

Amended Bill No. 4658, an Ordinance of the City of Wentzville, Missouri, to Amend Chapters 125 and 135 of the Code of Ordinances to Amend and Restate the City's Code of Ethics Applicable to Elected and Appointed Officials and City Employees and to Adopt a Code of Ethics Policy Statement

WHEREAS, Chapter 125 of the Municipal Code of the City of Wentzville establishes the Code of Ethics for elected and appointed city officials and employees of the City of Wentzville, Missouri (the "City"); and

WHEREAS, in order to maintain efficient and effective policies to ensure the highest standards of ethical conduct for employees and elected and appointed officials, the City reviews the provisions within the Municipal Code regarding ethics on a periodic basis; and

WHEREAS, the Board of Aldermen believes that the code of ethics as currently established in Chapter 125 of the Municipal Code should be amended and clarified to clearly state the Board's expectations for ethical conduct by all elected and appointed officials of the City and to further clarify the resolution and disciplinary procedures within the City's code of ordinances applicable to elected and appointed City officials; and

WHEREAS, the Board of Aldermen believes that the code of ethics for City employees should be stated in Chapter 135 of the Municipal Code which includes the personnel regulations of the City instead of in Chapter 125 of the Municipal Code; and

WHEREAS, the Board of Aldermen believes that it is beneficial to adopt a separate code of ethics policy statement that supports and compliments the details within Chapter 125 of the Municipal Code and establishes that the elected and appointed officials of the City shall sign the code of ethics policy statement on an annual basis to re-affirm the commitment of each elected and appointed official to conduct the City's business in an ethical manner for the betterment of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI, AS FOLLOWS:

Section 1: Chapter 125 of the Municipal Code regarding code of ethics is repealed in its entirety and a new Chapter 125 of the Municipal Code regarding the code of ethics for elected and appointed officials of the City is hereby adopted to read as follows:

CHAPTER 125. ETHICS

Sec. 125.010. Purpose and applicability; declaration of policy.

- (a) The proper operation of democratic government requires that public officials 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 has been established by the Board of Aldermen a code of ethics for all officials of the City, whether elected or appointed, paid or unpaid.

- (b) The purpose of this chapter is to establish ethical standards of conduct for all elected and appointed officials of the City by setting forth those acts or actions that are incompatible with the best interests of the City and by directing disclosure by such officials of private financial or other interests in matters affecting the City. The provisions and purpose of this chapter and such rules and regulations as may be established are hereby declared to be in the best interests of the City. This policy shall apply to all elected and appointed officials, including the Mayor, Aldermen, municipal judge, members of all boards and commissions and anyone serving in an official capacity as a City representative. There are separate code provisions addressing the Code of Ethics for City employees in chapter 135.

Sec. 125.020. Responsibilities of public office.

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the state and federal constitutions and to carry out impartially federal, state, county and City law and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to faithfully discharge the duties of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

Sec. 125.030. Definitions.

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

Appointed official means a person appointed by the Mayor or Board of Aldermen to a board or commission of the City or to fill the unexpired term of an elected official.

Confidential information means all information, whether transmitted orally or in writing, which is of such a nature that it is not, at that time, a matter of public record or public knowledge.

Disclosure of interest means a disclosure pursuant to section 125.050(b).

Elected official means the Mayor, an Alderman or the municipal judge.

Entity means any individual, sole proprietorship, corporation, company, business endeavor, partnership, association, or any other organization whatsoever, whether for profit or not-for-profit.

Special monetary benefit means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters, such officials must recuse themselves from acting, except that such officials may act on increases in compensation subject to the restrictions of section 13 of article VII of the state constitution.

Substantial interest means ownership by the individual, his spouse or his dependent children, whether singularly or collectively, directly or indirectly, of:

- (1) Ten percent or more of any entity involved;

- (2) An interest having a value of \$10,000.00 or more in the matter in any entity involved;
or
- (3) The receipt of a salary, gratuity or other compensation or remuneration of \$5,000.00 or more per year from any entity involved in the matter.

Sec. 125.040. Orientation training.

- (a) A person shall receive orientation training on ethics within a reasonable length of time after election as either a member of the Board of Aldermen or to the office of Mayor or Municipal Judge or appointment to a City board, commission or committee and after taking office. It shall be the responsibility of the City Administrator to provide this training, which shall include: legislative procedures, applicable sections of RSMo chs. 105, 130, and 610, and chs. 125, 150 and 155 of the code of ordinances. Such training will also be provided upon reelection or reappointment to office.
- (b) The City Administrator shall furnish the Mayor and each Alderman with a written synopsis of the functions and responsibilities of each City department and a synopsis of the City financing sources, including definitions of terms. The Mayor and each Alderman will have the opportunity to meet with each department head to receive orientation on that department's functions and responsibilities, and to meet with the City Administrator to receive orientation on pending City business.

Sec. 125.050. Conflicts of interest.

- (a) While RSMo 105.476 permits the City to establish additional or more stringent requirements than those specified in RSMo 105.450 to 105.498, in addition to the requirements set forth in this chapter, all elected and appointed officials, must comply with the applicable provisions of RSMo 105.452, 105.454, and 105.458 on conflicts of interest, as well as any other state law governing official conduct.
- (b) Any member of any board, commission or committee of the City who has a substantial interest in any measure, bill, order or ordinance proposed or pending before the board, commission or committee must disclose that interest to the City Clerk, and such disclosure shall be recorded in the board, commission or committee minutes.
- (c) Elected and appointed officials should avoid the appearance of impropriety by refraining from engaging in conduct that makes their decisions appear to have been unduly influenced by others rather than being arrived at independently. Decisions should be arrived at independently without undue influence and pressure based on personal relationships and affiliations. All situations that constitute a conflict of interest may not be covered by these guidelines. In these situations, elected and appointed officials are encouraged to seek counsel from the City Administrator prior to acting. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality. When a conflict of interest or potential appearance of impropriety does occur, the following steps should be taken:
 - (1) The official must declare and the record should show that a conflict of interest exists or potential appearance of impropriety exists with respect to a particular issue and that the member will not participate in any discussion or action;
 - (2) The official shall explain and the record should show what constitutes the specific conflict or potential appearance of impropriety;

- (3) The official may be asked to step down from his regular seat and leave the room;
- (4) The official should not speak with any other employees or officials of the City regarding the subject during or prior to the discussion of the issue at hand;
- (5) The official should not represent or speak on behalf of any interested party, but may utilize a representative to convey his own position as a private citizen during the discussion of the issue at hand; and
- (6) The official must not discuss the issue privately with any other official voting on the matter.

