustee, except church, fraternal or service organizations where no pay was received;
 - (9) Spouse and children who were employed by the city, and what department they worked for; and
 - (10) Real property owned and/or managed in whole or in part by member, spouse or dependent children within corporate boundaries.
- (d) *Boards, commissions and other entities defined.* Members of boards, commissions and other entities receiving substantial funding by the city or which make recommendations on the expenditure of public funds required to file annual financial disclosure reports with the city clerk shall include those persons who are members of the following boards and commissions:
- (1) American Jazz Museum;
 - (2) Board of Trustees of City Trusts - all members file;
 - (3) Board of Zoning Adjustment;
 - (4) Brownfields Commission;
 - (5) Building and Fire Code Board of Appeals;
 - (6) Employees Retirement System Board of Trustees;
 - (7) Citizen Advisory Committee, Housing;
 - (8) City Market Oversight Committee;
 - (9) City Plan Commission;
 - (10) Construction Workforce Board;

- (11) Visit KC;
- (12) Convention Hotel Steering Committee;
- (13) Convention Management Advisory Authority;
- (14) Downtown Economic Stimulus Authority;
- (15) Economic Development Corporation;
- (16) Enhanced Enterprise Zone Board;
- (17) Environmental Management Commission;
- (18) Fairness in Construction Board;
- (19) Fairness in City Contracts Board;
- (20) Firefighters Pension System Board of Trustees;
- (21) Global Commission, Kansas City;
- (22) Healthcare System Board of Trustees;
- (23) Historic Preservation Commission;
- (24) Housing Authority - only mayoral appointees;
- (25) Human Resources Board;
- (26) Human Rights Commission;
- (27) Impact Fee Advisory Committees;
- (28) Industrial Development Authority;
- (29) Jackson County Board of Equalization - only mayoral appointees;
- (30) Kansas City Area Transportation Authority - only mayoral appointees;
- (31) Kansas City, Municipal Assistance Corporation;
- (32) Kansas City Museum Advisory Board;
- (33) Kansas City Parking and Transportation Commission;
- (34) KCTGA Comprehensive HIV Care Plan;
- (35) Land Bank of Kansas City, Missouri - only mayoral appointees;
- (36) Land Clearance for Redevelopment Authority;
- (37) Land Trust of Jackson County - only mayoral appointee;
- (38) Liquor Control Board of Review;
- (39) Metropolitan Ambulance Services Trust;
- (40) Municipal Art Commission;
- (41) Municipal Judicial Nominating Commission;

- (42) Municipal Officials and Officers Ethics Commission;
 - (43) Neighborhood Tourist Development Fund Committee;
 - (44) Parks and Recreation Board of Commissioners;
 - (45) Planned Industrial Expansion Authority;
 - (46) Police Retirement Board - only mayoral appointees;
 - (47) Port KC;
 - (48) Property Maintenance Appeals Board;
 - (49) Public Improvement Advisory Committee;
 - (50) Special review boards and business districts, including Main Street Special Review Board, the Independence Avenue Special Design Review Districts, the Union Hill Special Business District, and the Westport Special Business District;
 - (51) Tax Increment Financing Commission; and
 - (52) Technical Review Committee.
- (e) *Time for filing.* The first disclosure report required of persons shall be filed with the city clerk prior to assuming a position on the designated entity. An annual revised disclosure report shall be filed by May 1 of each calendar year.
- (f) *Failure to file.* Any member of a city board, commission or other entity who is appointed by the mayor or one or more members of the city council who fails to report by June 1 of each year shall be deemed to have resigned membership, and this resignation shall be deemed accepted as of June 1 of the respective year. Any entity listed in subsection (d) with a member not appointed by the mayor or one or more members of the city council failing to file the required disclosure report shall be subject to termination or suspension of any funding or other assistance provided by the city until all required disclosures are made.
- (g) *City clerk's responsibility.* The city clerk will distribute to members of the entities named in subsection (d) forms on which they may make the required filing by February 1 of each year. The failure of a person required to file a disclosure report to receive a form shall not be an excuse for the failure to file the required report. The city clerk will have available copies of appropriate forms in the office of the city clerk for persons to obtain.

(Ord. No. 130249, § 2, 5-30-13; Ord. No. 150711, § 1, 9-3-15)

Secs. 2-2025—2-2029. - Reserved.

DIVISION 3. - GIFTS

Sec. 2-2030. - Acceptance of gifts.

(a) *Definitions.* Unless the context specifically indicates otherwise, the terms as used in this division are defined as follows:

- (1) Gift means anything of more than \$200.00 of value accepted by a person whether tangible or intangible, which would reasonably be considered of worth, use or service to the person to whom it is conferred. The term gift includes but is not limited to:
 - a. Money;
 - b. Products or merchandise;
 - c. Works of art or collectibles;
 - d. Stocks, bonds, notes or options;
 - e. An interest in real property;
 - f. Contracts or a promise of a future interest in a contract;
 - g. An interest or a promise of a future interest in a business;
 - h. Meals, beverages or lodging;
 - i. Transportation for noncity purposes;
 - j. Services, including loaned employees;
 - k. Loans, loan guarantees, cosigning;
 - l. Forgiveness of a debt;
 - m. Discounts or rebates not extended to the public generally;
 - n. Preferential treatment;
 - o. Tickets or admissions to events, concerts or performances, other than those provided by the city;
 - p. Free or discounted use of office facilities;
 - q. Loan of office equipment;
 - r. Promise or offer of present or future employment;
 - s. Use of autos, boats, apartments or other recreational or lodging facilities;
 - t. Intangible rights such as cause of action;
 - u. Licenses, patents, copyrights or any interest therein;
 - v. Fees and honorariums for an appearance or speech, or for participation at any event, in his or her official capacity; excluding payment or reimbursement for reasonable and necessary expenses related to any such activity; and
 - w. Any other items tangible or intangible having economic value.

- (2) A gift for purposes of this section does not include:
- a. Anything of value accepted by a person whether tangible or intangible from any immediate family member, parent, emancipated child, grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, great uncle, great aunt, first cousin, second cousin, or the spouse or domestic partner of any of these persons, including the transfer or co-mingling of assets or liabilities between spouses or domestic partners;
 - b. Campaign contributions which are reported under RSMo Ch. 130, as amended;
 - c. Contributions to any cause or organization, including a bona fide charity, made in response to a direct solicitation from an officer or employee;
 - d. Wages or salary paid for work or services from outside employment; or
 - e. Compensation paid for goods or services to self-employed individuals; or
 - f. Travel, expenses, registrations, and similar items provided to a person by a city department or affiliated entity such as the Economic Development Corporation or any of its agencies, Port Authority, or as a result of their membership in a not-for-profit organization existing to assist local governments, such as the National League of Cities, National Black Caucus, Missouri Municipal League, and the Mid-America Regional Council, and other similar groups.
- (3) Gifts totaling in value more than \$200.00 accepted by the official or employee or a member of his or her immediate family at the same or substantially the same time shall be deemed a single gift to the officer or employee.
- (4) Substantial interest in legislative or administrative action means persons or organizations which:
- a. Are regulated by the city;
 - b. Provide goods and services to the city for compensation or profit;
 - c. Seek employment with the city or any agency thereof;
 - d. Will be directly and substantially affected, either financially or personally, by any contemplated legislative or administrative action; or
 - e. Have or seek contracts for goods or services with any department or agency of the city.

(b) *Acceptance of gifts.*

(1)

No official or employee or an immediate family member of an official or employee shall knowingly accept any gift having a value in excess of \$200.00 but less than, or equal to, \$1,000.00 or the maximum allowed by Missouri law, whichever is less, from any person or business entity having a substantial interest in any legislative or administrative action of the city, unless such gift is disclosed as required in this article.

- (2) No official or employee or an immediate family member of an official or employee shall knowingly accept any gift having a value in excess of \$1,000.00 or the maximum allowed by Missouri law, whichever is less, from any person or business entity having a substantial interest in any legislative or administrative action of the city.
 - (3) No official or employee or an immediate family member of an official or employee shall knowingly accept gifts during a calendar year having a cumulative value in excess of \$1,000.00 or the maximum allowed by Missouri law, whichever is less, from any person or business entity having a substantial interest in any legislative or administrative action of the city.
- (c) *Disclosure.* Any official or employee who accepts a gift having a value of more than \$200.00 but less than, or equal to, \$1,000.00 or the maximum allowed by Missouri law, whichever is less shall disclose the acceptance of that gift within 15 days of the end of the quarter in which the gift was accepted on a disclosure form provided by the city clerk by filing the original disclosure form with the city clerk. These records shall be available to the internal auditor, ethics compliance officer and director of the department to which assigned, the mayor if assigned to the mayor's office, the mayor pro tem if a council member or the council office or the city manager if assigned to the city manager's office or not otherwise assigned. Failure to file this gift disclosure form when required to do so shall be reported by the internal auditor to the city clerk, ethics compliance officer and director of the department to which assigned, the mayor if assigned to the mayor's office, the mayor pro tem if a council member or assigned to the council office or to the city manager if assigned to the city manager's office or not otherwise assigned.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2031. - Tickets to city facilities.

- (a) *Tickets to city facilities not considered gifts.*
 - (1)

Tickets to officials. When tickets are provided by the city to the mayor and members of the city council or to the city manager to events held in city facilities, such as the Sprint Center, Kemper Arena, Municipal Auditorium, Music Hall, Hale Arena, as a result of contract negotiations for use of the city's facilities, those tickets, by whomever used, are not considered gifts.

(2) *Tickets to certain employees.* If an employee of the city receives tickets for attendance at events in city facilities to carry out that employee's duties, those tickets shall not be considered gifts.

(b) *Tickets from promoters or other sources.* When tickets are provided to the mayor or members of the city council or city manager by any person other than the city, the tickets are gifts.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2032. - Reporting.

(a) *Quarterly reporting.* Any official or employee and any official or employee upon behalf of any immediate family member receiving a gift as defined in this article shall report such gift within 15 days of the end of the quarter in which the gift was accepted on forms as provided by the city clerk to the city clerk according to the following schedule.

Quarter	Filing Deadline
1 January, February, March	April 15
2 April, May, June	July 15
3 July, August, September	October 15
4 October, November, December	January 15

For purposes of this quarterly reporting requirement, members of boards and commissions required by section 2-2024 to file an annual report shall not be required to file a quarterly report.

- (b) *Public records.* All such reports shall be considered public records.
- (c) *Other reporting requirements.* This reporting requirement shall be in addition to any other gift reporting requirements imposed by other ordinances or by state or federal law.

(Ord. No. 130249, § 2, 5-30-13)

Secs. 2-2033—2-2039. - Reserved.

DIVISION 4. - EMPLOYMENT

Sec. 2-2040. - Honesty in applications for positions.

No person seeking to become an official, employee, or contractor may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or service for the city.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2041. - Patronage.

No official or employee may promise an appointment or the use of his or her influence to obtain an appointment to any position as a reward for any political activity or contribution.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2042. - Canvassing elected officials for appointment.

- (a) *Prohibited.* Canvassing of the mayor or members of the city council, directly or indirectly by an applicant, in order to obtain preferential consideration in connection with any appointment to the municipal service is prohibited.
- (b) *Disqualification for appointment.* Canvassing of the mayor or members of the city council, directly or indirectly by an applicant, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment.
- (c) *Canvassing defined.* Canvassing means soliciting the assistance of, intercession by, or any other interference in the hiring process, directly or indirectly by an applicant, and actual assistance of, intercession by, or any other interference in the hiring process by the mayor or other members of the city council.

- (d) *Exception.* When the position is filled by appointment by the mayor or city council, such canvassing is not prohibited or a disqualification for appointment.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2043. - Nepotism.

- (a) *Hiring, appointing, accepting volunteers.* No official or employee may appoint or hire, accept as a volunteer or participate in influencing the appointment or hiring of any disqualified person for any type of employment, including by contract, with the city.

- (b) *Disqualified person.* The following persons are disqualified persons for purposes of subsection (a):

- (1) *Spouse or domestic partner.* Spouse or domestic partner of the official or employee;
- (2) *Relatives.* The following persons related to the employee or the employee's spouse or domestic partner:
 - a. Children, parents;
 - b. Grandchildren, grandparents, brothers and sisters;
 - c. Great-grandchildren, great-grandparents, nephews and nieces, uncles and aunts; and
 - d. Great-great-grandchildren, great-great-grandparents, grand nephews and grand nieces, first cousins, great uncles and great aunts.

- (3) *Members of household.* Members of the employee's household.

