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| <p style="text-align: center;">City Council Rules Committee Ethic and Code of Conduct Samples</p> |
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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 |
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| A. Overview of Roles and Responsibilities | 2 |
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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