Sec. 125.060. Disclosure reports.

Each elected official, candidate for elective office, the Mayor, City Administrator, and the Director of Finance shall disclose the following information by May 1, or the appropriate deadline as referenced in RSMo 105.487, if any of the following transactions occurred 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.
- (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 Mayor, City Administrator, Director of Finance, and candidates for Mayor shall additionally disclose by May 1, or the appropriate deadline as referenced in RSMo 105.487, the following information for the previous calendar year:
 - a. The name and address of each of the employers of such person from whom an 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 they owned; the name address and the general nature of the business conducted of each general partnership and joint venture in which they was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture, unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;
 - c. The name and address of each corporation for which such person served in the

capacity of a director, officer or receiver.

- (4) Financial disclosure reports giving the financial information required in this section shall be filed with the City Clerk and with the state ethics commission. The reports shall be available for public inspection and copying during normal business hours.
- (5) Each applicant submitting an application for a board or commission shall disclose at the time of submitting the application, and each appointed official shall disclose by March 1, all information set forth in subsections (1) and (2) of this section if any such transactions occurred during the previous calendar year. The City Clerk will provide the forms for reporting, and completed forms will be submitted to and kept on file in the City Clerk's office.

Sec. 125.070. Use of City-owned property.

Unless expressly permitted by a contract approved by the Board of Aldermen, no official shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official in the conduct of official business.

Sec. 125.080. Solicitation; gifts and gratuities.

- (a) Elected and appointed officials shall not solicit or accept from any entity any gift or discount (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the employees or the City or any other entity, if the official knows or should know that the public may reasonably infer that the entity:
 - (1) Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty; or
 - (2) Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.
- (b) It is expressly prohibited for any elected or appointed City official in any way to use their position or influence for private gain for himself or others.
- (c) In conformance with the above provisions and subject to the limitations of subsection (a) of this section:
 - (1) Attendance by elected and appointed City officials in their official capacity at luncheons or other events directly related to educational or professional enhancement of their positions with the City is permitted;
 - (2) Elected and appointed officials may enter into bona-fide raffles, and door prize, attendance prize or fish-bowl drawings at events that they are attending in their official capacity and retain any prize that they may win through such raffle or drawing, provided the receipt of any such item valued above four hundred dollars (\$400.00) is reported to the City Administrator and Board of Aldermen;
 - (3) Solicitations by elected and appointed officials which benefit charitable (section 501(c) tax-exempt) entities, including solicitations for the Mayor's Ball, are permitted; provided that the official does not receive a salary or direct financial benefit from such charitable entity;

- (4) Gifts that are made to an elected or appointed official that do not exceed a value of one hundred dollars (\$100.00), provided, however, that the conditions under subsection (a) of this section continue to be met, are permitted; and
- (d) Nothing herein shall apply to campaign contributions made to elected officials or candidates for elective positions made and reported in accordance with applicable law that are not within the scope of this section.

Sec. 125.090. Donations and sponsorships.

(a) Donations to and sponsorships of the City.

(1) Valued between five hundred dollars (\$500.00) and ten thousand dollars (\$10,000.00).

- a. The City Administrator will consider the guidelines established in this policy and either accept or reject offers of donations of money, equipment, in-kind contributions or sponsorships to the City between five hundred dollars (\$500.00) and ten thousand dollars (\$10,000.00) in any calendar year from any single source.
- b. Donated money will be expended for general purposes or specified purposes, if agreed upon with the donor, as one-time supplements to the City's operating budget. Donations of equipment will be considered based on program outcomes, department goals and needs. Each donation will be evaluated for usefulness, and costs of potential replacement/rental rates will be considered. In-kind contributions and sponsorships, or business discounts for specific events will be treated in the same way as donated funds.
- c. The City Administrator will accept or reject business discount offers for City employees or officials with a cumulative annual value of between \$5,000.00 and \$10,000.00 in any calendar year from any single source. Acceptance of such discount offers by individuals shall comply with the policies and procedures set forth in the City's anti-fraud and corruption policy. Unless otherwise directed by the Board of Aldermen, the City Administrator shall determine any necessary allocation of gifts to the City.
- d. Donations, sponsorships and business discounts that are approved by the City Administrator shall be recorded by the office of the City Administrator. Recorded information shall include the name of the donor or sponsor, a description of the donation, sponsorship or discount, including approximate material value, and the date of approval by the City Administrator. These records shall be considered open records accessible by and available to the public.

(2) Valued at more than \$10,000.00.

- a. For monetary, equipment and in-kind contributions, sponsorships, or discounts with material values over \$10,000.00 in any calendar year from any single source, the Board of Aldermen shall be provided a written report outlining the purpose of each proposed transaction and any relevant considerations of the guidelines provided. The Board of Aldermen will decide, on a per-case basis, if donations or sponsorships should be accepted or rejected. Corporations offering in-kind contributions will be requested to state the value of the offered

item or service.

- b. All donations and sponsorships valued at more than \$10,000.00 for a certain project, item or fund or from any single donor, either separately or cumulatively, during a calendar year require Board of Aldermen approval. In the event multiple donations or sponsorships exceed \$10,000.00 in the aggregate in a calendar year, Board of Aldermen approval will be required. Subsequent to the board's acceptance, procedures for handling transactions of more than \$10,000.00 shall be the same as those for the acceptance of transactions valued at \$10,000.00 or less.

(3) *Guidelines for accepting donations.* The following criteria shall be considered in the acceptance or rejection of all donations:

- a. Does acceptance of funds, equipment, materials or in-kind services, or business discounts present a conflict of interest for the City or its officials and employees? Regardless of the value, donations shall not be accepted if there is reason to believe there may be a conflict of interest. Examples may include donations from:
 - 1. Donors that are involved in a matter under current review with a pending outcome with any City process such as any zoning or development matter, building inspection, public-private partnership for financing public infrastructure or projects, police investigation, building/property maintenance code investigation, or any investigation into the violation of this Code.
 - 2. Contractors, vendors, or persons seeking to provide services/materials to the City.
- b. Are there restrictions upon the use of the item or funds that make it impractical or inappropriate to accept?
- c. Are there restrictions on disposal or retention of the item or funds that make it impractical or inappropriate to accept?
- d. Is any required accounting for the item or funds excessively difficult?
- e. Would donated materials or equipment require extensive or costly repair or maintenance, and, if so, is maintenance support available?
- f. Does the equipment or materials require the purchase of additional items to be useful?
- g. What effect will the donation have on the City's budget? Donations are to be considered one-time supplements and should not be used to develop new programs or services which would require budget supplements from the City in the current or subsequent years, unless a benefit analysis proves the donation to be fiscally responsible, cost effective and receives approval as outlined in this policy.