- (c) *Supervision.*

- (1) *Prohibited.* No official or employee may supervise or be in a direct line of supervision over his or her spouse or domestic partner, child or step-child, sibling or step-sibling, parent, or member of his or her household.
- (2) *Waiver.* If an official or employee comes into a direct line of supervision over one of these persons, he or she will have six months to come into compliance or to obtain a waiver from the municipal officials and officers ethics commission.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2044. - Prohibited activities after leaving municipal service.

- (a)

Prohibition. No elected official, or employee of the city serving in an executive or administrative capacity, shall perform any service for any monetary or in-kind compensation during one year after termination of his or her office or employment by which performance he or she attempts to directly influence a decision of the city or any department or agency thereof.

- (b) *Exception.* This section shall not be construed to prevent any person from:
- (1) Performing such service and receiving compensation therefor in an adversary proceeding having a record or right of appeal or in the preparation or filing of any public document;
 - (2) Submitting any bid and participating in any contract from a successful bid with the city for any goods or services which will be awarded to the lowest and best bidder; or
 - (3) If an employee of the city in an executive or administrative capacity, discussing issues or projects, informing about issues or projects, providing an opinion, or making a recommendation on issues, projects or policy, related to duties as a full-time employee of an agency contracting with the city to provide services that furthers the work of the city, and is specifically approved by the city council.

(Ord. No. 130249, § 2, 5-30-13; Ord. No. 150156, § 1, 3-19-15)

Secs. 2-2045—2-2049. - Reserved.

DIVISION 5. - CONFIDENTIAL INFORMATION

Sec. 2-2050. - Confidential information.

- (a) *Defined.* Confidential information means information which is not available to the general public under applicable laws, ordinances, and regulations and which is obtained by reason of the official's or employee's position with the city. In the event the information is in written form, the document containing said information shall be marked "confidential." If the document is not so marked, the information contained therein shall not be deemed to be confidential information under this code of ethics. Any person creating or disseminating a document containing information of a confidential nature shall be responsible for marking the document as "confidential."
- (b) *Disclosure of confidential information.*
- (1) *Prohibited.* No official or employee shall disclose any confidential information to persons not entitled to such.

(2) *Exceptions.* This prohibition shall not apply to a disclosure if:

- a. The city council authorizes such disclosure upon an affirmative vote by a majority of the members of the city council present at a properly convened and authorized meeting of the council; or
- b. Pursuant to a final order of a court; or
- c. Pursuant to a final judicial determination that information conveyed or received at any closed session was improperly classified as confidential.

(c) *Closed sessions.*

(1) *Disclosure prohibited.* No person attending a properly convened and authorized closed session shall disclose to any person not in attendance at the closed session or not entitled to be in attendance at the closed session any confidential information which was made or received by any person present in the closed session and which is related to the topic(s) for which any such properly convened and properly authorized closed session was called.

(2) *Disclosure permitted.*

- a. *Authorization of the body.* During the course of any closed session of the city council or any other body, any member may ask the other members who are present for the closed session to allow disclosure of any confidential information from the closed session, but such disclosure shall be authorized only upon an affirmative vote by a majority of those attending the closed session and entitled to vote.
- b. *Post-meeting information.* The provisions of this section shall not prohibit the disclosure of any information made or received after the matters discussed at the closed session and to which the information pertains have been lawfully released to the public.
- c. *Application to persons entitled to attend a closed session.* The provisions of this section shall apply to any person entitled to be in attendance at a closed session and who is later informed of the discussion at the closed session.
- d. *Persons subject to the closed session discussion.* The provisions of this section shall not apply to any person whose claim, employment or contract is the subject of the closed session.

(d) *Conflicts of interest.* No person may attend a closed session at which a topic is to be discussed which creates a conflict of interest for that person, nor shall that person be entitled to the minutes of the closed session.

- (e) *Policy.* It is the expectation of the city council that councilmembers and other persons authorized to be present at properly convened and authorized closed sessions will refrain from disclosure of confidential information received at such closed sessions, subject to the right of any person attending such closed session to obtain a judicial determination of the matter.
- (f) *Missouri Sunshine Law.* Failure to mark any document "confidential" shall have no effect on the status of the document as an open or closed record under the Missouri Sunshine Law, RSMo ch. 610.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2051. - Use of confidential information.

It shall be unlawful for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

(Ord. No. 130249, § 2, 5-30-13)

Secs. 2-2052—2-2059. - Reserved.

DIVISION 6. - EXPENSES

Sec. 2-2060. - Business expenses.

- (a) *Public purpose required.* The use of public funds is limited to public purposes, which may include appropriate business expenses. Business expenses will differ from department to department and from official to official.
- (b) *Recognized public purposes.* Participation in entities that encourage business and tourism in the city, encourage professional development of elected officials, officers and employees, and encourage other public activities are appropriate public expenses. Expenditures for city purposes shall be deemed to include registration fees, transportation costs, lodging expenses and meals, employee expense, office supplies and equipment, books and subscriptions, and similar operational expenses. Listing examples of public purposes does not limit the possible activities that may constitute a public purpose.
- (c)

Recognized non-public purposes. Participation in political affairs or self-promotion by any elected official or employee is not a public purpose. Expenditures for city purposes exclude donations of money or goods to organizations and the purchase of advertising, and other nonoperational expenses.

- (d) *Commission guidance.* If in doubt concerning the expenditure of public money, officials or employees should consult with the commission.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2061. - Council expense accounts.

- (a) *Reimbursement.* No councilmember shall seek or cause others to seek reimbursement from city funds in a manner inconsistent with sound financial procedures.
- (b) *Sound financial procedures defined.* For purposes of this section, sound financial procedures shall require that:
- (1) *Reconciliation of prior expenses required.* No councilmember shall be eligible for expenditure from council or mayor expense accounts unless prior expenses are reconciled;
 - (2) *Receipts or statement of expenses required.* No councilmember shall seek reimbursement unless receipts are provided therefor, or in lieu of receipts, the councilmember signs a statement verifying the amount expended, the date of expenditure, the purpose of the expenditure, and the place such funds were expended;
 - (3) *Limited to public business.* No councilmember shall seek or receive reimbursement for any expenditure other than those incurred by such councilmember and related to city business. Reimbursement of any funds for political or personal purposes is prohibited; and
 - (4) *Communications equipment.* No councilmember shall seek reimbursement for use of any communication equipment except for city business. "Communication equipment" shall include personal computers with communication capability, modems, fax machines, cellular telephones, radio equipment with telecommunication capability, mobile data terminals and related software.
- (c) *Consent to paycheck deductions.* To be eligible for travel advances councilmembers will execute their consent to paycheck deduction in accordance with this section for the recovery of advances not properly reconciled as required by this section.
- (d) *Deadline for reconciliation.* Expenses shall be reconciled within 30 days of incurring the

expense, or the completion of travel, whichever is later.

(e) *Role of the internal auditor.*

(1) *Quarterly review.* In order to affirm the fiduciary relationship of the council members to the expenditure of public funds, the internal auditor shall quarterly review all reimbursements to the council and mayor. A written summary report will be provided by the internal auditor to the councilmembers within 30 days of the end of each quarterly review period.

(2) *Additional reviews authorized.* The internal auditor shall also have the authority to review other expenditures authorized by the mayor or council members on the internal auditor's own initiative or at the request of the mayor or mayor pro tem.

(f) *Sanctions.*

(1) *Prosecution and other actions.* Unless otherwise provided, the provisions of this section shall be subject to the penalty and sanctions provided in division 10 of this article subject to the determination by the ethics commission as set forth in that division.

(2) *Failure to reconcile expenses.*

a. *No prosecution.* A violation of subsection (d) shall not result in prosecution under section 2-2100.

b. *Automatic deduction from council member's paycheck.*

1. *Notice by the internal auditor.* The internal auditor shall inform the mayor and mayor pro tem of a failure to comply with subsection (d).

2. *Mayor pro tem to direct withholding of pay.* Within seven calendar days the mayor pro tem shall direct that the amount of any advance received by the mayor or council member that is not reconciled within the terms of subsection (d) shall be deducted from the mayor's or council member's next paycheck consistent with the policy and practices of the finance department. An advance that exceeds the net amount of a paycheck shall be spread over two or more pay periods until the advance is recovered.

3. *Reconciliation of expenses not precluded.* The mayor or council member may reconcile their expenses in accordance with this section and the policy and practices of the finance department after the recovery of the expense advance.

(g) *Preclusion of travel advances.* Nothing in this code of ethics precludes the mayor or the mayor pro tem for the members of the city council from establishing a policy that denies travel advances to the mayor or members of the city council and their staffs.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2062. - Travel and other expenses.

(a) *Travel expenses—All officials and employees.*

- (1) *Report required.* An official or employee traveling on business for the city shall report all expenses incurred by the city for every business trip.
- (2) *Third party expenses.* When expenses for an official or employee are incurred by a person other than that official or employee, the reimbursement request will clearly state by whom the additional expenses were incurred.
- (3) *Maintenance of reports.* These reports shall be maintained by each department or office. The mayor's office shall maintain reports for the mayor and all employees of that office. The mayor pro tem shall maintain reports for the members of the council and all employees of the council.
- (4) *Reconciliation of advances.*
 - a. *Deadline for reconciliation.* Expenses shall be reconciled within 30 days of incurring the expense, or the completion of travel, whichever is later. The director of finance is authorized to reduce this period through the director's manual of instructions applicable to all employees.
 - b. *Consent to paycheck deductions.* To be eligible for travel advances, an official or employee will execute their consent to paycheck deduction in accordance with this section for the recovery of advances not properly reconciled as required by this section.
 - c. *Automatic deduction from paycheck.* Within seven calendar days after the reconciliation is due, the director of finance shall notify the delinquent public official, including an employee, that the amount of any advance received by the official or employee that is not reconciled within seven days shall be deducted from the next or following paycheck depending upon administrative ability of the finance department to provide for the deduction, consistent with the policy and practices of the finance department. An advance that exceeds the net amount of a paycheck shall be spread over two or more pay periods until the advance is recovered based upon a plan authorized by the director of finance.

d.

Reconciliation of expenses not precluded. The official or employee may reconcile their expenses in accordance with this section and the policy and practices of the finance department after the recovery of the expense advance.

(5) *Preclusion of travel advances.* Nothing in this code of ethics precludes the city manager or any department director from establishing a policy that denies travel advances to any or all officials or employees.

(b) *Department expenses incurred for mayor and council members.* When a city department, other than the office of the mayor or the city council office, incurs any expense, the benefit of which goes to a councilmember, whether reimbursed to another or paid directly by the department, a report will be forwarded by that department to the internal auditor within ten days of incurring the expense.

(Ord. No. 130249, § 2, 5-30-13)

Secs. 2-2063—2-2069. - Reserved.

DIVISION 7. - POLITICAL ACTIVITIES

Sec. 2-2070. - Permitted and prohibited political activities of employees.

- (a) *Scope.* This section applies to all employees of the city, whether full-time or part-time, classified or unclassified.
- (b) *Contributions.* An employee may make contributions to federal, state, and local candidates, committees and other entities authorized by law to accept contributions for political purposes.
- (c) *Passive displays of support.* No button, cap, hat, shirt or other passive display may be worn during work hours or if wearing a city uniform or any badge or other insignia indicating the person is a city employee, such as a name tag. An employee may wear a political button, display a bumper sticker, post political signs or make any other passive display in support of a political candidate or position for any election if not wearing a city uniform or any badge or other insignia indicating the person is a city employee. Such passive displays include, but are not limited to, caps, hats, and shirts.
- (d) *Campaign participation.*
 - (1) *Permitted.* An employee may participate in an election campaign. This may include attendance at social events, including fund raising events.
 - (2)

No city support. An employee may do nothing to imply that the employee is acting with the approval or disapproval of the city. An employee must make an appropriate effort to indicate that participation in a political campaign is one in a personal capacity.

- (3) *Interference in elections.* No employee shall use official authority or influence for the purpose of interfering with any partisan election or any nomination for office, or affecting its result.
- (4) *Employee as candidate.* An employee may run for and hold political office so long as that office is not inconsistent with the employee's municipal duties.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2071. - Prohibition on required political participation.

- (a) *Participation.* No official or employee shall require or attempt to coerce, directly or indirectly, an employee to participate or to refrain from participating in any election campaign, whether for or against a candidate, or for or against an issue.
- (b) *Contributions.* No official or employee shall require or attempt to coerce, directly or indirectly, an employee to contribute, or to refrain from contributing, money, time or other services to any election campaign or political organization.
- (c) *Solicitation.*
 - (1) *By officials or employees.* No official or employee shall solicit, by way of any explicit or implied threat of any kind, coercion or force, or any promise any employee to contribute money, time or other services to any election campaign or political organization.
 - (2) *City property or work sites.*
 - a. *Prohibition—Solicitation.* Solicitation for any political purpose by any person of employees for support, opposition, participation or contributions while in any city building or other work site is not permitted, except employees not on duty and voluntarily in attendance at a rally, meeting or other gathering, may receive solicitations as part of a group.
 - b. *Prohibition—Allowing solicitation.* No official or employee shall permit any solicitation for support, opposition, participation or contributions in any city building or other work site, unless the space is operated by the city for use of the public at the time of the solicitation.
 - (3) *Ramifications of political activity.* Lawful participation in political campaigns by an employee shall not result in any benefit or any detriment to the person's employment.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2072. - Communications—election periods.

