Board of Ethics
Meeting
Thursday, January 28, 2014
6:30 to 7:30 p.m.

City of Wildwood
Community Room
First Floor
16860 Main Street
Wildwood, MO 63040

If you would like to submit a comment regarding an item on this meeting agenda, please visit the Form Center.

I. Roll Call

II. Approval Of Minutes From January 9, 2014

III. Public Comment

IV. Final Review Of Ethics Code

Documents: DRAFT FINAL CHANGES TO CODE BOARD OF ETHICS.PDF

V. Adjournment

If you would like to submit a comment regarding an item on this meeting agenda, please visit the Form Center.

Note: The Ethics Commission will Consider and Act upon the Matters Listed above and Such Others as May Be Presented at the Meeting and Determined to Be Appropriate for Discussion at That Time.

The City of Wildwood Is Working to Comply with the Americans with Disabilities Act Mandates. Individuals Who Require an Accommodation to Attend a Meeting Should Contact City Hall, 636/458-0440 at Least 48 Hour

SECTION 125.010: INTENT

In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this town as part of our State's important system of local government. It is the purpose of this Chapter to implement this objective through the establishment of standards of conduct and disclosure requirements, to provide for punishment of violation of such standards and to create an Ethics Commission to render advisory opinions to the ~~town'~~City's officers and employees as provided herein. (Ord. No. 7 §1, 9-1-95)

SECTION 125.020: SCOPE

This policy is enacted pursuant to Section 105.485.4, RSMo., 1994, and shall apply to all officers and employees of the City of Wildwood and to any person or business entity filing any papers with, appearing before, doing business with, or having any dealings or transactions of any kind with any ~~City Officer~~officer, employee, or agency acting on behalf of the City of Wildwood. (Ord. No. 7 §2, 9-1-95)

SECTION 125.030: DEFINITIONS

As used in this Chapter, unless the context clearly requires otherwise, the following terms shall have the meanings indicated:

BUSINESS ENTITY: ~~A~~Means any corporation, ~~association, firm,~~limited liability company, general or limited partnership, sole proprietorship (including a private consulting firm, person, entity or operation), joint venture, ~~or business entity of any kind or character~~unincorporated association or firm, institution, trust, any combination of individuals and/or artificial entities, foundation or other organization, whether or not organized for profit..

DIRECTLY BENEFIT: To derive special private advantage as opposed to a general advantage derived as a member of a large class or of the public at large.

EMPLOYEE: A person performing service for, or holding a position of employment with the City of Wildwood on a full-time, regular or part-time basis, or as a consultant or volunteer, whether on a paid or unpaid basis.

IMMEDIATE FAMILY: The officer or employee and his/her spouse and their parents, children, grandchildren, domestic partner, brothers, sisters, and spouses thereof.

OFFICER: A person holding any office, position as department or division head, membership on any board or commission, whether by election or appointment, whether serving with or without compensation, for the City of Wildwood.

PERSONAL BENEFIT: Personal benefit, as distinguished from substantial or private interest, includes a direct or indirect interest arising from family relationships or business or political association.

SUBSTANTIAL OR PRIVATE INTEREST:

(1) Ownership by ~~the individual, his/her spouse, or his/her dependent children~~an officer or employee or his/her immediate family member, whether singularly or collectively, directly or indirectly of: ~~1.~~ (a) Five percent (5%) or more of any business entity; ~~2.~~or (b) An interest in a business entity having a value of ten thousand dollars ($10,000.00) or more~~; or~~.

~~3.~~(2) The receipt by an employee or officer or his/her immediate family of ~~a~~ salary, gratuity, ~~or other~~ compensation or other remuneration of five thousand dollars ($5,000.00) or more~~, per year from any individual, partnership, organization, or association within~~ in any calendar year~~. (Ord. No. 7 §3, 9-1-95)~~ from a business entity; or

(3) When an officer or employee, or his/her immediate family member, serves as a director, officer, trustee, authorized agent or representative of a business entity.