(b) *Solicitations.*

- (1) Solicitation of donations to the City shall be subject to this section as well as the procedures applicable to acceptance of an unsolicited donation under section

125.080. Approval of a solicitation shall constitute approval of acceptance, unless the terms and conditions required for acceptance are materially different from those included with the solicitation.

- (2) Other than a donation solicitation approved pursuant to other sections of this policy, no elected or appointed City official shall solicit donations to the City.
 - (3) Elected and appointed City officials soliciting donations in compliance with this policy (i.e., either with approval or after restrictions no longer apply) from those that are or have previously engaged in business with the City shall make clear that such solicitations are not connected to or presented as requests for payment for services rendered and otherwise strive to avoid any semblance of impropriety.
 - (4) Those soliciting donations are prohibited from exerting any form of pressure upon those they have benefited through official acts.
 - (5) Elected and appointed City officials shall not offer any form of special access to themselves or others in exchange for donations to the City.
 - (6) Unless authorized by the Board of Aldermen, elected and appointed City officials shall not solicit anything of value for a purpose unrelated to official City business through any means that may suggest that the solicitation is made with authority or on behalf of the City.
 - (7) Elected and appointed City officials shall not directly solicit anything of value from City employees.
 - (8) Any communications related to a solicitation authorized hereunder shall be in a self-contained correspondence and not combined with other City business.
 - (9) Upon receipt by the City of any donation for a City-sponsored event or program, written communication from the City shall be sent to the donor acknowledging receipt of the donation, and a written statement from the City's finance department shall be sent to the donor within 60 days of the event or completion of the program confirming that the donated funds, goods or services were utilized by the City in connection with the event or program for which the funds, goods or services were donated.
- (c) *When solicitations are permitted.* In conformance with the above subsections, the solicitation of donations or purchases which are solely for the benefit of the following are permitted:
- (1) One or more of the following City-sponsored or City-supported events or programs including but not limited to: Wentzville Days, Easter Eggstravaganza, 4th of July Celebration, Holiday Night Lights, City-sponsored youth sports, CERT, Explorers, Special Olympics, National Night Out, and the Mayor's Ball; and
 - (2) Such other City-sponsored or City-supported special events and programs as approved by the City Administrator or the Board of Aldermen.
- (d) *Exemptions.* Nothing herein shall apply to:
- (1) Donations of real property, or solicitations therefor, for establishing parks or other public places or for real property, or any interests therein, to facilitate public works projects;
 - (2) Nonprofit, 501(c)(3) or other recognized tax-exempt entities formed for or whose

stated purpose is raising funds for, donating time, materials or real estate to, or otherwise supporting the City or governmental entities in general;

- (3) Calls for assistance, actions or responses to natural disasters or other emergency situations affecting all or part of the community;
- (4) Solicitations of campaign contributions. Such activities are subject to separate regulations, including RSMo ch. 130.

Sec. 125.100. Avoiding undue influence.

- (a) An elected or appointed official shall not directly or indirectly attempt to influence any decision of either the City or any employee of the City:
 - (1) When that official knows the result of such decision may be the acceptance of a benefit having a value in excess of \$500.00 per annum to them, to their spouse, to a dependent child in their custody or to any entity with which they are associated; or
 - (2) When that official has received, is receiving, or has been promised any consideration from any entity involved in the matter.
- (b) No City official shall favorably act on any matter that is designed to provide a special monetary benefit to such official or their spouse or dependent children by reason of such act.
- (c) To avoid the appearance of undue influence, except for any investigations as established by this Code, board members shall not interfere with administrative City officers or employees who are subject to the direction and supervision of the Mayor and City Administrator. Individual board members shall not give any orders to or direct the actions of any such officer or employee, either publicly or privately.

Sec. 125.110. Preservation of confidential information.

No City official shall:

- (1) Without proper approval, disclose confidential information concerning the property, government, personnel or affairs of the City;
- (2) Use or disclose confidential information obtained in the course of their official capacity.

Sec. 125.120. Bidding.

No official shall:

- (1) Disclose any information to any entity regarding matters that are contained in bids that are in process (i.e., between the time a notice of bid is issued to the time the bid is awarded) or are going to be in process (i.e., while bid specifications are being developed) for a service to be contracted by the City, other than that information which has been disclosed to all bidders or the general public; or
- (2) Sell, rent or lease any property to the City for consideration in excess of \$500.00 per annum, unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

Sec. 125.130. Participation in City contracts.

- (a) No City official shall, in the capacity of such official, make or participate in the making of a contract on behalf of the City with any entity by which the official is employed or in whose business the official has a substantial interest.
- (b) No City official with procurement or contract management authority shall, during their term of office, make or participate in the making of a contract on behalf of the City with any entity with which the official has a substantial interest.
- (c) No entity shall enter into any contract where any City public official, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the entity.
- (d) For purposes of this section, a City public official does not make or participate in the making of a contract if the public official abstains from any action regarding the contract and the public official files written notification of abstention with the City Administrator.
- (e) This section shall not apply to the following:
 - (1) Contracts let after competitive bidding has been advertised for by published notice; and
 - (2) Contracts for property or services for which the price or rate is fixed by law.
- (f) No City official shall perform any service for the City for any consideration other than the compensation from the City for the performance of their official duties.

Sec. 125.140. [RESERVED]

Sec. 125.150. Participation in other matters.

A City official shall not be deemed to have passed or acted upon any matter if the public official abstains from any action regarding the matter.

Sec. 125.160. Restriction on former public officials.