(a) *Prohibitions.*

- (1) *Special communications.* Special communications projects shall not be distributed in any fashion from the day filing for office opens until the day after the general election.
- (2) *Mailings.* Mayor or city council mailings shall not be distributed in any fashion from the day filing for office opens until the day after the general election.

(b) *Special communications project defined.* Special communications projects includes any means of communications, including paper documents, physical items, the city's website, email, social media, texting or other type of communications done with city resources that is not a regular, established means of communications which has been in actual use by the elected official at least six months prior to the opening day of filing for office.

(c) *Exception.* The city council may authorize special communications projects or mailings when it finds the project will not have the effect of supporting a specific official's re-election, but is found to be necessary to meet an important communications need of the city.

(Ord. No. 130249, § 2, 5-30-13; Ord. No. 141026, § 1, 12-11-14)

Secs. 2-2073—2-2079. - Reserved.

DIVISION 8. - REPORTING

Sec. 2-2080. - Municipal hotline.

- (a) *Maintenance of hotline.* The city manager will establish and advertise a municipal hotline for the purpose of reporting suspected abuse and wrongdoing by officials or employees and those doing business with the city.
- (b) *False statements.* It is unlawful for any person to knowingly make a false report or statement through the municipal hotline.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2081. - Complicity with, or knowledge of, others' violations.

No one may, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this code of ethics. If an official or employee has actual knowledge that someone has violated this code of ethics, he or she is required to report it to the relevant individual, either the employee's supervisor, the board on which the official sits or before which the official or employee is appearing or will soon appear, or the commission if the violation is past or if it is not immediately relevant to a decision, to discussion, or to actions or transactions. Anyone who reports a violation in good faith will be protected by the provisions of section 2-2082.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2082. - Whistleblower protection.

- (a) *Whistleblower defined.* A whistleblower is a present or former city employee or applicant for city employment who discloses information to appropriate officials he or she reasonably believes evidences:
- (1) A violation of any law, rule, or regulation;
 - (2) Mismanagement, a gross waste of funds, or an abuse of authority; or
 - (3) A substantial or specific danger to public health or safety.
- (b) *Personal human resources issues.* Where the information disclosed affects only the personal situation of the complainant, it is generally to be regarded as an allegation of a prohibited personnel practice or violation of other personnel ordinance, rule, or regulation, and the complainant will not be considered a whistleblower.
- (c) *Whistleblower protection.* No personnel action will be taken or not taken with respect to any employee or applicant for employment as a reprisal for being a whistleblower.

(Ord. No. 130249, § 2, 5-30-13)

Secs. 2-2083—2-2089. - Reserved.

DIVISION 9. - ENFORCEMENT

Sec. 2-2090. - Municipal officials and officers ethics commission.

- (a) *Creation.* In accordance with article XI, division III of the City Charter, there is created a municipal officials and officers ethics commission.
- (b)

Appointment. The mayor shall appoint seven members to the commission, naming one member as chair. Of the remaining six members, no two members will be residents of the same council district.

(c) *Restrictions on members.* No member of the commission shall:

- (1) Hold any other public office;
- (2) Be a candidate for any public office;
- (3) Be an elected or appointed member of any local, state or national committee of any political party;
- (4) Be an active member of any political party; or
- (5) Be an active member of any partisan or nonpartisan political club or organization.

(d) *Contributions.* Contributions to a candidate or political party otherwise not prohibited by this code of ethics do not constitute participation in a political party, club or organization as an active member.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2091. - Prohibition on political contributions and support by commission members.

No member of the municipal officials and officers ethics commission shall, during the member's service on the commission or within one year thereafter:

- (1) Permit the member's name to be used, or make contributions, in support of or in opposition to any candidate for city elected office or any city proposition; or
- (2) Participate in any way in any election campaign for any candidate for city elected office or any city proposition; except that a member shall retain the right to register and vote in any election, to express the member's opinion privately on political subjects or candidates and to participate in the activities of a civic, community, social, labor or professional organization.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2092. - Jurisdiction.

(a) *Subject matter.* The commission shall have jurisdiction to investigate and address questions concerning alleged violations of:

- (1) The code of ethics;
- (2) Campaign finance regulations;

- (3) Administrative regulations governing ethical obligations of applicable officials and employees; and
 - (4) Any other matter referred to it by the city council.
- (b) *Time limitations.* The commission shall not commence any investigation or other action to consider any alleged violation that occurred more than two years prior to the date of the complaint.
- (c) *Personnel action.* The commission shall have no jurisdiction to administer employee discipline or to take any job action, including the declaration of the forfeiture of a person's employment or office.
- (d) *Termination of duties.* The termination of an employee's employment or of an official's position does not affect the jurisdiction of the commission to address alleged violations occurring prior to termination of the person's official duties.
- (e) *Persons subject to the commission's jurisdiction.* In addition to those persons specifically named in the city charter as persons subject to the commission's jurisdiction, by this section the council expands the commission's jurisdiction to all other employees of the city. The city is also authorized to include by contract other appropriate people within the commission's jurisdiction. Advisory opinions may also be rendered to address possible conflicts of interest if a person assumes a public office.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2093. - Powers.

In addition to all other specific grants of authority the commission has the power:

- (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations, consistent with ordinances pertaining to the code of ethics and municipal campaign finance;
- (2) To request from the city manager the assignment of staff necessary to carry out its duties;
- (3) To review, index, maintain on file, and dispose of sworn complaints;
- (4) To make notifications, extend deadlines, and conduct investigations, both on referral or complaint;
- (5) To compel the production of sworn testimony, witnesses and evidence;
- (6) To recommend cases for consideration of prosecution or other action by appropriate authorities and agencies;

- (7) To request the city attorney to provide an independent counsel to advise and represent the board, when appropriate or necessary to avoid a conflict of interest;
- (8) To provide assistance in the training and education of city officials and employees with respect to their ethical responsibilities;
- (9) To prepare an annual report and to recommend to the city council needed or desirable changes in ordinances under its jurisdiction;
- (10) To grant waivers in accordance with this code of ethics; and
- (11) To exercise such other powers and duties as may be established by ordinance.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2094. - Advisory opinions.

- (a) *Authority.* The commission may render advisory opinions. The commission may authorize the ethics compliance officer to issue advisory opinions in the name of the commission under rules established by the commission.
- (b) *Requesting advisory opinions.*
 - (1) Any official or employee may request in writing an opinion from the commission on a matter that may impact the official or employee personally.
 - (2) Any potential applicant for employment, election to office or appointment to a board or commission or other city entity, may request in writing an opinion from the commission on a matter that may impact the person personally.
 - (3) The commission shall timely consider all requests and upon the concurrence of at least four members of the commission and without the request of any third party, the commission may issue advisory opinions on any matter within its jurisdiction.
- (c) *Reliance.* A person who reasonably and in good faith acts in accordance with an advisory opinion issued hereunder shall not have violated the ethics laws by engaging in conduct approved in the advisory opinion, provided that:
 - (1) He or she requested the issuance of the opinion;
 - (2) The request for an opinion fairly and accurately disclosed all relevant facts;
 - (3) No changes have been enacted to the law that is the subject of the advisory opinion or was the basis for the advisory opinion; and
 - (4) Less than two years elapsed between the date the opinion was issued and the date of the conduct in question.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2095. - Investigations.

(a) *Initiation.*

- (1) *Complaint.* The commission, with the affirmative vote of at least four of its members, upon the sworn complaint of any person may investigate any alleged violation.
- (2) *Commission's own initiative.* The commission, with the affirmative vote of at least four of its members may investigate any alleged violation.
- (3) *Mandatory investigation.* When directed by ordinance the commission shall investigate any alleged violation.

(b) *Availability of witnesses and evidence.*

- (1) *Oath or affirmation.* The commission shall have the power to examine witnesses under oath or affirmation.
- (2) *Subpoenas.* The commission shall have the power to issue subpoenas for persons, documents and other things necessary for an investigation.
- (3) *Duty to cooperate.* Officials and employees have a duty to cooperate with the commission.

(c) *Procedure.*

- (1) *Notification to the person.* The commission shall, upon receiving such sworn complaint, following their own affirmative vote to consider an investigation, or when an investigated is otherwise required, notify the person, in writing, of the nature of the alleged complaint.
- (2) *Response of the person.* The person shall be given at least ten days to provide the commission with such information as the person deems appropriate to explain or justify the circumstances.
- (3) *Decision to continue investigation.* The commission may, by an affirmative vote of at least four members, proceed to commence an investigation for the purpose of producing a final report and recommendations on the matter.
- (4) *Hearing.* At the request of the person the commission shall hold a hearing where the person can provide evidence and testimony and examine any other witnesses called to testify.
- (5) *Response of the person.* Prior to the issuance of its final report and recommendations, the commission shall provide an opportunity for the person to respond to the report and recommendations.

- (d) *Exculpatory evidence.* The commission shall disclose to the subject of the investigation any matter known to the commission or its staff tending to negate guilt or mitigate the seriousness of the violation.
- (e) *Ex parte communications.* No person will have an *ex parte* communication with any member of the commission about a matter that is, or may be, before the commission.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2096. - Waivers.

- (a) *Authority.* Acting within its sole discretion, the commission may waive any provision of this code or rules of the city council when the situation does not create a potential for:
 - (1) Undue influence;
 - (2) Unfair advantage; or
 - (3) Appearance of impropriety.
- (b) *Application.* An application for a waiver will be in writing and fully describe in detail the facts about the situation and the circumstances and reasons justifying a waiver.
- (c) *Process.* A waiver, if granted, must be granted in writing with an explanation by the commission of the justification for the waiver.
- (d) *Hearing.* The commission may hold a hearing on any application for a waiver, and if requested by the applicant will hold a hearing.
- (e) *Notification.* Copies of the commission's written decision shall be forwarded to the following people:
 - (1) Applicant;
 - (2) Applicant's department director;
 - (3) City manager;
 - (4) City clerk, who will retain the decision according to law; and
 - (5) Councilmembers.

(Ord. No. 130249, § 2, 5-30-13; Ord. No. 140093, § 1, 2-20-14)

Sec. 2-2097. - Staff.

- (a) *Ethics compliance officer.* There shall be an ethics compliance officer to perform the following duties:
 - (1) Receive and promptly transmit to the members of the commission complaints and

- responses filed with the commission;
- (2) Investigate, marshal, and present to the commission the evidence bearing upon a complaint;
 - (3) Prepare draft advisory opinions for consideration of the commission about the requirements imposed by the ethics laws;
 - (4) Assist when requested in the training and education of officials and employees with respect to their ethical responsibilities;
 - (5) Recommend acceptance or rejection of complaint made to the commission;
 - (6) Request additional information from complainant as needed;
 - (7) Render informal, nonbinding opinions upon request; and
 - (8) Serve as an advisor on issues of ethics to the mayor and council members.
- (b) *Counsel.* The city attorney or an assistant city attorney will serve as legal counsel to the commission. The city attorney may appoint special counsel under appropriate circumstances. In the absence of the appointment of an ethics compliance officer, the city attorney will serve in that role, with all powers and duties of the position, until a permanent ethics compliance officer is named.
- (c) *Access to staff.* The commission and ethics compliance officer may call upon the city clerk, city auditor, internal auditor, or other appropriate official or employee to assist in an investigation.
- (d) *Outside assistance.*
- (1) *Availability.* Contingent on the availability of funds, the commission may utilize outside counsel or staff if it is reasonable and necessary to properly complete its work.
 - (2) *Factors.* Use of outside assistance may be appropriate:
 - a. When a complaint is filed relating to an alleged violation of the ethics laws by:
 1. The mayor or a member of the city council, or
 2. A city employee who is a department head or of higher rank; or
 - b. When the commission requests such an appointment; or
 - c. When requested by the city attorney.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2098. - Disposition.

(a)

Time for decision. The commission shall issue a decision within 90 days after the filing of a complaint, exclusive of time granted to a respondent pursuant to the person's request for additional time to respond or to attend proceedings. This time may be enlarged by the commission, but any enlargement beyond 90 days will be accompanied by a specific statement explaining the reason for the enlargement of time.

