

BILL NO. 23-042

ORDINANCE NO. 2101

**AN ORDINANCE OF THE CITY OF COTTLEVILLE,
MISSOURI, RE-ADOPTING THE CITY'S CONFLICT OF
INTEREST POLICY FOR CERTAIN MUNICIPAL
OFFICIALS AND DIRECTING THE CITY CLERK TO
PROVIDE A CERTIFIED COPY TO THE MISSOURI ETHICS
COMMISSION WITHIN 10 DAYS OF ITS ADOPTION AND
APPROVAL**

WHEREAS, Section 105.485.4, RSMo., authorizes municipalities with an annual operating budget in excess of \$1 million to biennially adopt an ordinance establishing and making public the method of disclosing potential conflicts of interest and substantial interests in such municipalities; and

WHEREAS, pursuant to this authority, the Board of Aldermen of the City of Cottleville, Missouri, has previously adopted a conflict of interest policy, codified in Chapter 140 of the Municipal Code of the City of Cottleville, establishing a code of ethics for elected and appointed officials and establishing a procedure to disclose potential conflicts of interest for certain municipal officials; and

WHEREAS, pursuant to Section 105.485.4, RSMo., the Board of Aldermen desires to again adopt the provisions of Chapter 140 of the Municipal Code;

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

SECTION 1. Chapter 140 of the Municipal Code of the City of Cottleville be and is hereby re-adopted in accordance with the provisions of Section 105.485.4, RSMo., to state as follows:

CHAPTER 140. CONFLICTS OF INTEREST

SECTION 140.010. DECLARATION OF POLICY.

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.

SECTION 140.020. CONFLICTS OF INTEREST.

A. All elected and appointed officials as well as employees of a political subdivision must comply with Section 105.454, RSMo., 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 or private interest" in any measure, bill, order or ordinance proposed or pending before such Governing Body must disclose that interest to the Secretary or Clerk of such body and such disclosure shall be recorded in the appropriate journal of the Governing Body. "Substantial or private interest" is defined as ownership by the individual, his/her spouse or his/her dependent children, whether singularly or collectively, directly or indirectly of:

1. Ten percent (10%) or more of any business entity; or
2. An interest having a value of ten thousand dollars (\$10,000.00) or more; or
3. The receipt of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization or association within any calendar year.

SECTION 140.030. DISCLOSURE REPORTS.

A. Each elected official, the Chief Administrative Officer, and the Chief Purchasing Officer shall disclose the following information by May 1 of each year if any such transactions were engaged in during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the City of Cottleville, other than compensation received as an employee or payment of any tax, fee or penalty due to the City of Cottleville, and other than transfers for no consideration to the City of Cottleville.
2. The date and identities of the parties to each transaction known with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest had with the City of Cottleville, other than payment of any tax, fee reimbursement for expenditures made on behalf of the City of Cottleville or penalty due to the City of Cottleville or transactions involving payment for providing utility service to the City of Cottleville, and other transfers for no consideration to the City of Cottleville.
3. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose by May 1 of each year for the previous calendar year the following information:

a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership, joint venture or trust unless such names and addresses are filed by the partnership, joint venture or trust with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation, general or limited partnership, or trust in which the person owned or has a beneficial interest in ten percent (10%) or more of any class of the outstanding stock or partnership units both general and limited in the aggregate, or corpus or income interest of a trust; and the name of any publicly traded corporation or partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, 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.

SECTION 140.040. FILING OF STATEMENTS.

A. The statements, in substantially the format on file with the City Clerk, shall be filed with the City Clerk and the Missouri Ethics Commission in compliance with Sections 105.483 to 105.496, RSMo., as amended. The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

1. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;

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

3. Each candidate for elective office who is required to file a personal financial disclosure statement shall file a financial interest statement no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election, and the statement shall be for the twelve (12) months prior to the closing date, except that in the event an individual does not become a candidate until after the date of certification for candidates, the statement shall be filed within fourteen (14) days of the individual becoming a

candidate. The City Clerk shall provide to the candidate at the time of filing for election written notice of the candidate's obligation to file a financial statement, and the candidate shall sign a statement acknowledging receipt of such notice.

SECTION 140.050. PENALTIES.

A. Any person required to file a financial interest statement pursuant to this Chapter who fails to file such statement by the times required 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 statement as required by this Chapter. Any person required to file a statement who fails to file such statement by the time required and continues to fail to file the required statement for thirty (30) or more days after receiving notice from the Missouri Ethics Commission shall be subject to suspension from office in the manner otherwise provided by law or the constitution. The Attorney General or Circuit Attorney, at the request of the Missouri Ethics Commission, may take appropriate legal action to enforce the provisions of this Chapter.

B. If a candidate for office does not file a statement by the close of business on the 21st day after the last day for filing for election for which the person is a candidate, the Missouri Ethics Commission shall notify the official who accepted such candidate's declaration of candidacy that the candidate is disqualified. Such election official shall remove the candidate's name from the ballot.

C. Failure of any elected official or judge to file a financial interest statement thirty (30) days after notice from the appropriate filing officer shall be grounds for removal from office as may be otherwise provided by law or the constitution.

SECTION 2. The City Clerk is hereby directed to send a certified copy of this ordinance to the Missouri Ethics Commission within ten (10) days of its adoption and approval.

SECTION 3. Savings Clause: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION 4. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.


SECTION 5. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

Read the first (1st) time this 16 day of August, 2023.


As Presiding Officer and as Mayor


Attest: 
City Clerk

Read the second (2nd) time and passed this 16 day of August, 2023.


As Presiding Officer and as Mayor

Attest: 
City Clerk

Approved this 16 day of August, 2023.


Mayor

Attest: 
City Clerk