- (a) *Matters connected with their former duties.* No elected or appointed City official shall:
 - (1) For a period of one year after discontinuation of their term of office, perform any service for consideration to influence a decision of the Board of Aldermen or any other board or commission of the City, or a decision of any official or employee, 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;
 - (2) Perform any service for any consideration for any person after discontinuation of their term of office in relation to any case, decision, proceeding or application with which they were directly concerned or in which they personally participated during their term of office.
- (b) *Selling to the City.*

- (1) No former City official shall sell or attempt to sell goods, services or construction to the City for one year after their term of office ends
- (2) The term "sell," as used herein, means signing a bid, proposal or contract; negotiating a contract; contacting any City official or employee for obtaining, negotiating or discussing changes in specifications, price, cost allowances or the terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale, although the actual contract therefor is subsequently negotiated by another person; provided however, that this section is not intended to preclude a former public official or employee from accepting employment with private industry solely because the former public official's or employee's employer is a contractor with this City, nor shall a former public official or employee be precluded from serving as a consultant to this City under specific circumstances outlined in a contract approved by the Board of Aldermen.
- (3) This section shall not apply if the former City official, before they engage in or attempt to sell, makes a full disclosure to the Board of Aldermen of the former official's date of service and position with the City and the Board of Aldermen determines that it is in the best interest of the City to permit the former official to sell or attempt to sell such goods, services or construction.

Sec. 125.170. Responsibilities under code of ethics.

The City Administrator and Mayor, or president of the Board of Aldermen in the case of a conflict in the office of Mayor, are responsible for:

- (1) Explaining the City's code of ethics policy and investigation procedures to any person reporting the possible violation and the respondent.
- (2) Exploring informal means of resolving complaints.
- (3) Notifying the police if criminal activities are alleged.
- (4) Arranging for an investigation, either internally or through a third party, of the alleged violation and the preparation of a written report.

Sec. 125.180. Advisory opinions.

- (a) Elected officials and appointed officials shall have the right to apply to the City Attorney for an advisory opinion regarding particular situations in which they are personally involved or as to the definition of terms used herein. The individual shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this article before such advisory opinion is made. The application shall at a minimum provide sufficient detail to fully and accurately describe the situation and shall be certified as true to the best knowledge, information and belief of the applicant. The City Administrator shall freely seek the advice and assistance of the City Attorney where interpretation of the law is required.
- (b) No person who relies upon an advisory opinion rendered pursuant to this chapter may be found in violation of this chapter, except where such opinion has been fraudulently obtained or where the person so relying failed to provide or omitted material facts in the request for the advisory opinion.
- (c) Such opinion, until amended, distinguished or revoked, shall be binding on the City, the

Board of Aldermen, the City Administrator and the City Attorney in any subsequent actions concerning the elected official, appointed official who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

- (d) Any advisory opinion prepared by the City Administrator or City Attorney shall be in writing, and a copy shall be sent to the City Clerk to be retained and made available to the public upon request.

Sec. 125.190. Resolution procedures.

- (a) *Reporting violations.* Incidents of possible violations of this chapter should be reported using the following procedures:
 - (1) To assist the City in its investigation into an alleged violation of this policy, individuals will often be asked to provide a written report of possible violation. Any report of possible violation should be submitted as soon as possible after an incident of alleged violation. Where the person reporting the incident is an employee, the Director of Human Resources may assist the person reporting the incident in completing a report of possible violation form.
 - (2) To ensure the prompt and thorough investigation of a complaint, the reporting person should provide as much of the following information as is possible, including:
 - a. The name, department and position of the person allegedly violating the code of ethics (respondents).
 - b. A description of the incidents, including the dates, locations and the presence of any witnesses.
 - c. Any other information the reporting person believes to be relevant to the complaint of violation.
- (b) *Handling records of reports of violations.* While all employee inquiries and reports of possible violations are treated as confidentially as possible, employees understand that the City, as a public governmental body, strives to comply to the fullest with the state's open records and meetings laws, and has a duty to make public certain records of public concern. To that end, the following is a general statement of the City's policies on handling records relating to reports of possible violations:
 - (1) Except where it has been decided to proceed pursuant to a criminal investigation by law enforcement, information contained in a report of possible violation regarding an elected or appointed official shall be made available to the public, except that in the case of a report of possible violation filed by an employee, the name of the employee shall be kept as confidential as possible. However, the identity of the reporting person usually is revealed to the respondent official and, when deemed necessary by the City, to witnesses. Retaliation against the reporting person will not be tolerated. An investigation of the report of possible violation, including evidence or statements gathered during the investigation, shall be kept confidential until it is concluded.
 - (2) *Responsibility of director of human resources.* The Director of Human Resources can answer any questions relating to the procedures for handling information related to reports of possible violations and investigations to reporting persons and respondents.

(c) *Investigation of reports of possible violations.*

- (1) Any report of a possible violation by an elected or appointed official of the provisions of this chapter or RSMo ch. 105 shall first be reviewed by the disinterested members of the Board of Aldermen, with the assistance of the City Administrator and City Attorney. Any elected or appointed official accused of violating the provisions of this chapter or RSMo ch. 105 may make a statement to the disinterested members of the Board of Aldermen regarding the allegations, but shall otherwise not be present for or participate in such initial meeting of the disinterested members of the Board of Aldermen. The disinterested members of the Board of Aldermen shall be the disciplinary authority for consideration of violations of the provisions of this chapter or RSMo ch. 105 by elected or appointed officials.
- (2) Prior to seeking a formal investigation of a report of a possible violation by an elected or appointed official of the provisions of this chapter or RSMo ch. 105, the Board of Aldermen may seek initial review of the report by the City Attorney and may decide whether to proceed with a formal investigation or work toward an informal and more immediate resolution.
- (3) Where a report of a possible violation by an elected or appointed official of the provisions of this chapter or RSMo ch. 105 is believed by the disciplinary authority to have merit and warrant further investigation, such report shall be presented to one or more of the following:
 - a. An independent investigator;
 - b. The state ethics commission established under RSMo 105.955; or
 - c. The appropriate law enforcement agency.

Upon receipt of any investigative report from either an independent investigator or the state ethics commission, that indicates that there is probable cause that a violation has occurred, the disciplinary authority shall determine whether to follow the recommendations, if any, contained in the report within the time allowed by statute (including any stay resulting from an appeal) and whether to take any other appropriate disciplinary action. Any such investigative report shall be an open record once the investigation is concluded.