- (b) *Violation found.* If the commission finds the ethics laws or municipal campaign finance laws have been violated, the commission will issue a written opinion including findings of fact and conclusions of law and which will include an explanation of:
- (1) The violation of the ethics laws or the municipal campaign finance laws; and
 - (2) Any appropriate action that should be considered by an appointing authority or other appropriate party.
- (c) *Violation not found.* If the commission does not find the ethics laws or municipal campaign finance laws have been violated, the commission will dismiss the complaint. The commission may also issue a written explanation of its conclusion.
- (d) *Notification.* Copies of the opinion shall be forwarded to the following people:
- (1) Complainant;
 - (2) Subject of the complaint;
 - (3) Employee's department director;
 - (4) City manager;
 - (5) City prosecutor; and
 - (6) City clerk, who will retain the opinion according to law.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2099. - Reserved.

DIVISION 10. - PENALTY AND OTHER RAMIFICATIONS

Sec. 2-2100. - Penalty.

- (a) *Penalty.* Violation of any provision of this code of ethics may be punished by a fine of not more than \$1,000.00, by imprisonment for a period not to exceed six months, or by both fine and imprisonment.
- (b)

Municipal court. All proceedings for imposing penalties under this section shall be prosecuted in the municipal division of the circuit court of Jackson County, unless ordered otherwise by the presiding judge of the circuit court of Jackson County.

- (c) *Commission determination.* No prosecution shall be commenced absent a recommendation of the commission that such violation be prosecuted.
- (d) *Restitution.* Should a person be found to have unlawfully used city-owned vehicles, equipment, materials or property for personal convenience or profit, within the meaning of section 2-2004, the court may and is encouraged to, in addition to any other lawful order, require restitution be paid to the city.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2101. - Other ramifications.

- (a) *Administrative sanction.* Violation of any provision of this code of ethics may constitute a cause for suspension, removal from office or employment, disciplinary action, or other actions which may be recommended by the commission.
- (b) *Reprimand and censure.* The commission may, when appropriate, issue letters of reprimand or censure. Reprimand is indicative of serious ethical misconduct or a pattern of ethical misconduct. Censure reflects the commission's judgment that the ethical misconduct found to have occurred merits condemnation.
- (c) *Civil actions.* Nothing contained in this code of ethics shall preclude any civil action to recover the costs incurred by the city by the misconduct of the official or employee.
- (d) *General considerations.* Violation of any provisions of this code of ethics should raise conscientious questions for the member of the council or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the city.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2102. - Commission findings required—Councilmembers and certain others.

- (a) *Prerequisite to prosecution.* No penalty or other sanction provided for under this division shall be imposed against any councilmember, the city manager, any assistant city manager, any department head, the city attorney, the city clerk or the city auditor, in the absence of a hearing and a determination of the commission that a provision of this code of ethics has been violated.

(b) *Councilmember exception.* Nothing contained in this code of ethics shall preclude any action of the city council authorized by city charter section 211 to judge the qualifications of the mayor and members of the city council or to discipline councilmembers.

(Ord. No. 130249, § 2, 5-30-13)

Secs. 2-2103—2-2109. - Reserved.

DIVISION 11. - REPORTING

Sec. 2-2110. - City manager reports.

Before February 1, May 1, August 1, and November 1, the city manager will submit to the commission a written report on the actions taken by the city concerning any complaint or advisory opinion issued by the commission during the periods January through March, April through June, July through September, and October through December respectively. Matters not reported during the proper quarter will be reported during the next quarter. The commission may request specific information from the city manager.

(Ord. No. 130249, § 2, 5-30-13)

Sec. 2-2111. - Annual report.

The commission shall prepare and submit an annual report to the mayor and city council detailing the activities of the commission during the prior year. The format for the report shall be designed to maximize public and private understanding of the commission's operations, and shall include a summary of the content of ethics opinions issued by the commission. The report may recommend changes to the text or administration of the code of ethics.

(Ord. No. 130249, § 2, 5-30-13)

Secs. 2-2112—2-2129. - Reserved.

ARTICLE XVI. - OPEN DATA POLICY^[58]

Footnotes:

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Editor's note—Ord. No. 150865, § 1, adopted October 22, 2015, amended the Code by repealing former art. XVI, §§ 2-2130—2-2135, and adding a new art. XVI. Former art. XVI pertained to similar subject matter, and derived from Ord. No. 140443, § 1, adopted June 19, 2014.

Sec. 2-2130. - Open data policy declared.

It is the policy of the city that public data will be made open and freely available to all online in a machine-readable, open format that can be easily retrieved, downloaded in bulk format and reused utilizing readily-available and free web search applications and software, subject only to valid privacy, confidentiality, security, and other legal restrictions.

(Ord. No. 150865, § 1, 10-22-15)

Sec. 2-2131. - Definitions.

As used in this open data policy, these terms shall have the following meanings unless it is apparent from the context that a different meaning is intended:

- (1) *Agency* means any city office, commission, board, advisory committee or other division of city government.
- (2) *Chief data officer* means the staff person designated by the city manager to coordinate and implement the city's open data program and policy.
- (3) *Data* means statistical, factual, quantitative, or qualitative information that is regularly maintained or created by or on behalf of the city.
- (4) *Dataset* means a named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.
- (5) *Open data or information* means public data or information made readily available online, utilizing best practice structures and formats when possible, with no legal restrictions on use or reuse.
- (6) *Open data portal* means the internet site established and maintained by or on behalf of the city, located at data.kcmo.org or its successor website.
- (7) *Open format* means any widely accepted, nonproprietary, searchable, platform-independent, machine-readable method for formatting data which permits automated processes.
- (8) *Protected information* means any dataset or portion thereof to which the city department or agency may deny access pursuant to any law, rule or regulation.
- (9) *Public data or information* means any data or information generated or received by the

city that can be made public to the extent such action is lawful and prudent.

- (10) *Publishable data* means data which is not protected or sensitive and which has been prepared for release on the open data web portal.
- (11) *Sensitive information* means any data which, if published on the open data portal, could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that data.

(Ord. No. 150865, § 1, 10-22-15)

Sec. 2-2132. - Procurement, processes and publishing of open data.

- (a) Whenever possible, technology shall be procured and efficient processes shall be used in a way that advances the policy of making public data and information open and available through the use of open data standards and formats.
- (b) To the extent prudent and practical, the city shall:
- (1) Proactively publish high quality, public data with documentation (metadata) online;
 - (2) Make publishable data freely available to all in machine-readable open formats, in both its raw and processed form, including a description of the source and quality of the data;
 - (3) Ensure publishable data is in the public domain and can be easily retrieved, downloaded, indexed, sorted, searched, analyzed and reused utilizing readily-available and free web search applications and software;
 - (4) Minimize limitations on the disclosure of public information while appropriately safeguarding protected and sensitive information;
 - (5) Encourage innovative uses of the city's publishable data by agencies, the public, and other partners; and
 - (6) Maintain the city's open data portal which shall provide a central location for publishing city data.
- (c) The development and implementation of these practices shall be overseen by the chief data officer, reporting to the city manager.
- (d) The requirements of this article shall apply to city department or agency and shall include data prepared on behalf of the city by outside parties.

(Ord. No. 150865, § 1, 10-22-15)

Sec. 2-2133. - Governance.

The city manager shall designate a chief data officer who shall oversee the open data process, including:

- (1) Managing the open data portal;
- (2) Identifying a designee for each department who will be responsible for managing the collection and release of data which, in coordination with the chief data officer, shall be prioritized based on the goals established by the city's performance management initiative, frequency of public records requests, and additional signals of interest from the public;
- (3) Working with each agency to identify a designee who will be responsible for managing the collection and release of data which, in coordination with the chief data officer, shall be prioritized based on the goals established by the city's performance management initiative, frequency of public records requests, and additional signals of interest from the public;
- (4) Developing and implementing a process for identifying the relative level of risk and public benefit associated with potentially sensitive and protected information, and recommending which public data should not be published online;
- (5) Overseeing the creation of a comprehensive inventory of datasets held by each department and agency which is published to the open data portal and regularly updated;
- (6) Establishing processes for optimizing methods of data collection, as well as publishing datasets and creation processes to the open data portal, including processes for ensuring that datasets contain unique identifiers and are reviewed for use-appropriate formats, quality, timeliness, and exclusion of sensitive and protected information; and that data published is complete, reliable, highly detailed, and presented in a way that maximizes public connectivity;
- (7) Maintaining written justification for why certain information is not published online; and
- (8) Establishing timelines, in coordination with departmental designees, for publishing public data on the open data portal.

(Ord. No. 150865, § 1, 10-22-15)

Sec. 2-2134. - Open data portal.

(a)

The city established an open data portal at data.kcmo.org in January of 2013. The open data portal shall continue to be maintained by or on behalf of the city, shall be administered by the chief data officer or his or her successor. The open data portal shall be located at data.kcmo.org or a successor website. In the event a successor website is used, the chief data officer shall notify the city council and shall provide notice to the public on the main city website. The open data portal shall be the central location where the city's open data can be found, and datasets published on the open data portal shall be explicitly placed into the public domain, thereby ensuring that there are no restrictions or requirements placed on use of these datasets.

- (b) Code created and used by city staff to manipulate raw data shall be made public on a single city-wide code repository whenever possible.

(Ord. No. 150865, § 1, 10-22-15)

Sec. 2-2135. - Open data report and review.

- (a) Within one year of the effective date of this ordinance, and thereafter no later than November 1 of each year, the chief data officer shall publicly report on the progress toward achieving the goals of the city's open data program, an assessment of the current scope of compliance, a list of datasets currently available on the open data portal, and a description and publication timeline for datasets envisioned to be published on the portal in the following year.
- (b) During the review and reporting period, the chief data officer should also make suggestions for improving the city's open data management processes in order to ensure that the city continues to move towards the achievement of the policy's goals.

(Ord. No. 150865, § 1, 10-22-15)

Secs. 2-2136—2-2149. - Reserved.

ARTICLE XVII. - FILM DEVELOPMENT PROGRAM

Sec. 2-2150. - Purpose of article.

The purpose of the city's film development program is to increase the number of film productions in the city, increase and sustain the number of local jobs in the industry, to strengthen the city's national reputation as a place for creative businesses, and to promote the

unique features, characteristics and assets within Kansas City neighborhoods. The program provides a rebate to qualifying production companies that meet the requirements outlined in this article.

(Ord. No. 160093, § 1, 2-25-16)

Sec. 2-2151. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

Above the line means individuals including screenwriter, producer, director and principal actors who influence and add to the creative direction of a project.

As funding is available means that there is a finite amount of funds available for the film program and the available funding is subject to the City's annual budget process.

Call sheet is a form that documents cast and crew who worked on the film project, the number of days those individuals worked, the rate at which they were paid and the hours worked daily.

City means the City of Kansas City, Missouri.

Commercial bundle means multiple commercial spots filmed during the same principal photography period.

Expatriate crew means any crew person returning to the Kansas City area to work on a project who once held residence in the Greater Kansas City Metropolitan Area.

Family video means the filming or recording of motion media solely for private use.

Filming means activity for staging and shooting motion pictures, television shows or programs, commercials, videos, including setup, strike and the time of photography.

Final expenditure report is a form provided by the city that reports the qualified expenditures within the city limits of Kansas City, Missouri.

Greater Kansas City expenditure report is a form provided by the City that reports the total area expenditures in the Greater Kansas City Metropolitan Area.

Greater Kansas City Metropolitan Area is defined by the city and the five surrounding counties including Jackson, Platte, Clay Counties in Missouri and Wyandotte, and Johnson Counties in Kansas.

Kansas City Film + Media Office is an office of the Convention & Visitors Bureau of Greater Kansas City (d/b/a Visit KC).

Local crew means a group of people hired by a production company for the purpose of producing a film or motion picture and who reside in the city.

Local principal cast means a paid actor residing in the city who has a lead, day player, featured or speaking role.

Regional crew means crewmembers who are residents of the Greater Kansas City Metropolitan Area.

Proof of purchase means receipts or other documents showing purchase of goods and services, location and cost.

Principal filming date means the time period and phase of production during which the main filming occurs.

Production means a feature-length film, documentary film, television movie, television pilot, reality program or each episode of a television series or web series. It may also mean corporate media, industrial media, music video, short subject or web video.

Qualified expenditure is an expense for a product or service that is a necessary cost for the production of a qualifying production for which remuneration is received by a business entity, organization or individual located in the city. Such expenditures may include, but are not limited to, costs for labor, services, materials, equipment rental, lodging, food, location fees and property rental.

Rebate means an amount paid by way of return or refund on what has already been paid or contributed by the production company.

Short film/short form means a film less than 30 minutes in length.

