

BILL NO. 3104

ORDINANCE NO. 2906

AN ORDINANCE RE-ADOPTING THE PROCEDURE ESTABLISHED IN ORDINANCE NO. 605 OF THE CITY OF CHESTERFIELD AS THE PROCEDURE FOR DISCLOSURE OF CONFLICTS FOR CERTAIN MUNICIPAL OFFICIALS.

WHEREAS, Missouri Statute 105.485 authorizes the City of Chesterfield to adopt an ordinance which establishes its own method of disclosing potential conflicts of interest; and

WHEREAS, without such an ordinance, each official, officer or employee of the City, and each candidate for office shall be required to file a financial interest statement with the Missouri Ethics Commission, pursuant to subsection 2 of Section 105.485; and

WHEREAS, the City Council originally adopted its own ordinance establishing a method of disclosing potential conflicts of interest with Ordinance No. 605, adopted August 19, 1991 and has renewed the ordinance at least biennially, and often annually, since 1991; and

WHEREAS, the City Council finds it is in the best interest of the public to readopt Ordinance No. 605 as the procedure for disclosure of conflicts of interest for the City of Chesterfield;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City of Chesterfield hereby formally re-adopts the procedure set out in Ordinance No. 605 as the procedure for disclosure of potential conflicts of interest and substantial interests.

Section 2. All requirements as set out in Ordinance No. 605 are to remain in full force and effect.

Section 3. The City Clerk is directed to send a certified copy of this Ordinance to the Missouri Ethics Commission prior to September 15, 2016.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 15th day of August, 2016.

Bob Nation
MAYOR

ATTEST:

Vickie Haas
CITY CLERK

First Reading Held: 8/1/2016

BILL NO. 613

ORDINANCE NO. 605

AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. 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.

Section 2. Conflicts of Interest. All elected and appointed officials as well as employees of the City of Chesterfield must comply with Section 105.454 of the Missouri Revised Statutes and Ordinance 604 regarding conflicts of interest as well as any other state law governing official conduct. The Mayor and any members of the City Council who has a substantial personal or private interest as defined by state law and set out below 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 related to this interest.

Section 3. Substantial or Private Interest. Any member of the City Council as well as any appointed officials and employees shall have a substantial or private interest in any measure, bill or other ordinance proposed or pending before the City if that interest is an ownership by the individual, his or her spouse, or his or her dependent children, whether singularly or collectively, directly or indirectly of: (1) 10% or more of any business entity; or (2) an interest having a value of \$10,000 or more; or (3) the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

Section 4. Disclosure Reports. Each elected official the City Administrator (as the chief administrative officer) and the Director of Finance (as the chief purchasing officer) and the general counsel (City Attorney) (if employed full-time) shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

a. 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, 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

b. 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, 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.

c. The City Administrator as the chief administrative officer and the Director of Finance as the chief purchasing officer also shall disclose by May 1 for the previous calendar year the following information:

1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was receiving during the year covered by the statement;
2. The name and address of each sold proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent 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;

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

Section 5. Filing of Reports. The reports, in the attached format (See Exhibit "A" & "B"), 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.

Section 6. 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:

a. Each person appointed to office shall file the statement within thirty days of such appointment or employment;

b. 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.

Section 7. Filing of Ordinance. The City Clerk is directed to send a certified copy of the Ordinance and any amendment that is adopted prior to January 1, 1993, to the Secretary of State's office within ten days of its adoption. The City Clerk shall send a certified copy of any Ordinance adopted on or after January 1, 1993, regarding this topic to the Missouri Ethics Commission within ten days of its adoption.

Section 8. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 19th day of AUGUST, 1991.

Jack Leonard
MAYOR

ATTEST:

Martha L. De May
CITY CLERK

BILL NO.

612

ORDINANCE NO.

604

AN ORDINANCE OF THE CITY OF CHESTERFIELD REGARDING CONFLICTS OF INTEREST.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. 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, it is the policy of the City that the conflict of interest provision shall apply to all officers and employees of the City of Chesterfield and to any person or business entity filing any papers with, appearing before, doing business with or having any dealings of transactions of any kind with any City officer, employee or agency of the City of Chesterfield.

Section 2. Definitions. As used in this Ordinance, unless the context clearly requires otherwise, the following terms shall have the meanings indicated:

(a) "Business entity", a corporation, association, firm, partnership, sole proprietorship, joint venture, or business entity of any kind or character.

(b) "Employee", a person performing service for, or holding a position or employment with the City of Chesterfield on a full, regular, part-time, intermittent or consultant basis.

(c) "Immediate family", the officer or employee and his spouse and their parents, children, brothers, sisters, and spouses thereof.

(d) "Officer", a person holding any office, position as department or division head, membership on any board or commission, whether by election or appointment, whether serving with or without compensation, for the city of Chesterfield.

(e) "Substantial interest", ownership by the individual or any member of his immediate family, directly or indirectly, of 10% or more of any business entity.

(f) "Directly benefit", to derive special private advantage as opposed to a general advantage derived as a member of a large class or of the public at large.