(d) *Proceedings.*

- (1) The disciplinary authority, if the matter was referred to the state ethics commission, may simply accept the decision of the commission without a hearing, provided the accused elected or appointed official was provided an opportunity to participate in any such investigation by the state ethics commission.
- (2) Where the investigation was performed by an independent investigator, the disciplinary authority may determine to take no further action.
- (3) The disciplinary authority may meet in a closed session with the City Attorney and the elected or appointed official accused of violating this chapter in advance of a hearing to discuss the investigative report and consider resolution of the matter. Any such resolution must be approved by the Board of Aldermen in an open meeting.
- (4) If discipline is to be imposed by the disciplinary authority, a hearing shall be scheduled unless the elected or appointed official accused of violating this chapter agrees that

they have committed a violation as alleged in the complaint and waives the right to a hearing. In the event the elected or appointed official accused of violating this chapter agrees that they have

- (5) When a hearing is scheduled hereunder, the reporting person and respondent shall be given reasonable notice thereof by certified mail. Any such hearing will be conducted to consider the matter and render a decision regarding the appropriate discipline or penalty.
- (6) The hearing shall be held within 40 days of the receipt of the investigative report, unless:
 - a. The respondent requests a later date not to exceed 30 additional days.
 - b. The disciplinary authority itself determines that more time is required, not to exceed 30 additional days.
- (7) The disciplinary authority may meet prior to the hearing to prepare for the hearing. Such a meeting shall be a work meeting, and no evidence, testimony, or public comments will be accepted during such a meeting. The respondent shall not participate in the work meeting, as doing so will be deemed a conflict of interest in violation of this chapter and an improper *ex parte* communication with the disciplinary authority. The work meeting shall be open to the public, but portions of the meeting may be closed for discussions with legal counsel pursuant to RSMo 610.021(1).
- (8) The hearing shall be conducted in the manner most conducive to the determination of the truth, and the disciplinary authority shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by any informality in the proceedings.
- (9) Hearings shall be open meetings under the open meetings and records policy of the City (chapter 112). Notice of the hearing shall be posted in conformance with the above-stated policy.
- (10) All hearings shall be conducted as follows:
 - a. The disciplinary authority shall receive evidence from:
 1. The independent investigator or the state ethics commission (in the form of its report or decision);
 2. The reporting person;
 3. The respondent;
 4. Any other witnesses called by the above parties; and
 5. Any other person the disciplinary authority deems necessary.
 - b. Opening statements and closing arguments shall be permitted. The disciplinary authority may request any witnesses to appear at a fixed time or the production of any records or material evidence. Failure or inability of the reporting person to appear or produce evidence shall not be grounds for dismissal. The respondent is entitled to present his witnesses and evidence in defense. Rebuttal may be permitted.

- c. Parties will be allowed to examine and cross-examine witnesses. The disciplinary authority may also examine witnesses directly or through its counsel.
 - d. Both the reporting person and the respondent may be represented by legal counsel at their own expense.
- (11) The disciplinary authority shall determine the relevancy, weight and credibility of testimony and evidence. The disciplinary authority shall base its findings on the preponderance of evidence.
 - (12) The hearing may be continued by the disciplinary authority to allow for additional information to be presented if deemed necessary by the disciplinary authority. The disciplinary authority may set time constraints on the proceedings.
 - (13) The City Attorney shall serve as counsel to the disciplinary authority, but to avoid any conflict or appearance of thereof, shall not present evidence or conduct the hearing on behalf of the City; the City may use the prosecuting attorney or employ special counsel to put on evidence or conduct the hearing for the City. If the independent investigator is an attorney, the City may use the independent investigator to present evidence or conduct the hearing for the City.
 - (14) A transcript of the hearing shall be made unless waived by the reporting person, the respondent and the disciplinary authority.
 - (15) Within five business days of the close of the hearing, the respondent, reporting party and counsel for the City before the disciplinary authority may submit proposed findings of fact and conclusions of law for use and consideration of the disciplinary authority.
- (e) *Decisions.* The disciplinary authority, upon completion of a hearing or admission of a violation, shall render a written decision within ten business days after the deadline for receipt of any proposed findings of fact and conclusions of law. The decision shall:
 - (1) Determine whether a violation occurred;
 - (2) Set forth any necessary requirements for voluntary compliance, if applicable;
 - (3) Take other actions under section 125.200 or recommend action by the authorized City officials as deemed appropriate under the circumstances; and
 - (4) Recommend any appropriate prosecution under applicable state or local law, if applicable.
 - (f) *Willful concealment.* If a City official willfully conceals a substantial financial interest in violation or otherwise willfully violates the requirements of this chapter, such person shall be guilty of malfeasance in office or position and shall forfeit all offices and positions with the City.
 - (g) *Compliance by private sector.* If a person or business entity who makes a contract or sale with the City knows or should have known that a City official has violated this chapter's provisions regarding such contract or sale, the City Administrator or the Board of Aldermen may declare the contract or sale void within 30 days after the determination that the official violated this chapter.
 - (h) *Proceeding not exclusive.* The procedures set forth herein are for the disciplinary authority's guidance, edification and use. The disciplinary authority may vary the proceedings where it deems necessary and appropriate under the given circumstances.

Sec. 125.200. Discipline.

- (a) Elected or appointed officials who are determined to have violated this policy are subject to appropriate discipline, including, without limitation, written warning, public censure, required training, suspension from office, suspension from closed meetings of the Board of Aldermen, or removal from office.
- (b) The magnitude of the discipline imposed shall be commensurate with the severity of the violation and the adverse impact on the City. In the event an elected or appointed official has had multiple offenses or a pattern of offenses in violation of this chapter, such may be considered by the disinterested members of the board of aldermen in imposing greater discipline. Removal from office by vote of the disinterested members of the Board of Aldermen following a hearing or upon waiver of a hearing for violation of this chapter or chapter 105 RSMo. shall be limited to conduct that is criminal in nature, has caused financial harm to the City, employees or other City officials, is willful, fraudulent, or deceitful, or is of such magnitude and seriousness as to bring significant discredit to the City.
- (c) Any official found to have knowingly made a false report of possible violation shall be subject to discipline as set forth herein.
- (d) Nothing herein shall be deemed to limit the City's right to pursue civil damages or criminal penalties against persons arising out of violations of this policy.

Sec. 125.210. Other available procedures; administration.

The procedures available under this policy do not pre-empt or supersede any legal procedures or remedies otherwise available under state or federal law. This policy will be administered through the City Administrator.