TV show/series means any television episode or television series including web-streamed episodes and series.

(Ord. No. 160093, § 1, 2-25-16)

Sec. 2-2152. - Eligibility requirements of the film development program.

- (a) The Kansas City Film + Media Office will provide the initial review of the applications and make a recommendation of the qualified applications that meet program requirements to the office of culture and creative services for final determination of eligibility.
- (b) In making the determination of whether the production meets the requirements for a rebate, an application form must be submitted that demonstrates that the applicant will meet the following criteria:
 - (1) City residence, production headquarters or hotel stays. Applicant must meet one or more of the following requirements:
 - a. Minimum number of hotel room nights:
 1. Two hundred hotel room nights required for a feature film; or
 2. One hundred hotel room nights required for a TV show; or
 3. Fifty hotel room nights for a commercial or corporate video; or
 4. Five hotel room nights for a short film or music video; or
 - b. Executive producer/director has proof of residence in the city; or
 - c. Production office address/headquarters are within the city.
 - (2) Fees:
 - a. An application processing fee of \$50.00 shall be submitted before the application is considered complete; and
 - b. Fees for city permits needed for production purposes shall not be waived for applicants who qualify and are approved for the film development program.
 - (3) Sign a Kansas City film code of conduct compliance form.
 - (4) Twenty-five percent of the principal photography days must be filmed in the city as clearly outlined in the production schedule.
 - (5) Hire a minimum of five local crew and/or local principal cast employees. A maximum of one production assistant may be applied toward the minimum hire.
 - (6) Any film or television production receiving a rebate under this article shall place a credit on each film or television episode providing: "Thank you to the City of Kansas City, Missouri for its generous support of this production", "Filmed on location in Kansas City, Missouri", or other similar type statement as approved by the city.
 - (7) Procure and maintain proof of insurance coverage, not less than the types and amounts

as required by the city.

- (8) Production companies shall comply with all federal, state and local laws, ordinances and regulations and must be current on all city taxes, licenses and fees.
- (c) Applicant will be required to submit all required final reports pursuant to section 2-2154, final certification and accounting requirements. The production company shall provide documentation of detailed expenditures along with proof of purchases and payments prior to issuance of rebate pursuant to section 2-2154.
- (d) If the application is approved and the production is determined to be eligible by the city, then the city will execute a contract with the production company under the authority of the city manager. The production company must comply with all city contracting requirements.
- (e) A production company may not receive more than two contracts within the city's current fiscal year.

(Ord. No. 160093, § 1, 2-25-16)

Sec. 2-2153. - Film development program.

- (a) The rebate amount will be based on the project's actual local qualified expenditures, and must not deviate more than 20 percent, without written consent from the city, below the estimated expenditures provided to the city on the application form. In no case will the rebate paid be more than 100 percent of the estimated spend.
- (b) Rebates are performance-based, where payments will not be issued until after the production company has provided all the required documentation by a set deadline and the city has confirmed compliance and verified all qualified expenses. Qualified productions will be considered in the order in which they are received and as funding is available.
- (c) If a production fails to meet any one of the requirements as set forth in subsection 2-2152(b), the city shall withdraw the rebate offer with no further obligation by the city.
- (d) Productions may qualify for one of the following tiers of rebate:
 - (1) *Tier 1*: 3.5 percent rebate on qualified city expenditures if:
 - a. Minimum amount spent in the city in one of the following categories:
 - 1. \$300,000.00 feature film with a budget of \$1,000,000.00 or higher; or
 - 2. \$100,000.00 feature film with a budget under \$1,000,000.00; or
 - 3. \$50,000.00 TV show pilot or episode; or
 - 4. \$200,000.00 TV series or commercial bundle; or
 - 5. \$75,000.00 national commercial; or

6. \$25,000.00 regional commercial, corporate video; or
 7. \$10,000.00 short film or music video.
- (2) *Tier 2:* Seven percent rebate on qualified city expenditures if:
- a. Minimum amount spent in the city in one of the following categories:
 1. \$300,000.00 feature film with a budget of \$1,000,000.00 or higher; or
 2. \$100,000.00 feature film with a budget under \$1,000,000.00; or
 3. \$50,000.00 TV show pilot or episode; or
 4. \$200,000.00 TV series or commercial bundle; or
 5. \$75,000.00 national commercial; or
 6. \$25,000.00 regional commercial, corporate video; or
 7. \$10,000.00 short film or music video.
 - b. Additional requirements:
 1. 250+ city room nights; or
 2. Film for four or more consecutive weeks in the city; or
 3. 25 or more local regional crew or expatriate crew and/or local principal cast and a minimum of one-quarter of hires must be local.
 - c. Community benefit requirement. The principal cast, director, head of department, and/or producer must provide a learning opportunity such as a panel discussion or seminar for outreach to emerging artists and young people who are interested in the industry.
- (3) *Marketing bonus:* In addition to meeting the eligibility requirements and qualifying for either a tier 1 or tier 2 rebate, a production company must meet the following requirements to receive additional rebates on qualified expenditures:
- a. Receive 0.25 percent bonus rebate for a video or multiple videos of testimony content from a minimum of two above-the-line production members and may include below-the-line testimonials in addition on two or more of these subjects:
 1. City of Kansas City; or
 2. Ease of doing production in Kansas City; or
 3. Locations used on the project and what works for you; or
 4. Capability of the crew in Kansas City; or
 5. Capability of the actors in Kansas City; or
 6. Enjoyable amenities in Kansas City including hotel, restaurants, nightlife,

museums, etc.

- b. Receive 0.25 percent bonus rebate if:
 1. Project is set entirely in the city; or
 2. Project is filmed entirely in the city; or
 3. Project features or utilizes services or products from arts professionals including but not limited to poet, choreographer, composer, visual artist, or dancer.

(Ord. No. 160093, § 1, 2-25-16)

Sec. 2-2154. - Final certification and accounting requirements.

- (a) The following documents need to be received by the Kansas City Film + Media Office within 30 business days of the last day of filming in order to receive the rebate:
 - (1) Final expenditure report in a format provided by the city along with the following attachments:
 - a. Detailed documentation of final city qualified expenditures along with proof of purchase demonstrating expenditures were bought and paid to companies, organizations or individuals located within the city limits.
 - b. Call sheet(s) showing number of people who worked on the film project and a report on the number of days individuals worked including the rate at which they were paid and the hours per day they worked.
 - c. Greater Kansas City expenditure report.
 - (2) All expenditures must be verified by the city and are subject to approval or denial by the city.

(Ord. No. 160093, § 1, 2-25-16)

Sec. 2-2155. - Projects not qualified for film development program.

- (a) A qualified film production shall not include:
 - (1) News or current events programming.
 - (2) Sporting event or sports programs.
 - (3) Gala presentation or award shows.
 - (4) Infomercials or any productions that directly solicit funds.
 - (5) Family videos.
 - (6) Political ads.

(7) Productions that are considered obscene.

(Ord. No. 160093, § 1, 2-25-16)

Sec. 2-2156. - Appeals process.

An applicant who has been denied approval of financial support through the film development program may appeal the director's decision to the city manager or his or her designee within ten calendar days of receiving the denial. The city manager or his or her designee shall convene an administrative hearing. At the conclusion of the administrative hearing, the city manager or his or her designee shall issue a decision within 30 days and serve it on the applicant.

(Ord. No. 160093, § 1, 2-25-16)

Chapter 3.14 CODE OF ETHICS

Sections:

- 3.14.010 Policy.
- 3.14.020 Definitions.
- 3.14.030 Prohibited conduct.
- 3.14.040 Financial disclosure statements.
- 3.14.050 Ethical standards.
- 3.14.060 Ethics officer.
- 3.14.070 Advisory opinions.
- 3.14.080 Complaints, investigations, hearings and enforcement.

Kirkland

3.14.010 Policy.

(a) Purpose. The Kirkland city council has adopted a code of ethics for members of the city council and the city's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This code of ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(b) Intent. The citizens and businesses of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the city of Kirkland's commitment to excellence, the effective functioning of democratic government therefore requires that:

- (1) Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
- (2) Public officials be independent, impartial and fair in their judgment and actions;
- (3) Public office be used for the public good, not for personal gain; and
- (4) Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.020 Definitions.

(a) "Official" means a member of the city council or a member of council-appointed city boards and commissions and other council-appointed task groups or committees, including youth members.

(b) "Relative" means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in-law, brother- or sister-in-law. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.030 Prohibited conduct.

(a) **Conflicts of Interest.** In order to ensure their independence and impartiality on behalf of the common good, officials shall not participate in government decisions in which any of the following has a financial interest: (1) the official, (2) a relative, (3) an individual with whom the official resides, or (4) an entity that the official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (1) to decisions regarding taxes or fees, (2) if the financial interest is shared with more than ten percent of the city's population, or (3) if the financial interest exists solely because of the official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

(b) **Appearance of Conflict.** If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing subsection, or (2) a transaction or activity engaged in by the official, the official shall make a public, written disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

(c) **Misuse of Public Position or Resources.** Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

(d) **Representation of Third Parties.** Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff. However, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any board, commission or proceeding of the city, or in interaction with staff.

(e) **Solicitations of Charitable Contributions.** No official may make direct personal solicitations for charitable contributions from city employees.

(f) **Gifts and Favors.** Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by Section 3.80.140.

(g) **Confidential Information.** Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "Confidential information" means (1) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (2) information made confidential by law. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.040 Financial disclosure statements.

All officials, except members of the city council, shall file a city of Kirkland disclosure statement annually. In accordance with Chapter 42.17 RCW, members of the Kirkland city council shall disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, "Personal Financial Affairs Statement." Members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable city of Kirkland disclosure statement within ten days of appointment. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.050 Ethical standards.

In addition to Section 3.14.030 of the code of ethics, which shall be administered by the ethics officer, officials are also encouraged to comply with the following standards:

- (1) **Compliance with Other Laws.** Officials shall comply with federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies. See Appendix A. As required by RCW 42.17.750, no official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any city employee. Except under limited circumstances described in RCW 42.17.130, no official may use or authorize the use of the facilities of the city for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.
- (2) **Personal Integrity.** The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, officials shall not directly or indirectly induce, encourage or aid anyone to violate the code of ethics and it is incumbent upon officials to make a good faith effort to address apparent violations of this code of ethics.
- (3) **Working for the Common Good.** Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Kirkland and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the city council, boards and commissions. Officials need to be mindful that making special requests of staff—even when the response does not benefit the official personally—puts staff in an awkward position.
- (4) **Respect for Process.** Officials shall perform their duties in accordance with the processes and rules of order established by the city council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the city council by city staff.
- (5) **Commitment to Transparency.** Transparency, openness, and accountability are fundamental values of the city—and are also required by the laws of the state of Washington. The public has a

right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of city government that are prepared, possessed, used or retained by any official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from city staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the city public records officer (the city clerk), who has responsibility to ensure that the city complies with the record retention schedules established under Chapter 40.14 RCW. Officials shall promptly provide any records requested by the public records officer in response to a disclosure request under the Public Records Act, Chapter 42.56 RCW. It is the responsibility of the public records officer, together with the city attorney, to decide which records meet the definition of "public record" and whether or not they are exempt from disclosure; officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) **Conduct of Public Meetings.** Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) **Decisions Based on Merit.** Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) **Ex Parte Communications.** In quasi-judicial matters, officials shall publicly disclose substantive information that is relevant to a matter under consideration by the council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) **Attendance.** As provided in RCW 35A.12.060, a council member shall forfeit his or her office by failing to attend three consecutive regular meetings of the council without being excused by the council. Unless excused, members of boards and commissions are expected to attend all meetings.

(10) **Nepotism.** The city council will not appoint relatives of city council members to boards or commissions or other appointed positions.

(11) **Advocacy.** When acting in an official capacity as a city official representing the city, officials shall represent the official policies or positions of the city council, board or commission to the best of their ability when the city council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the city of Kirkland, nor will they allow the inference that they do. Officials have the right to endorse candidates for all council seats or other elected offices. It is inappropriate to make or display endorsements during council meetings, board/commission meetings, or other official city meetings. However, this does not preclude officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

(12) **Policy Role of Officials.** Officials shall respect and adhere to the council-manager structure of Kirkland city government as outlined by Chapter 35A.13 RCW. In this structure, the city council determines the policies of the city with the advice, information and analysis provided by the public,

boards and commissions, and city staff. Except as provided by state law, officials shall not interfere with the administrative functions of the city or the professional duties of city staff; nor shall they impair the ability of staff to implement council policy decisions.

