

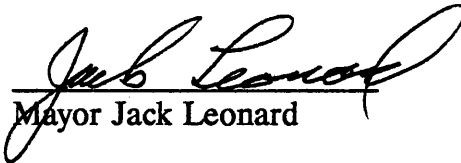
RESOLUTION #91

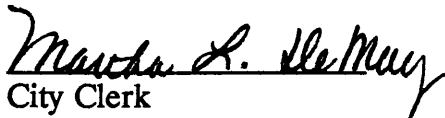
WHEREAS, The Public Health and Safety Committee has recommended adoption of a "Conflict of Interest" policy, which is attached hereto and designated as Attachment A; and,

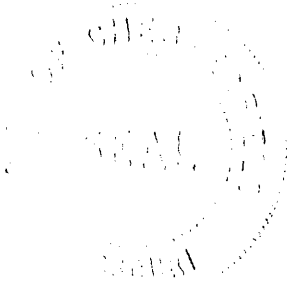
WHEREAS, Said policy shall apply to all officers and employees of the City of Chesterfield;

NOW, THEREFORE, BE IT RESOLVED, that the attached City of Chesterfield Conflict of Interest Policy (June, 1990) be adopted and in full force and effect from this day forward.

Signed this 18th day of June, 1990.


Mayor Jack Leonard


City Clerk



ATTACHMENT "A"
CITY OF CHESTERFIELD
CONFLICT OF INTEREST POLICY
(JUNE, 1990)

Scope. - This policy 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 or transactions of any kind with any City officer, employee or agency of the City of Chesterfield.

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.

Conflicts of Interest, Prohibited. - It shall be unlawful for any officer or employee 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.

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.

(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.

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.

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.

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.

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 other 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.

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.