Section 2: Article V of Chapter 135 of the Municipal Code regarding personnel regulations shall be amended to add new sections 135.535, 135.540, 135.542, 135.544, 135.546, 135.548, 135.550, 135.552, 135.554, 135.556, 135.558, 135.560, 135.562, 135.564, 135.566, 135.568, 135.570 and 135.575 of the Municipal Code regarding the code of ethics for City employees to read as follows:

Article V. Employee Performance, Conduct and Code of Ethics

Sec. 135.535: Purpose and Applicability; Declaration of Policy.

The City of Wentzville is committed to serving the public with transparency, accountability and fairness. This code emphasizes the importance of public trust and sets a standard for ethical behavior.

This code seeks to establish a culture of ethical conduct, ensuring all City employees act with integrity and responsibility. Every employee shall adhere to this code while serving the City of Wentzville. For further guidance on these topics, employees are encouraged to refer to the Employee Manual.

The proper operation of democratic government requires that employees and representatives of the City 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 service not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, the Board of Aldermen established a Code of Ethics for City employees, volunteers or other non-appointed or non-elected officials representing the city.

Sec. 135.540: Responsibilities of Public Service.

All employees are agents of public purpose and exist for the benefit of the public. They shall uphold their duty to the public, making impartial decisions, and avoiding actions that compromise the City's integrity. They are bound to observe in their official acts the highest standards of morality and to faithfully discharge the duties of their position, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

Sec. 135.542: Definitions.

Conflict of Interest: Refers to situations where an employee's personal interests might clash with their official responsibilities.

Donation: Voluntary contribution of money or goods without receiving anything in return.

Gift: An item or service of value given voluntarily to an employee without expectation of return, often as a token of appreciation or goodwill.

Gratuity: Also known as a tip, is a sum of money given to an employee in appreciation for services rendered, usually in addition to agreed upon compensation.

Immediate Family: Immediate family members include spouses, children, parents, and siblings, regardless of their place of residence. Additionally, any other relatives are considered immediate family if they reside in the same household uses, children, parents, siblings and any other relatives living in the same household.

Prize: An item or amount of value awarded to an individual as a result of winning a competition or game within the organization or at a work-related event.

Raffle: A form of lottery or drawing in which participants purchase or receive tickets for a chance to win specified prizes, often conducted as a fundraising activity, professional conference or at a City event.

Sponsorship: Financial or in-kind support provided by the company to an event, organization, or individual, aiming to gain visibility in return.

Sec. 135.544. Orientation Training.

New employees shall undergo an ethics training program, ensuring they understand their responsibilities and the City's expectations. The City will provide ongoing training for employees regarding ethics.

Sec. 135.546. Conflicts of Interest.

All employees should avoid the appearance of impropriety. Employees shall always act in the City's best interest, disclosing potential conflicts and abstaining from decisions where a conflict might arise. It is the responsibility of each employee to identify potential conflicts and take steps to address them. City employees shall act with the utmost integrity and objectivity, ensuring that their personal interests do not interfere with their professional responsibilities. Employees shall not have any financial interest, directly or indirectly, that conflicts or appears to conflict with their City duties. Any investments, assets, or interests that might influence an employee's decisions at work in their official capacity shall be disclosed to their supervisor in writing.

While RSMo 105.476 permits the City to establish additional or more stringent requirements than those specified in RSMo 105.450 to 105.498, in addition to the requirements set forth in this chapter employees of the City, must comply with the applicable provisions of RSMo 105.452 and 105.454 on conflicts of interest, as well as any other state law governing official conduct.

Sec. 135.548. Use of City-Owned Property.

City assets, including equipment, vehicles and resources, are for official use only. Misuse or unauthorized personal use is prohibited. It is the responsibility of each employee to identify potential conflicts and take steps to address them. City employees shall act with the utmost integrity and objectivity, ensuring that their personal interests do not interfere with their professional responsibilities.

Sec. 135.550. Solicitation; Gifts and Gratuities.

Employees are permitted to solicit donations, sponsorships and advertising materials/funds for program needs from external sources, as long as these efforts are respectful, professional and align with the City's vision and critical success factors and are for the benefit of the organization. Solicitations for personal gain are prohibited. In addition, employees are prohibited from stating or implying that a donation provides the donor/sponsor any special access to the City or benefits from the City unless a sponsorship specifically defines the benefit for a specific instance or event. Seeking or accepting gifts, favors or benefits that could influence decision-making is prohibited. Employees should consult the employee manual for additional guidance.

Sec. 135.552. Donations and Sponsorships.

Donations or sponsorships, whether in cash or kind, shall not dictate or influence City decisions or policies. Donations and sponsorships should be for the benefit of the city and not for personal gain. Employees should follow Sec. 125.090 Code of Ethics for Donations and Sponsorship and consult the employee manual for additional guidance.

Sec. 135.554. Avoiding Undue Influence.

Employees shall not exploit their positions for personal advantage or to unduly influence others' decisions. No City employee shall favorably act on any matter that is designed to provide a special monetary benefit to such employee or their immediate family by reason of such act.

Sec. 135.556. Preservation of Confidential Information.

No City employee shall:

- (1) Without proper approval, disclose confidential information concerning the property, government, personnel or affairs of the City;
- (2) Use or disclose confidential information obtained in the course of employment in their official capacity unless mandated by legal proceedings.

Sec. 135.558. Bidding.

The bidding process shall be transparent, competitive and free from biases. Employees shall not engage in or influence bids where a personal connection or interest exists. No employee shall:

- (1) Disclose any information to any entity regarding matters that are contained in bids that are in process (i.e., between the time a notice of bid is issued to the time the bid is awarded) or are going to be in process (i.e., while bid specifications are being developed) for goods or services to be contracted by the City, other than that information which has been disclosed to all bidders or the general public; or
- (2) Sell, rent or lease any property to the City for consideration in excess of \$500.00 per annum, unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

Sec. 135.560. Participation in City Contracts.

Employees or their immediate family members shall not have a financial stake in any contract with the City to avoid any perception of impropriety.