APPENDIX A

Ch. <u>9A.72</u>	Perjury and interference with official proceedings
RCW	
RCW	Vacancy for nonattendance
<u>35A.12.060</u>	
Ch. <u>35A.13</u>	Council-manager plan of government
RCW	
RCW	Incompatible offices
<u>35A.13.020</u>	
Ch. <u>40.14</u>	Preservation and destruction of public records
RCW	
RCW	Use of public office or agency facilities in campaigns—Prohibition—Exceptions
<u>42.17.130</u>	
RCW	Solicitation of contributions by public officials or employees
<u>42.17.750</u>	
Ch. <u>42.23</u>	Code of ethics for municipal officers—Contract interests
RCW	
Ch. <u>42.36</u>	Appearance of fairness doctrine—Limitations
RCW	
Ch. <u>42.56</u>	Public Records Act
RCW	
KMC <u>3.80.140</u>	Kirkland code on acceptance of gifts
Ch. 3.12 KMC	Limitations on campaign contribution

(Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.060 Ethics officer.

(a) The city council creates the position of ethics officer. The city manager will contract with one or more agencies to fill this position. The ethics officer will provide for annual review of the code of ethics, review of training materials provided for education regarding the code of ethics, and advisory opinions concerning the code of ethics. The ethics officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(b) The ethics officer, in addition to other duties, may recommend changes or additions to this code of ethics to the city council. The ethics officer shall provide input into and review the training materials and program developed for this code of ethics. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.070 Advisory opinions.

(a) Upon request of any official, the ethics officer shall render written advisory opinions concerning the applicability of Sections 3.14.030 and 3.14.040 of this code to hypothetical circumstances and/or situations solely related to the persons making the request. The ethics officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the public disclosure commission, the city public records officer, etc.

(b) Upon request of any official, the ethics officer may also render written advisory opinions concerning the applicability of the code of ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

(c) The ethics officer will endeavor to respond to requests for advisory opinions within forty-five days of submission of the request, or more rapidly if the requester expresses urgency in the request.

(d) A person's conduct based in reasonable reliance on an advisory opinion rendered by the ethics officer shall not be found to violate this code of ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the ethics officer issues an advisory opinion that the described conduct would not violate the code of ethics, and the person's conduct is consistent with the advisory opinion. The ethics officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the ethics officer's authority, the remainder of the opinion shall remain intact. (Ord. 4348 § 1 (Exh. A) (part), 2012)

3.14.080 Complaints, investigations, hearings and enforcement.

The ethics officer shall resolve inadvertent and minor violations of the code of ethics informally and may resolve inadvertent or minor violations informally, unless the ethics officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the ethics officer may initiate an action in accordance with this section.

(1) Complaint Process.

(A) Complaint Requirements—Service. Any person may submit a written complaint to the ethics officer alleging one or more violations of this code of ethics by an official. The complaint must set forth specific facts with enough precision and detail for the ethics officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter 9A.72 RCW.

(B) Finding of Sufficiency. The ethics officer shall make a determination of sufficiency within thirty days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section 3.14.030 or 3.14.040 of this code. The ethics officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the ethics officer shall investigate the complaint as set forth below.

(C) Dismissal. The ethics officer shall dismiss the complaint if the ethics officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

(D) Notice. Notice of action by the ethics officer shall be provided as follows:

(i) Notice of a finding of insufficiency or dismissal of a complaint by the ethics officer shall be sent to the person who made the complaint and the person complained against within seven days of the decision by the ethics officer. A finding of insufficiency or dismissal of a complaint by the ethics officer is final and binding, and no administrative or other legal appeal is available through the ethics officer.

(ii) Within seven days of the ethics officer rendering a finding of sufficiency, the city clerk shall send notice to the person who made the complaint and the person complained against, of the ethics officer's determination. If, after investigation, the ethics officer has reason to believe that a material violation of Section 3.14.030 or 3.14.040 has occurred, the city clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty days prior to the date set for the hearing. The person complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(E) Stipulations. At any time after a complaint has been filed with the ethics officer, the ethics officer may seek and make recommendations that the city council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the ethics officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the city council for action.

(2) Conduct of Hearings.

(A) All hearings on complaints found to be sufficient by the ethics officer shall be conducted by the hearing examiner. The hearing shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the hearing examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided, that the hearing examiner shall not

be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(B) Within thirty days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the ethics officer and city council.

(3) City Council Action. Final city council action to decide upon stipulations and recommendations from the ethics officer and findings, conclusions, and recommendations from the hearing examiner shall be by majority vote in a public meeting. If the proceeding involves a member of the city council, deliberations by the council may be in executive session. The member of the council against whom the complaint was made will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the council against whom the complaint was made, a public hearing or public meeting before the council will be held on the issue of penalties.

(4) Disposition. In the event the hearing examiner finds that the person against whom the complaint was made has violated the code of ethics, then the city council may take any of the following actions by a majority vote of the council. The action of the city council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in subsection (5) of this section.

(A) Dismissal. Dismissal of the complaint without penalties.

(B) Referral. A complaint may be referred to another agency with jurisdiction over the violation, such as the public disclosure commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(C) Admonition. An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the deputy mayor or his/her designee, to the official.

(D) Reprimand. A reprimand shall be administered to the official by a resolution of reprimand by the city council. The resolution shall be prepared by the city council and shall be signed by the mayor or, if the complaint is against the mayor, the deputy mayor.

(E) Censure. A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the city council and shall be signed by the mayor, or if the complaint is against the mayor, the deputy mayor. The person shall appear at a city council meeting at a time and place directed by the city council to receive the resolution of censure. Notice shall be given at least twenty calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or

in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the official appears as required.

(F) **Removal—Member of Board or Commission or Other Appointed Task Group or Committee.** In the event the individual against whom the complaint was made is currently a member of a city board or commission or other task group or committee, appointed by the city council, the city council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Kirkland Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

(G) **Civil Penalties.** The city council may assess a civil penalty of up to one thousand dollars or three times the economic value of anything received in violation of this code of ethics or three times the economic value of any loss to the city, whichever is greater. Any monetary penalty assessed civilly shall be placed in the city's general fund.

(H) **Contract Void.** As provided by RCW 42.23.050, any contract made in violation of Chapter 42.23 RCW, "Code of ethics for municipal officers— contract interests," is void.

(I) **Other Penalties.** The city council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the city for any regional or multijurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the city council.

(5) **Review of Civil Penalties.** If the city council orders an official to pay a civil penalty, the official may seek a writ of review from the superior court pursuant to Chapter 7.16 RCW, within thirty days of the city council's order.

(6) **Protection Against Retaliation.** Neither the city nor any official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the ethics officer.

(7) **Public Records.** Records filed with the ethics officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.56.230(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the ethics officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The city shall release copies of any written reports resulting from an investigation of a sustained complaint, any hearing examiner orders, and any written censures or reprimands issued by the city council, in response to public records requests consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.

(8) Liberal Construction—Limitation Period—Effective Date.

(A) This code of ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(B) Any action taken under this code of ethics must be commenced within three years from the date of violation.

(C) This code of ethics shall take effect February 18, 2012. (Ord. 4348 § 1 (Exh. A) (part), 2012)

The Kirkland Municipal Code is current through Ordinance 4527, passed July 19, 2016.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

O'Fallon

City of O'Fallon, MO
Monday, August 29, 2016

Chapter 125. Code of Ethics

Article I. Conflict of Interest

Section 125.010. Declaration of Policy.

[R.O. 2007 §125.010; Ord. No. 4113 §2, 8-29-2000; Ord. No. 4403 §2, 8-22-2002; Ord. No. 4717 §2, 8-30-2004; Ord. No. 4894 §2, 8-29-2005; Ord. No. 5055 §2, 9-8-2006; Ord. No. 5357 §2, 8-14-2008; Ord. No. 5512 §2, 10-8-2009; Ord. No. 5611 §2, 8-12-2010; Ord. No. 5806 §2, 8-23-2012; Ord. No. 5932 §2, 9-12-2013; Ord. No. 6028 §2, 9-11-2014; Ord. No. 6127 §2, 8-27-2015]

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial and other interest in matters affecting the City.

Section 125.020. Conflicts of Interest.

[R.O. 2007 §125.020; Ord. No. 4113 §3, 8-29-2000; Ord. No. 4403 §3, 8-22-2002; Ord. No. 4717 §3, 8-30-2004; Ord. No. 4894 §3, 8-29-2005; Ord. No. 5055 §3, 9-8-2006; Ord. No. 5357 §3, 8-14-2008; Ord. No. 5512 §3, 10-8-2009; Ord. No. 5611 §3, 8-12-2010; Ord. No. 5806 §3, 8-23-2012; Ord. No. 5932 §3, 9-12-2013; Ord. No. 6028 §3, 9-11-2014; Ord. No. 6127 §3, 8-27-2015]

The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by State law, in any bill, shall disclose on the records of the City Council the nature of his interest and shall disqualify himself or herself from voting on any matters relating to this interest.

Section 125.030. Required Financial Interest Statements.

[R.O. 2007 §125.030; Ord. No. 4113 §4, 8-29-2000; Ord. No. 4403 §4, 8-22-2002; Ord. No. 4717 §4, 8-30-2004; Ord. No. 4894 §4, 8-29-2005; Ord. No. 5055 §4, 9-8-2006; Ord. No. 5357 §4, 8-14-2008; Ord. No. 5512 §4, 10-8-2009; Ord. No. 5611 §4, 8-12-2010; Ord. No. 5806 §4, 8-23-2012; Ord. No. 5932 §4, 9-12-2013; Ord. No. 6028 §4, 9-11-2014; Ord. No. 6127 §4, 8-27-2015]

- A. Each elected official, the Chief Administrative Officer and the Chief Purchasing Officer and each official or employee of the City who is authorized by the City to promulgate rules and regulations with the force of law, or to vote on the adoption of rules and regulations with the force of law, shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:
1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in

- excess of five hundred dollars (\$500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City; and
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
 3. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose by May 1 for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 125.040. Prohibited Actions.

[R.O. 2007 §125.040; Ord. No. 4113 §5, 8-29-2000; Ord. No. 4403 §§5—6, 8-22-2002; Ord. No. 4717 §5, 8-30-2004; Ord. No. 4894 §5, 8-29-2005; Ord. No. 5055 §5, 9-8-2006; Ord. No. 5357 §5, 8-14-2008; Ord. No. 5512 §5, 10-8-2009; Ord. No. 5611 §5, 8-12-2010; Ord. No. 5806 §5, 8-23-2012; Ord. No. 5932 §5, 9-12-2013; Ord. No. 6028 §5, 9-11-2014; Ord. No. 6127 §5, 8-27-2015]

- A. No City official or employee subject to Section **125.030** shall:
 1. Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation paid by the City;
 2. Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent children in his custody, or any business with which he is associated;
 3. Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;

4. Favorably act on any matter that is so specially designed so as to provide a special monetary benefit to such person or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the State of Missouri or any third party by reason of such act. For the purposes of this Chapter, "special monetary benefit" means being materially affected in a substantially different manner or degree from the manner or degree in which the public in general will be affected or, if the matter affects only a special class of person, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such persons must recuse themselves from acting;
 5. Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value;
 6. Perform any service for the City for receipt or payment of any compensation, other than of the compensation provided for the performance of his official duties, in excess of five hundred dollars (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;
 7. Sell, rent or lease any property to the City in excess of five hundred dollars (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
 8. Participate in any matter, directly or indirectly, in which he attempts to influence any decision of the City when he knows the result of the decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to the City for consideration in excess of five hundred dollars (\$500.00) value per transaction or one thousand five hundred dollars (\$1,500.00) value per annum to him, his spouse, to a dependent child in his custody or to any business with which he is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
 9. Perform any service during the time of his office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his official duties, by which service he attempts to influence a decision of the City or employee over which he has supervisory power;
 10. Perform any service for consideration during one (1) year after termination of his office or employment, by which performance he attempts to influence a decision of the City, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document;
 11. Perform any service for any consideration for any person, firm, or corporation after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.
- B. No sole proprietorship, partnership, joint venture, or corporation in which any person subject to this Chapter is the sole proprietor, a partner having more than a ten-percent partnership interest,

or a coparticipant or owner of in excess of ten percent (10%) of the outstanding shares of any class of stock, shall:

1. Perform any service for the City for any consideration in excess of five hundred dollars (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) per annum unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received;
 2. Sell, rent or lease any property to the City where the consideration is in excess of five hundred dollars (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
- C. No employee or elected official of the City who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the City, or who is empowered to fix any rate, adopt zoning or land use planning regulations or votes on the adoption of any such rule, regulation, rate or plan, shall:
1. Attempt to influence the decision or participate, directly or indirectly, in the decision of the City when he knows the results of such decisions may be the adoption of rates or zoning plans by the City which may result in a direct financial gain or loss to him, to his spouse or a dependent child in his custody or to any business with which he is associated;
 2. Perform any service, during the time of his employment, for any person, firm or corporation for compensation other than the compensation provided for the performance of his official duties, if by the performance of the service he attempts to influence the decision of the City;
 3. Perform for one (1) year after termination of his employment any service for compensation for any person, firm or corporation to influence the decision or action of the City; provided, however, that he may, after termination of his office or employment, perform such service for consideration in any adversary proceeding or in the preparation or filing of any public document or conference thereon unless he participated directly in that matter or in the receipt or analysis of that document while he was with the City;
 4. No person subject to this Chapter or any business with which such person is associated shall knowingly perform any service for, or sell, rent or lease any property to any person, firm or corporation which has participated in any proceeding in which the person adopted, participated in the adoption or voted on the adoption of any rate or zoning plan or the granting or revocation of any license during the preceding year and received therefor in excess of five hundred dollars (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) per annum except on transactions pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

Section 125.050. Financial Interest Statement — Form — When and Where Filed.

