

BILL NO. 1215

ORDINANCE NO. 1128

Sponsor: Councilman Allen

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

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK JACK, MISSOURI, AS FOLLOWS:

SECTION 1 - Declaration of Policy

- a. The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.
- b. Missouri Revised Statute Section 105.485 requires that a political subdivision biennially adopt an ordinance if it desires to establish its own method of disclosing potential conflicts of interest.
- c. This ordinance is intended to update, as amended, Ordinance No. 1037 to continue the established process for the disclosure of potential conflicts of interest and related matters.

SECTION 2 - Conflicts of Interest

- a. All elected and appointed officials as well as employees of a political subdivision must comply with Sections 105.452 and 105.454 of Missouri Revised Statutes on conflicts of interest as well as any other state law governing official conduct. All members of the governing body of any political subdivision must also comply with Section 105.458 of Missouri Revised Statutes on conflicts of interest as well as any other state law governing official conduct. All members of any agency of a political subdivision who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the agency, or who is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or who participates in or votes on the adoption of any such rule, regulation, rate or plan must comply with Section 105.462 of Missouri Revised Statutes on conflicts of interest as well as any other state law governing official conduct.
- b. Any member of the governing body of a political subdivision who has a "substantial personal or private interest" in any measure, bill, order or ordinance proposed or pending

before such governing body must, before such official passes on the measure, bill, order or ordinance, file a written report on the nature of the interest with the City Clerk of the City and such disclosure shall be recorded in the appropriate journal of the governing body. Substantial personal or private interest is defined as (1) ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly of (a) 10% or more of any business entity, or (b) an interest in an entity having a value of \$10,000 or more; or (2) the receipt by an individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, 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 3 - Disclosure Reports

Each elected official, candidate for elective office, chief administrative officer, chief purchasing officer, full-time general counsel and each official or employee who is authorized by the City Council to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law, shall annually disclose in writing the following information by May 1st, or the appropriate deadline as referenced in Section 105.487 RSMo, if any such transactions occurred 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 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.
- 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 City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
- c. The chief administrative officer, chief purchasing officer, and candidates for either of these positions also shall disclose by May 1, or the appropriate deadline as referenced in Section 105.487 RSMo, the following information for the previous calendar year:
 1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;
 2. The name and address of each sole proprietorship which he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general

nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership which 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 4 – Filing of Reports

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

2. Each person appointed to office shall file the statement within thirty days of such appointment or employment covering the calendar year ending the previous December 31st;

3. Every candidate required to file a personal financial disclosure statement shall file no later than fourteen days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve months prior to the closing date of filing for candidacy. The financial disclosure statement shall be updated if necessary as required by Section 105.487(1) RSMo.

b. Financial disclosure reports giving the financial information required in Section 3 shall be filed with the City Council and with the Missouri Ethics Commission. The Clerk of the City shall maintain such disclosure reports available for public inspection and copying during normal business hours.

Section 5 – Penalties

1. Any Person required by this ordinance and applicable statutes to file a financial interest statement who fails to file such statement by the times required in Section 105.487 RSMo, shall, if such person receives any compensation or other remuneration from public funds for the person's services, not be paid such compensation or receive such remuneration until the person has filed a financial interest statement as required by Sections 105.483 RSMo to 105.492 RSMo. Any person required in Sections 105.483 RSMo to 105.492 RSMo to file a financial statement who fails to file such statement by the time required in Section 105.487 RSMo and

continues to fail to file the required financial interest statement for thirty (30) or more days after receiving notice from the Missouri Ethics Commission (the "Commission") shall be subject to suspension from office in the manner otherwise provided by law or the constitution of the State of Missouri. The City Attorney or Special Counsel at the request of the City Council, shall take appropriate legal action to enforce the provisions of this Section.

2. Failure of any elected official to file a financial interest statement thirty (30) days after notice from the Commission shall be grounds for removal from office as may be otherwise provided by law or the Missouri Constitution.

3. Any person who knowingly misrepresents or omits any facts required to be contained in any financial interest statement filed as required by Sections 105.483 RSMo to 105.496 RSMo shall be subject to prosecution in Municipal Court, and if found guilty, shall be subject to a fine of up to \$500.

Section 6 – Filing of Ordinance

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

Section 7 – Effective Date

This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect for two years from the date of passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK JACK, MISSOURI, THIS 21st DAY OF AUGUST, 2018

Norman C. McCourt, Mayor

ATTEST:

Karen E. Robinson, MRCC-S/CMC
City Clerk

APPROVED THIS 21ST DAY OF AUGUST, 2018

Approved as to legal form:

Sheldon K. Stock, Special Counsel