- (a) No City employee shall, in the capacity as a City employee, make or participate in the making of a contract on behalf of the City with any entity by which the employee is employed or in whose business the employee has a substantial interest.
- (b) No City employee with procurement or contract management authority shall, during their employment or within 12 months of termination of employment, make or participate in the making of a contract on behalf of the City with any entity with which the employee has a substantial interest.
- (c) No entity shall enter into any contract with the City where any City employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the entity.
- (d) For purposes of this section, a City employee does not make or participate in the making of a contract if the employee abstains from any action regarding the contract and the employee files written notification of abstention with the City Administrator.
- (e) This section shall not apply to the following:
 - (1) Contracts let after competitive bidding has been advertised for by published notice; and
 - (2) Contracts for property or services for which the price or rate is fixed by law.
- (f) No City employee shall perform any service for the City for any consideration other than the compensation from the City for the performance of their official duties.

Sec. 135.562. Endorsement of products or services.

(a) A City employee in their official capacity shall not knowingly assist in the sale of any goods or services by permitting their endorsement of the goods or services to be used for advertising purposes without the express written consent of the City Administrator.

(b) Nothing herein shall be deemed to apply to an employee's response to inquiries by the Board of Aldermen, their supervisors, other governmental entities, or members of the public as to that employee's experience with particular goods or services, provided such response is not to be used for advertising purposes without the express written consent of the City Administrator.

Sec. 135.564. Restriction on former employees.

(a) *Matters connected with their former duties.* No employee of the City, serving in an executive or administrative capacity, shall:

(1) For a period of one year after termination of their employment, perform any service for consideration by which performance they attempt to influence a decision of the Board of Aldermen or any other board or commission of the City, or a decision of any official or employee over which they had supervisory power, 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;

(2) Perform any service for any consideration for any person after termination of their employment in relation to any case, decision, proceeding or application with which they were directly involved during their employment.

(b) *Selling to the City.*

(1) No former City official or employee shall sell or attempt to sell goods, services or construction to the City for 12 months after termination of their employment.

(2) The term "sell," as used herein, means signing a bid, proposal or contract; negotiating a contract; contacting any City official or employee for obtaining, negotiating or discussing changes in specifications, price, cost allowances or the terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale, although the actual contract therefor is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former public official or employee from accepting employment with private industry solely because the former public official's or employee's employer is a contractor with this City, nor shall a former public official or employee be precluded from serving as a consultant to this City under specific circumstances outlined in a contract approved by the Board of Aldermen.

(3) This section shall not apply if the former City official or employee, before they engage in or attempt to sell, makes a full disclosure to the Board of Aldermen of the former official's date of service and position with the City or employee's date of employment and position with the City and the Board of Aldermen determines that it is in the best interest of the City to permit the former official or employee to sell or attempt to sell such goods, services or construction.

Sec. 135.566. Responsibilities under code of ethics.

(1) If an employee becomes aware of a violation of this policy, the concern should be reported to the department director immediately. If the situation is not immediately resolved or if the employee is unable to address or is uncomfortable addressing the concern with the department director, they should report the incident to the City Administrator or Human Resources Director. If the suspected violation involves an elected City official, they should report the incident to the City Administrator who shall immediately notify the Mayor, or the president of the Board of Aldermen if the Mayor is an interested party. It is helpful to make a written record of the date, time and nature of the incidents and the names of any witnesses.

(2) It is important to report concerns, regardless of the seriousness, as soon as possible. The City cannot assist in addressing violations of this policy if it is unaware of the problem. Publicizing information about alleged violations without following the appropriate reporting procedures might be considered evidence of a vexatious intent on the part of the accuser.

(a) *Department directors.* Department directors must deal expeditiously and fairly with allegations of violations within their departments, whether or not there has been a written or formal complaint. Department directors must:

1. Take all complaints or concerns of alleged or possible violations of the City's code of ethics seriously, no matter how minor or who is involved.
2. Ensure that the suspected violation is reported to the City Administrator or human resources immediately so that a prompt investigation can occur.
3. Take any appropriate action to prevent retaliation or prohibited conduct from reoccurring during and after any investigations or complaints.
4. Department directors and supervisors who knowingly allow or tolerate violations of this policy shall be subject to discipline.

Sec. 135.568. Advisory opinions.

Where an employee has a doubt as to the applicability of any provision of this article to a particular situation regarding that employee or as to the definition of terms used herein, the employee may apply by signed writing to the City Administrator for an advisory opinion.

Sec. 135.570. Resolution procedures.

Reports of possible violations by employees. In keeping with the City's personnel policy and this Code, information contained in a report of possible violation regarding an employee is kept as confidential as possible. However, the identity of the reporting person usually is revealed to the respondent and witnesses. Retaliation against the reporting person will not be tolerated. All information pertaining to a report of possible violation or investigation is maintained by the director of human resources in secure files.

Employees should refer to Sec. 125.190 of the Code for additional details regarding resolution procedures for code of ethics violations.

Sec. 135.575. Discipline.

Employees who are determined to have violated this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand and the maximum discipline is termination of employment.

Any employee or official found to have knowingly made a false report of possible violation shall be subject to discipline.

Section 3: The Board of Aldermen hereby adopts the following as its Code of Ethics Policy Statement. This statement supplements and complements the provisions of Chapter 125 of the Municipal Code. All elected and appointed officials of the City shall sign this Code of Ethics Policy Statement by May 1st of each year that they are in office.

CITY OF WENTZVILLE

CODE OF ETHICS

Preamble

The residents and businesses of the City of Wentzville are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- Be independent, impartial, and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Board of Aldermen of the City of Wentzville, Missouri, has adopted this Code of Ethics to clearly express its expectations for ethical conduct by elected and appointed officials and to encourage public confidence in the integrity of local government and its fair and effective operation. The Board of Aldermen has also adopted detailed ethics provisions within Chapter 125 of the Code of Ordinances, which provisions are incorporated herein by reference and are binding upon all elected and appointed officials of the City.

To demonstrate their full commitment to the City's Code of Ethics, each elected and appointed official of the City shall sign a copy of this Code of Ethics by May 1st of each year in office.

Public Interest

Recognizing that stewardship of the public interest must be their primary concern, elected and appointed officials of the City of Wentzville shall work for the common good of the people of Wentzville and not for any private or personal interest. Elected and appointed officials must endeavor to treat all members of the public and issues before them in a fair and equitable manner. They are bound to observe in their official acts the highest standards of morality and to discharge

faithfully the duties of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

Elected and appointed officials shall comply with all Federal, State and local laws in the performance of their public duties. These laws include, but are not limited to: the United States and Missouri constitutions, the Missouri Revised Statutes, and the City of Wentzville Municipal Code, including, without limitation, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government.