[R.O. 2007 §125.050; Ord. No. 4717 §6, 8-30-2004; Ord. No. 4894 §6, 8-29-2005; Ord. No. 5055 §6, 9-8-2006; Ord. No. 5357 §6, 8-14-2008; Ord. No. 5512 §6, 10-8-2009; Ord. No. 5611 §6, 8-12-2010; Ord. No. 5806 §6, 8-23-2012; Ord. No. 5932 §6, 9-12-2013; Ord. No. 6028 §6, 9-11-2014; Ord. No. 6127 §6, 8-27-2015]

- A. Each financial interest statement to be completed shall be on the form provided for by law, as amended from time to time.

1. *Time of filing.* Each candidate for elective office shall file a financial interest statement no later than the 45th day after the first day for filing for the election at which he seeks nomination or election, and the statement shall be for the twelve (12) months prior to the closing date, except that in the event an individual does not become a candidate until later than the 45th day after the last day for filing for election, the statement shall be filed within ten (10) days of his becoming a candidate. The appropriate election authority shall provide to the candidate at the time of filing for election written notice of the candidate's obligation to file a financial interest statement. An individual required to file a financial interest statement because of the individual's candidacy for office prior to an election is also required to amend such statement no later than the close of business on Monday prior to the general election to reflect any changes in financial interest during the interim. Every other person required to file a financial interest statement shall file the statement annually not later than the first day of May, and the statement shall cover the calendar year ending the immediately preceding December 31. Provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement. The deadline for filing any required statement shall be 5:00 P.M. of the last day designated for filing the statement. When the last day of filing falls on a Saturday or Sunday or on an official State holiday, the deadline for filing is extended to 5:00 P.M. on the next day which is not a Saturday, Sunday or official State holiday.
2. *Place of filing.* The financial interest statement shall be filed with the City Clerk and with the State through the Ethics Commission.
3. *Public record.* Each financial interest statement shall be available for public inspection at the office of the City Clerk during normal business hours.
4. *Penalties.* Any person required by this Chapter to file a financial interest statement who fails to file such statement by the times required shall, if such person receives any compensation or other remuneration from public funds for his services, not be paid such compensation or receive such remuneration until he has filed a financial interest statement as required herein.

Article II. Code of Conduct For City Officials

Section 125.060. Relatives of Public Officials Not To Be Appointed or Employed – When.

[R.O. 2007 §125.060; Ord. No. 3027 §1, 5-20-1993]

Elected or appointed officials of the City of O'Fallon shall not name or appoint to public office or employment, by virtue of his/her office or employment, any relative within the fourth (4th) degree by consanguinity or affinity.

CHAPTER 125: - CONFLICTS OF INTEREST



SECTION 125.010: - DECLARATION OF POLICY

The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

(Ord. No. 082895-D §1, 8-28-95; Ord. No. 082696 §1, 8-26-96)

SECTION 125.020: - CONFLICTS OF INTEREST

- A. All elected and appointed officials as well as employees of the City must comply with Section 105.454, RSMo., on conflicts of interest as well as any other State law governing official conduct.
- B. Any member of the City Council of the City who has a "substantial personal or private interest" in any measure, bill, order, or ordinance proposed or pending before such City Council must disclose that interest to the Clerk of such body and such disclosure shall be recorded in the appropriate journal of the City Council. "Substantial or private interest", is defined as ownership by the individual, his/her spouse, or his/her dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00), or more, per year from any individual, partnership, organization, or association within any calendar year.
- C. Any elected or appointed officer, employee, or member of any committee, authority, board or commission of the City who has any direct or indirect substantial financial interest (as defined by the conflict of interest Statutes of Missouri):
 1. In any party transacting business with the City, or
 2. In the subject matter of any City transaction, shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as a City Officer, employee or member in such transaction. Any City Officer, employee or member who willfully conceals such a substantial financial interest or willfully violates the

requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this Section with the express or implied knowledge of the party transacting business with the City shall render the transaction voidable by the City.

(Ord. No. 082895-D, §2, 8-28-95; Ord. No. 082696 §2, 8-26-96)

Cross reference— As to similar provisions, see §14.1 of the City Charter.

SECTION 125.030: - DISCLOSURE REPORTS

Each elected official, the Chief Administrative Officer, the Chief Purchasing Officer, and the full-time general counsel shall disclose in writing the following information by May first (1st), if any such transactions occurred during the previous calendar year:

1. For such person, and all persons within the first (1st) degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee, or penalty due to the City, and other than transfers for no consideration to the City.
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee, or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
3. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose in writing by May first (1st) for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person

- owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
- c. The name and address of each corporation for which such person served in the capacity of a director, officer, or receiver.

(Ord. No. 082895-D §3, 8-28-95)

SECTION 125.040: - FINANCIAL INTEREST STATEMENTS—WHEN FILED

- A. The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:
1. Every person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.
 2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment.
- B. Financial disclosure reports giving the financial information required in Section 125.030 shall be filed with the City (local political subdivision) and with the Secretary of State prior to January 1, 1993. After January 1, 1993, reports shall be filed with the City (local political subdivision) and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

(Ord. No. 082895-D §4, 8-28-95; Ord. No. 082696 §4, 8-26-96)

Sedalia

Sec. 2-833. - Disclosure of potential conflicts of interest and substantial interests for certain officials.

- (a) *Declaration of policy.* The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.
- (b) *Conflicts of interest.*
- (1) All elected and appointed officials as well as employees of a political subdivision must comply with RSMo § 105.454 on conflicts of interest as well as any other state law governing official conduct.
 - (2) Any member of the governing body of a political subdivision who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the secretary or clerk of such body and such disclosure shall be recorded in the appropriate journal of the governing body. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of:
 - a. Ten percent or more of any business entity; or
 - b. An interest having a value of \$10,000.00 or more; or
 - c. The receipt of a salary, gratuity, or other compensation or remuneration of \$5,000.00 or more, per year from any individual, partnership, organization, or association within any calendar year.
- (c) *Disclosure reports.* Each elected official, the chief administrative officer, the chief purchasing officer, the full-time general counsel, and officials or employees authorized to promulgate or vote on rules and regulations with the force of law shall disclose the following information by May 1 if any such transactions occurred during the previous year:
- (1) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of \$500.00, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.

- (2) The date and the identities of the parties to each transaction known to the person with a total value in excess of \$500.00, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
- (3) The chief administrative officer and the chief purchasing officer also shall disclose by May 7 for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of \$1,000.00 or more was received during the year covered by the statement.
 - b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units, and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver,

(d) *Filing of reports.*

- (1) The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year;
 - a. Every person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31 provided that any person required to file such financial interest statement may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
 - b. Each person appointed to office provided for in subsection (c)(3) shall file the

statement within 30 days of such appointment or employment;

- (2) Financial disclosure reports giving the financial information required in subsection (c)(3) shall be filed with the local political subdivision and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

(e) *Filing of ordinance.* A certified copy of this ordinance, adopted prior to September 15, shall be sent within ten days of its adoption to the Missouri Ethics Commission.

(Code 1982, § 2-13; Ord. No. 8615, § 1, 8-19-1991; Ord. No. 8794, § 1, 8-16-1993; Ord. No. 8846, § 1, 7-5-1994; Ord. No. 8896, § 1, 7-3-1995; Ord. No. 8962, § 1, 8-19-1996; Ord. No. 9071, § 1, 6-15-1998; Ord. No. 9191, § 1, 7-3-2000; Ord. No. 9292, § 1, 7-1-2002; Ord. No. 9391, § 1, 7-6-2004; Ord. No. 9512, § 1, 7-17-2006; Ord. No. 9661, § 1, 7-7-2008; Ord. No. 9787, § 1, 6-7-2010; Ord. No. 9969, § 1, 6-4-2012; Ord. No. 10190, § 1, 6-2-2014)

Sec. 2-834. - Code of conduct for the mayor and city council.

This code of conduct describes how Sedalia City Officials treat each other and work together for the common community good. Conducting the city's business in an atmosphere of respect, civility and positive public perception, is the code's underlying theme. City officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the code. Excellence in performance by city council members, employees and appointed board/commission members is the best way to achieve the common community good. A special obligation of the city council is to set an example of leadership, which encourages and promotes cooperation. The city council will strive for high standards of behavior and performance which will benefit all Sedalia residents. To help accomplish these goals, the city council agrees to the following set of principles (in discussions below, the term "city council" includes the office of mayor, as well as the city council members):

- (1) *Positive leadership/spirit of cooperation.* The Sedalia City Council recognizes that it is absolutely essential to remain positive in working together as a team. The city council shall:
 - Work first for the betterment of all Sedalia.
 - The Sedalia City Council agrees to work as a team to find the best ways to meet the needs of Sedalia residents.
 - Assure fair and equal treatment of all people.

- Refrain from abusive conduct, personal charges or verbal attacks on the character or motives of council members, board/commission members, staff and the public.
 - Trust and appreciation for one another, as well as a commitment to work together toward a resolution of problems, is essential.
 - Avoid personal comments that could offend others.
 - Show no tolerance for intimidating behaviors.
 - Listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.
 - Look for, recognize and promote the positive contributions of each council member.
 - Seek ways to turn obstacles into opportunities.
 - City government shall display a spirit of mutual cooperation with other major local institutions: Pettis County, SFCC, Chamber of Commerce, Water Board, Park Board, Library Board, Economic Development, downtown organizations and other entities.
- (2) *Adherence to principles.* The Sedalia City Council agrees to adhere to the principles and laws governing the mayor/council/administrator form of government and treat all staff with respect and cooperation:
- Agrees that the city council makes policy and staff carries out that policy.
 - Refrain from interfering with the administrative functions and professional duties of staff; and neither give nor imply direction to staff.
 - Not publicly criticize individual staff, but will privately communicate with the city administrator any concerns about a department or department director or staff person.
 - Will not openly discuss personnel issues.
 - Will communicate through proper channels requesting assistance or follow-up.
 - Will not knowingly blindside other councilmembers, board/commission members nor staff, in public meetings; but will ask the questions ahead of or immediately following a public meeting.
 - Councilmembers shall refrain from using their position to improperly influence the decisions of city staff, boards, commissions or committees.

- Public resources not available to the general public (e.g. city equipment, supplies, facilities, city staff time) shall not be used by councilmembers for private gain or personal purposes.
 - Refrain from negotiating for the city or making commitments for the city without the involvement and knowledge of the mayor and city administrator.
 - Councilmembers shall use their public office of public good and not personal gain.
- (3) *Planning, goal setting and accountability.* The Sedalia City Council must be committed to a comprehensive planning process leading to mutually developed goals and accountability. It is imperative that all members of the city council participate fully in council workshops and retreats to ensure the necessary commitment of all members to the strategic planning process.
- (4) *Abstentions.* The vote of each councilmember is critically important. Vote abstentions should be used rarely. When it is necessary to abstain from voting, a reason for the abstention must be stated publicly at the time of the vote. Although it might not be advisable, it is possible to proceed and vote even when there is a potential conflict-of-interest, but only after the conflict is publicly announced at the time of the vote. The Sedalia City Council agrees to refrain from the use of the vote abstention for any reason other than conflict-of-interest.
- (5) *Communications.* Councilmembers are free to express a personal view in the media, at any time, however:
- Media comments must not state or imply that they represent the view of the council;
 - Media comments contrary to a council decision or council policy must not state or imply the statements represent a majority view;
 - Media comments must not disclose confidential information.

If a public statement from the city council is necessary, the council, as a whole, will agree on a specific statement. While councilmembers, staff and board/commission members may have their personal opinions, those personal opinions must be identified as personal opinions and not as representative of city policy. Under no circumstances should public statements be made by councilmembers based on rumors nor hearsay. Information upon which city decisions are or may be made must be communicated to all councilmembers equally.