Section 3. Conflicts of Interest, Prohibited. It shall be unlawful for any officer or employee to violate Section 105.454 of the Revised Statutes of the State of Missouri on conflicts of interest or to engage in any private business or professional activity which would place him in a position of conflict between his private interest and the public interest of the City of Chesterfield, Missouri, or to engage in any private activity which involves the improper use of information gained through his public position or to use the prerogative of his official position for his personal benefit or on behalf of any member of his immediate family, or to accept any fee, compensation, gift, payment of expenses or any other thing of monetary value, either directly or indirectly, under circumstances in which acceptance may result in any conflict of interest. If any officer or employee of the city of Chesterfield shall violate any provision of this section, the City of Chesterfield shall be entitled to recover from said officer or employee in a Court of proper jurisdiction an amount equal to any considerations received by said officer or employee in the transaction involving the violation of this section, and this remedy shall be in addition to any other remedy or penalty provided by law.

Section 4. Disclosure Required.

(a) Every person or business entity filing any application, petition, or other formal request for action by any officer or employee of the City of Chesterfield shall fully and truthfully disclose the name of every person or business entity for whom he is acting when requested to do so by said officer or employee and shall comply with any City of Chesterfield ordinance dealing with the procedure to disclose potential conflicts of interests and substantial interest.

(b) Every City officer or employee shall fully and truthfully disclose his interest in any matter in which he shall have discretion to act, and the exercise of such discretion without disclosure of a prohibited conflict of interest shall be deemed a representation that no conflict of interest exists.

Section 5. Certain Acts Deemed Prohibited Conflicts of Interest. The following shall be deemed to be prohibited conflicts of interest and it shall be unlawful for any officer or employee to act in any such circumstances:

(a) When a City officer or employee shall have discretion to act in any matter wherein he or a member of his immediate family or any business entity in which he or a member of his immediate family may own a substantial interest may directly benefit from such action.

(b) When any City officer or employee shall have discretion to act in any matter which may directly benefit any person or business entity with whom said officer or employee or member of his immediate family shall have enjoyed profitable business or professional dealing within the period of one year prior to such action.

(c) When any City officer or employee shall have discretion to act in any matter which may directly benefit any person or business entity with whom such officer or employee or member of his immediate family is associated in a business or professional way or may directly benefit any person or business entity which is represented in said matter by any person or business entity with which said officer or employee or member of his immediate family is associated in a business or professional way.

(d) When any City officer or employee shall have discretion to act in any matter, and has accepted or agreed to accept anything of monetary value, either directly or indirectly, from any person or business entity who may directly benefit from the matter, with the intent to influence his vote, opinion, judgment or decision on such matter or to induce him to neglect his duty or to perform such duty with partiality or favor, or otherwise than is required by law.

Section 6. Disqualification of Interested Officer or Employee, Effect. In the event that any officer, employee or member of a board or commission shall have a prohibited conflict of interest in any matter in which he shall have discretion to act, he shall be disqualified to act in said matter and he shall immediately inform his superior who shall thereupon relieve him of his assignment in that particular matter, and shall exercise the discretion to act therein. For purposes of this paragraph, the superior to any employee shall be the City Administrator.

The superior to the City Administrator shall be the City Council and in cases involving City Council members, the superior shall be the Mayor. In the case of the Mayor, the President Pro-Tem of the council shall be deemed his superior. In the case of a member of any board or commission, the superior shall be the Mayor, or President Pro-Tem in his absence. If sufficient members of a board or commission remain who are not disqualified, the board or commission may continue to act in the matter. If there are not sufficient members to act who are not disqualified, then any such matter pending before any board or commission of the City of Chesterfield shall be transferred to the City Council for action.

Section 7. Inducement of Payment to Interested Official, Prohibited. It shall be unlawful for any person or business entity to pay or engage to pay, or to offer or attempt to pay, any officer or employee, any member of his immediate family or any business entity in which said officer or employee or member of his immediate

family shall own a substantial interest, any commission, gratuity or consideration, directly or indirectly, with respect to any matter in which said officer or employee has discretion to act.

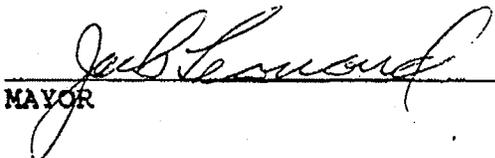
Section 8. Disqualification of Former Officer or Employee. It shall be unlawful for any person, having been an officer or employee of the City of Chesterfield, Missouri, within one year after the termination of his service or employment, knowingly to act as agent or attorney for anyone other than the City of Chesterfield in connection with any judicial or other proceeding, application, claim, controversy, or ther particular matter in which the City of Chesterfield is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee while so employed.

Section 9. Exceptions. The Council may waive compliance with this policy with respect to any contract, purchase, lease or other transaction if by prior resolution reciting the pertinent facts it finds such action to be in the interest of the City.

Section 10. Penalties. Violation of this Ordinance shall be a misdemeanor, punishable by fine of not less than Five Dollars (\$5.00) and not more than Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed three (3) months or by both such fine and imprisonment.

Section 11. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 19th day of AUGUST, 1991.



MAYOR

ATTEST:



CITY CLERK