Conflict of Interest

In addition to the requirements set forth in Sections 105.452, 105.454, and 105.458, RSMo. regarding conflicts of interest, elected and appointed officials should avoid the appearance of impropriety by refraining from engaging in conduct that makes their decisions appear to have been unduly influenced by others rather than being arrived at independently. Decisions should be arrived at independently from undue influence and pressure based on personal relationships and affiliations. The appearance of fairness and impartiality is as important as actual fairness and impartiality.

Any elected or appointed official of the City who has a substantial interest in any measure, bill, order or ordinance proposed or pending before the board, commission or committee upon which he or she serves must disclose that interest to the city clerk and refrain from participation in the deliberation or approval of such matter. Such disclosure shall be recorded in the board, commission or committee minutes.

Gifts and Gratuities

Elected and appointed officials shall not solicit or accept from any entity any gift or discount (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the official or the City or any other entity, if the official knows or should know that the public may reasonably infer that the entity:

- Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty; or
- Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

Attendance by elected and appointed officials in their official capacity at luncheons or other events directly related to educational or professional enhancement of their positions with the city is permitted.

Elected and appointed officials and employees may enter into bona-fide raffles, and door prize, attendance prize or fish bowl drawings at events that they are attending in their official capacity and retain any prize that they may win through such raffle or drawing, provided the receipt of any such item valued above four hundred dollars (\$400.00) is reported to the City Administrator.

Solicitations by elected and appointed officials which benefit charitable (section 501(c) tax-exempt) entities, including solicitations for the mayor's ball, are permitted; provided that the official does not receive a salary or direct financial benefit from such charitable entity.

Gifts that are made to an elected or appointed official of the city that do not exceed a value of one

hundred dollars (\$100.00), provided, however, that the conditions under this Code of Ethics continue to be met, are permitted.

Nothing herein shall apply to campaign contributions made to elected officials or candidates for elective positions made and reported in accordance with applicable law that are not within the scope of this section.

Avoiding Undue Influence

An elected or appointed official of the City shall not directly or indirectly attempt to influence any decision of either the City or any employee of the City over which he or she has supervisory power:

- When that official knows the result of such decision may be the acceptance of a benefit having a value in excess of \$500.00 per annum to the official, the official's spouse, a dependent child in the official's custody or any entity with which the official is associated; or
- When that official has received, is receiving, or has been promised any consideration from any person or entity involved in the matter.

No elected or appointed official of the City shall favorably act on any matter that is designed to provide a special monetary benefit to such official or his/her spouse or dependent children by reason of such act.

To avoid the appearance of undue influence, except for any investigations as established by the Code of Ordinances, elected and appointed officials shall not interfere with administrative city officers or employees who are subject to the direction and supervision of the Mayor and City Administrator. Individual Aldermen shall not give any orders to or direct the actions of any such employee, either publicly or privately.

Preservation of Confidential Information

No city official or employee shall, without proper approval, use or disclose confidential information concerning the property, government, personnel or affairs of the City; or confidential information obtained in the course of their official capacity.

Conduct

Decisions by elected and appointed officials shall be based upon the merits and substance of the matter at hand. Elected and appointed officials shall inform themselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand.

It is the responsibility of elected officials to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other elected officials and the public prior to taking action on the matter.

When needed, at the discretion of the City Administrator, appropriate City staff should be involved when Aldermen meet with officials from other agencies, jurisdictions, or any project applicant to ensure proper staff support as needed and to keep staff informed. Aldermen shall not attend internal staff meetings or meetings between City staff and third parties unless invited by City staff or directed by the Board of Aldermen to do so.

Elected and appointed officials shall refrain from abusive conduct, written, verbal, or public attacks upon the character or motives of other elected or appointed officials, the City Administrator, City Clerk, City Attorney, the employees of the City or the public.

Policy Role

Elected officials shall respect and adhere to the council-manager/board-city administrator structure of Wentzville City government as provided in State law and the City Municipal Code.

Staff serves the Board of Aldermen, through the authority of the City Administrator, as a whole, therefore:

- An elected official shall not direct staff to initiate any action, change a course of action, or prepare any report. An elected official shall not initiate any project or study without the approval of the majority of the Board of Aldermen.
- Elected officials shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or department priorities absent the approval of a majority of the Board of Aldermen.
- When preparing for Board meetings, elected officials should direct questions ahead of time to the City Administrator so that staff can provide the desired information at the Board meeting.
- Any concerns by an elected official regarding the behavior or work of a City employee should be directed to the City Administrator privately to ensure the concern is resolved. Elected officials shall not reprimand employees directly nor should they communicate their concerns to anyone other than the City Administrator.
- Elected officials may direct routine inquiries to the City Administrator.
- Elected officials serving on Board committees or as the City's representative to an outside agency may interact directly with City staff assigned to that effort as the City Administrator's designee. The City staff member so designated and assigned will keep the City Administrator appropriately informed.

Elected officials shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees. Soliciting political support from staff (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.) is prohibited. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace and may not be conducted while in uniform.

Representing an Official City Position

Elected officials may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.

Once the Board of Aldermen has taken a position on an issue, all official City correspondence regarding that issue will reflect the Board's adopted position.

If a member of the Board of Aldermen appears before another governmental agency organization to give a statement on an issue affecting the City, the Alderman should only indicate the majority position and opinion of the Board of Aldermen. Personal opinions and comments may be expressed only if the Alderman clarifies that these statements do not reflect the official position of the Board of Aldermen or the City.

Resolution Procedures and Enforcement

Procedures to address potential violations and enforcement of this Code of Ethics are addressed in Chapter 125 of the Code of Ordinances and are incorporated herein by reference.

I, _____, agree to follow this Code of Ethics and I affirmatively state that I fully support the enforcement of this Code of Ethics and Chapter 125 of the Code of Ordinances to encourage public confidence in the integrity of local government and its fair and effective operation.

Printed Name

Signature

Date: _____

Section 4: This Ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI THIS 29 DAY OF November, 2023.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Kathryn Bowman
City Clerk, Kathryn Bowman

APPROVED BY THE MAYOR OF THE CITY OF WENTZVILLE, MISSOURI THIS 30 DAY OF November, 2023.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Kathryn Bowman
City Clerk, Kathryn Bowman

Approved as to Form:

[Signature]
Attorney