- (6) *Executive sessions.* Missouri state law allows for city council meetings to be closed in special circumstances. It is the responsibility of the council and staff to refrain from publicly discussing the subject matter from the executive council meetings. Councilmembers shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the city. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial nor private interests.
- (7) *Constituent service.* When a councilmember is contacted by a constituent with a concern, he or she will:
- Listen to the individual's concern.
 - Affirm the desire to reach a satisfactory solution.
 - Assure the person that appropriate action will be taken.
 - Express appreciation to the individual for presenting the concern.
 - Contact appropriate staff to submit constituent concern.
 - Follow-up to determine if appropriate action has been taken.
- (8) *Political activities.* The political process is an important and positive part of the city council. However, issues related to a councilmembers election campaign must not involve on-duty city staff.
- (9) *Enforcement.* A violation of this code of conduct may result in a removal from office for cause.

(Ord. No. 10194, § 1(Exh. A), 7-7-2014)

Editor's note— Ord. No. 10194, § 1(Exh. A), adopted July 7, 2014, did not specify manner of inclusion; hence, codification as § 2-834 was at the discretion of the editor.



Sec. 2-60. - Code of ethics.

(a) *Policy; objectives.*

- (1) The public judges its government by the way councilmembers conduct themselves in the posts to which they are elected.
- (2) The people have a right to expect that every councilmember will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents.
- (3) Such confidence and respect can best be promoted if every councilmember will uniformly:
 - a. Treat all citizens with courtesy, impartiality, fairness and equality under the law; and
 - b. Avoid both actual and potential conflicts between his private self-interest and the public interest. This section shall not apply if the transaction involves the sale of city bonds, after public notice and competitive bidding, provided the bid accepted is the lowest qualified bid received.
- (4) To help councilmembers achieve these goals is one of the objectives of this section.
- (5) The other objective is based on the proposition that no man can serve two masters, nor should he attempt to do so. Therefore, this section proposes to relieve councilmembers of the impossible task of judging themselves. Instead, this section places judgment in the hands of an impartial hearing examiner who will review the facts and measure them by the yardstick of public morality established by this section.

(b) *Definitions.* The following definitions shall apply to this section:

Councilmember means the mayor and other members of the city council.

Financial interest means any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his services to the city) to an official or employee.

Person means any firm, association, group, partnership or corporation, or any combination thereof.

Personal interest means any interest arising from blood or marriage relationships or from close business or political association, whether or not any financial interest is involved.

Public body means any agency, board, body, commission, committee, department or office of the city.

(c) *Fair and equal treatment.*

- (1) *Impartiality.* No councilmember shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (2) *Use of public property.* No councilmember shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person. This rule shall not be deemed to prohibit a councilmember from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which is provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

(d) *Conflict of interest.*

- (1) A councilmember shall not have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. Any violation of this provision renders the contract or sale void, and any councilmember violating this subsection thereby forfeits his office or employment.
- (2) A councilmember shall not hold any other lucrative public office or hold a lucrative position in the city government during his term as councilmember, except positions as a member of the national guard or naval or military reserve or notary public.
- (3) Councilmembers are prohibited from either directly or indirectly bidding on or purchasing property owned by the city or under the direction and control of the city when the property is being sold at a public sale or auction. City property or property under the direction and control of the city shall not be sold to councilmembers at a public sale or auction.

- (e) *Disclosure of interest in legislation.* A councilmember who has a financial or other private interest in any legislation shall disclose on the records of the city council or other appropriate authority the nature and extent of such interest and may vote on such legislation provided the councilmember is not prohibited from voting by some other provision of law. This provision shall not apply if the councilmember disqualifies himself from voting. A councilmember may disclose on a continuing basis with respect to potential conflicts of interest in legislation by filing with the city clerk a record of his financial or private interests.

- (f) *Representing private interests before city agencies or courts.*

- (1) No councilmember shall appear in behalf of private interests before any agency of the city. He shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party.
 - (2) A councilmember may appear before city agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. However, no councilmember or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.
 - (3) No councilmember shall, for a period of one year after the termination of service with the city, appear before any board, commission, committee or agency of the city in relation to any case, proceeding or application in which he personally participated during the period of his service or which was under his active consideration. A councilmember shall not be employed by the city or any of its departments, boards or agencies for a period of one year after leaving the position of councilmember.
- (g) *Gifts and favors.* No councilmember shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city, nor shall any such official accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value. Purchase of a meal for a councilmember shall not be a valuable gift. The prohibition against gifts or favors shall not apply to an occasional nonpecuniary gift, insignificant in value, or an award publicly presented in recognition of public service, or any gift which would have been offered or given if he were not a councilmember.
- (h) *Confidential information.*
- (1) No councilmember shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the city.
 - (2) No councilmember shall use or permit the use of any confidential information to advance the financial or personal interest of himself or any other person.
- (i) *Interference with administrative officers.* Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the city manager or by any of his subordinates, or in any way interfere with the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, unless specifically otherwise provided in the Charter, the council and its

members shall deal with the administrative officers and services solely through the city manager, and neither the council nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately. Any councilmember violating the provisions of this subsection shall forfeit his office.

- (j) *Political activity.* A councilmember shall not use the prestige of his position on behalf of any political party or candidate for elected office and to this end shall refrain from using the official title of councilmember in support of or in opposition to candidates for political office or a political party, nor shall a councilmember use his official title in support of or opposition to legislation or other matters pending before governmental bodies other than the city or when the city council has officially taken a position with respect to such matter.
- (k) *Immoral or improper conduct.* If a councilmember is convicted of a crime involving moral turpitude, the councilmember's office shall immediately become vacant. Councilmembers should refrain from engaging in conduct which is improper and from using the position of councilmember to obtain a favor or advantage not available to the public at large.
- (l) *Compliance with applicable laws.* Councilmembers shall comply with the laws of the city pertaining to conduct of city elections, use of city property for posting of campaign literature, and campaigning in city offices and buildings, and any other law that applies to the conduct of councilmembers in their official duties.
- (m) *Attendance at meetings.* Councilmembers shall be diligent in the performance of councilmember duties and shall regularly attend city council meetings. Any councilmember who misses more than five regularly scheduled meetings of the city council in a 12-month period shall provide the city council with a written reason as to why the councilmember has failed to attend the meetings and shall advise the city council concerning the councilmembers's future intentions concerning attendance at city council meetings.
- (n) *Advisory opinions by city attorney.*
 - (1) Where any councilmember has a doubt as to the applicability of any provision of this section to a particular situation, or as to the definition of terms used in this section, he may apply to the city attorney for an advisory opinion. The councilmember shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this section before such advisory opinion is made.
 - (2)

Such opinion, until amended or revoked, shall be binding on the city and the city attorney in any subsequent actions concerning the councilmember who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. Such opinion shall not be binding in any action initiated by any private citizen.

(o) *Hearings.*

- (1) The mayor of the city shall, subject to confirmation by the city council, appoint a person to act as a hearing examiner to determine if a councilmember has willfully and knowingly violated provisions of this section. Such person shall have jurisdiction over alleged violations of this section when such matters are referred to him by a majority vote of the city council, provided the city council shall not consider any matter for referral unless three councilmembers sign a request that the city council consider a matter to be referred to the hearing examiner. He shall serve for a term of two years and be licensed in the state to practice law and shall be a resident and registered voter of the city.
- (2) The hearing examiner shall hold no other office or employment with the city and shall have the power to subpoena documents and witnesses to a public hearing held before the hearing examiner in accordance with all of the requirements of due process, provided the hearing examiner shall endeavor to make such hearing informal. The hearing examiner shall make written findings of fact and conclusions of law based thereon as it relates to a determination concerning the propriety of the conduct of the councilmember.

- (p) *Sanctions.* If the hearing examiner shall make a determination that the conduct of a councilmember was improper, the city council, based upon the written findings, conclusions and determination of the hearing examiner, may institute appropriate action for censure, suspension or removal from office of the councilmember.

(Code 1981, § 2-25.8; G.O. No. 4796, § 1, 5-11-1998)

Sec. 2-45. - Decorum.

- (a) *Councilmembers.* While the city council is in session, the members shall preserve order and decorum, and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council, or disturb any member while speaking, or refuse to obey the orders of the council or its mayor, except as otherwise provided in this article.
- (b) *Other persons.* No person shall make personal, impertinent or slanderous remarks, or otherwise disturb the order and decorum of any council meeting. The sergeant-at-arms, at the direction of the mayor, shall remove any person violating the provisions of this subsection (b).
- (c) *Signs and displays.* No person shall carry or display a sign inside the city council chambers or any other similar type of written communication which is carried or displayed, except nothing contained in this section shall be construed to prohibit a person from using visual materials when presenting a matter to the city council. The city council hereby determines that signs or displays in the council chambers may obstruct the view of citizens, can cause injury and affect the decorum of city council meetings, and are hereby prohibited for such reasons. The sergeant-at-arms shall inform citizens when signs or displays violate this section and shall remove the signs or displays from the council chambers or may cause citizens carrying such signs or displays to be removed from the council chambers.

(Code 1981, § 2-15)

Packet Information

File #: 2016-0554, **Version:** 1

Discussion of the Process of bringing items to Committees for review and discussion

Issue/Request:

At the last meeting of the Rules Committee the members indicated a desire to discuss the process by which items are brought to the various Committees.

Attached, please find a copy of the ordinance approved by the Council last spring that initiated the current process.

AN ORDINANCE AMENDING SECTION 2-58. RULE 1.8 – TIME IN COMMITTEE OF THE CODE OF ORDINANCES TO PROVIDE CERTAIN PROCEDURAL RULES FOR THE REFERRAL AND TIMING OF CONSIDERATION OF ISSUES AND ITEMS IN COUNCIL COMMITTEES.

WHEREAS, Division 3. Standing Committee, Article II. Council, of Chapter 2. Administration, of the City of Lee's Summit Code of Ordinances ("City Code") contains provisions related to procedures for standing committees of the City Council; and,

WHEREAS, Section 2-58 of the City Code addresses procedures for matters to be taken up by a City Council Committee; and,

WHEREAS, the City Council of the City of Lee's Summit desires to amend Section 2-58 of the City Code to further define procedures relating to how matters are assigned to standing committees.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Section 2-58. Rule 1.8 – Time in committee. of Division 3. Standing Committees, Article II. Council, of Chapter 2. Administration of the Code of Ordinances of the City of Lee's Summit, Missouri be amended to read as follows:

"Section 2-58 Rule 1.8: Assignment to Committee – Procedure; and Time in Committee.

Any Councilmember may request, during "Council Comments" at any Council meeting, that the Mayor Pro Tempore assign an item or issue to a Committee for discussion and/or action. The Mayor Pro Tempore shall, within fourteen (14) days after the request is made at the City Council meeting, either assign the item or issue as requested or shall affirmatively decline, in writing filed with the City Clerk. In the event that the Mayor Pro Tempore shall fail to act in the time specified or shall decline to assign the item or issue, he or she shall assign any item or issue to a Committee upon receipt of a written petition containing the signatures of at least three (3) Councilmembers. Any such petition shall be filed with the City Clerk not later than fourteen (14) days after the Mayor Pro Tempore shall decline to assign the issue or item; or, twenty-eight (28) days after the initial request is made during "Council Comments" at a Council meeting, whichever is less.

~~All items,~~ **Any item or issue** including bills or proposed ordinances, ~~so assigned~~ shall remain with its respective standing committee or a special standing committee of the Council, until ~~after thirty (30)~~ **sixty (60)** calendar days have expired after referral to the committee by the Mayor Pro Tempore. Three (3) members of the Council shall have the power to call up any item to the full Council after that time. Such power may be exercised by filing a petition to that effect with the City Clerk in such form as the City Clerk may require. Upon receipt of said petition containing the signatures of at least three (3) **Councilmembers,**

the City Clerk shall provide said petition to the full Council for further determination as to how to proceed with the bill or proposed ordinance.

An item, bill or proposed ordinance shall not be subject to the petition process upon the expiration of sixty (60) calendar days after the first date the item is subject to the petition process described herein.”

SECTION 2. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee’s Summit, Missouri, this 31st day of March, 2016.




Mayor Randall L. Rhoads

ATTEST:



City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this 4th day of April, 2016.



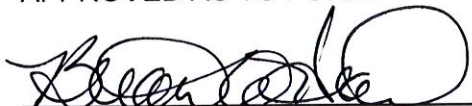
Mayor Randall L. Rhoads

ATTEST:



City Clerk Denise R. Chisum

APPROVED AS TO FORM:



City Attorney Brian W. Head