SECTION 125.040: GENERAL COMPLIANCE

All ~~elected~~officers and ~~appointed officials as well as~~ employees of the City shall comply with Section 105.454, RSMo., relating to conflicts of interest as well as this Chapter and any other State law governing official conduct. (Ord. No. 7 §4, 9-1-95)

SECTION 125.050: CONFLICTS OF INTEREST, PROHIBITED

It shall be unlawful for any officer or employee to engage in any ~~private business or professional~~ activity which would place him/her in a position of conflict between his/her private interest and the public interest of the City of Wildwood, Missouri, which shall include by example but not limited to: (1) engaging in any private activity which involves the improper use of information gained through his/her public position or ~~to use~~; (2) using the prerogative of his/her official position for his/her personal benefit or on behalf of any member of his/her immediate family, or ~~to accept~~; (3) accepting any fee, compensation, gift, payment or expenses or any other thing of monetary value, either directly or indirectly, under circumstances in which acceptance may result in any conflict of interest. ~~Personal benefit, as distinguished from financial interest, includes an interest arising from family relationships or close business or political association. Any appointed~~Any officer or employee who violates this Section shall be subject to forfeiture of his/her position or office in accordance with applicable provisions of the City Charter, City Code or other rules and regulations relating to removal from office or termination of employment. In addition, if any officer or

employee of the City of Wildwood shall violate any provision of this Section, the City of Wildwood shall be entitled to recover from said officer or employee in a court of proper jurisdiction, an amount equal to any considerations received by said officer or employee in the transaction involving the violation of this Section and this remedy shall be in addition to any other remedy or penalty provided by law. (Ord. No. 7 §5, 9-1-95)

SECTION 125.060~~: DISCLOSURES REQUIRED~~

~~A. Every person or business entity filing any application, petition, or other formal request for action by any officer or employee of the City of Wildwood shall fully and truthfully disclose with such application the name of every person or business entity for whom he/she is acting when requested to do so by said officer or employee.~~

~~B. Every City Officer or employee shall fully and truthfully disclose to his/her superior as defined in Section 125.090 herein, any interest he/she may have, or benefit he/she may receive, in any matter over which he/she shall have discretion to act.~~

~~C. Any member of the Council 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 before the body takes action thereon and such disclosure shall be recorded in the appropriate journal of the Governing Body. Such disclosure shall be in writing with a copy given to the City Clerk. The City Clerk shall read such disclosure into the record at the next regularly scheduled Council meeting after the approval of the previous meeting minutes but prior to any other business being conducted during that meeting.~~

~~D. Each elected official, the Chief Administrative Officer, the Chief Purchasing Officer, and each member of any rule-making or adjudicating board (including the Planning Commission and Board of Adjustment), shall disclose by April first (1st) the information required of each such person in Section 105.485.4, RSMo., for such transactions that occurred during the previous calendar year.~~

~~E. Every City Officer or employee shall be required to disclose any conflict of interest in writing to the appropriate parties as soon as possible after such conflict has been determined to exist but never later than the next regularly scheduled Council meeting. Should there be any uncertainty as to whether a conflict exists or not, the City Officer or employee shall be required to ask in writing for the Board of Ethics to review the facts and make determination regarding the potential conflict of interest. The City Clerk shall provide a copy of any and all such written requests to all elected officials of the City of Wildwood, Missouri, by way of written notice that does not contain the names of the parties involved. (Ord. No. 7 §6, 9-1-95; Ord. No. 564 §§1--3, 9-13-99)~~

~~SECTION 125.070: 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 (1) 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 April first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December thirty-first (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 (30) days of such appointment or employment.~~

~~B. Financial disclosure reports giving the financial information required in Section 125.060(D) shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 7 §7, 9-1-95)~~**~~SECTION 125.080~~: CERTAIN ACTS DEEMED PROHIBITED CONFLICTS OF INTEREST**

The following shall be deemed to be prohibited conflicts of interest and it shall be unlawful for any officer or employee to act related to a matter in such circumstances:

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

2. When any ~~City Officer~~officer or employee shall have discretion to act in any matter which may directly benefit any person or business entity with whom that person or entity and said officer or employee or member of his/her immediate family shall have had a substantial interest in the same business entity or both within the period of two (2) years prior to such action.

3. When any ~~City Officer~~officer or employee shall have discretion to act in any matter which may directly benefit any person or business entity with whom such officer or employee or member of his/her immediate family has a substantial or private interest with the parties that may be directly benefited.

4. When any ~~City Officer~~officer or employee shall have discretion to act in any matter, and has accepted or agreed to accept anything of monetary value, either directly or indirectly, from any person or business entity who may directly benefit from the matter, given with the intent to influence his/her vote, opinion, judgment, or decision on such matter or to induce him/her to neglect his/her duty or to perform such duty with partiality or favor, or otherwise than is required by law. No officer or employee shall accept any gift from any person seeking any discretionary act from that officer or employee, other than items which are mass produced and have a nominal value of ten dollars ($10.00) or less. Receipt of

food, drink, entertainment, or other nominal things of value coincident with attendance at social or public gatherings shall not be deemed a violation of this Chapter.

5. When any ~~City Officer~~officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.

6. When any ~~City Officer~~officer or employee shall appear in behalf of private interests in any action or proceeding against the City in any litigation to which the City is a party, or receive any compensation or retainer that may be contingent upon a specific action by a City agency. A City Councilmember shall not appear in a representative capacity before any administrative agency or board of the City exercising judicial or quasi-judicial functions.

7. When any ~~City Officer~~officer or employee shall disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest. He/she shall not disclose any non-public information concerning the affairs of the City of Wildwood. Any inquiring person shall be directed to the public records of the City or another official not in conflict.

8. When ~~a City Officer~~any officer or employee uses 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 officials in the conduct of official business.

9. When any officer or employee grants a special consideration, treatment or advantage to any citizen beyond that which is reasonably available to other citizens similarly situated.

10. When any officer or employee engages in, solicits, negotiates for or promises to accept private employment or renders services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties. The following concern particular offices or departments:

a. *Department of planning and public works.* Neither the Inspector, the City Engineer, the Director of Planning, nor any assistant shall engage within the City in the real estate, insurance, building contracting or building material business during the course of their employment. This shall not prevent such persons who have a real estate license or an insurance license in effect at the time he/she acquired his/her position from continuing such license in effect.

b. *Office of the assessor collector.* The Assessor, Assistant Assessor, Collector and any employee thereof shall not use the records and information of his/her department for any private use whatever.

c. ~~City officers~~Officers and employees shall not engage in any business or activity in direct opposition to Section 125.010 (Intent) of this Chapter or Section 11.1 of the

Charter of the City of Wildwood as approved by the voters on November 4, 1997. (Ord. No. 7 §8, 9-1-95; Ord. No. 564 §§4--5, 9-13-99)

SECTION 125.070: DISCLOSURES REQUIRED

A. Every person or business entity filing any application, petition, or other formal request for action by any officer or employee of the City of Wildwood shall fully and truthfully disclose with such application the name of every person or business entity for whom he/she is acting when requested to do so by said officer or employee.

B. Every officer or employee shall fully and truthfully disclose to his/her superior as defined in Section 125.090 herein, any interest he/she may have, or benefit he/she may receive, in any matter over which he/she shall have discretion to act.

C. Any member of the Council 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 before the body takes action thereon and such disclosure shall be recorded in the appropriate journal of the Governing Body. Such disclosure shall be in writing with a copy given to the City Clerk. The City Clerk shall read such disclosure into the record at the next regularly scheduled Council meeting after the approval of the previous meeting minutes but prior to any other business being conducted during that meeting.

D. Each elected official, the Chief Administrative Officer, the Chief Purchasing Officer, and each member of any rule-making or adjudicating board (including the Planning Commission and Board of Adjustment), shall disclose by April first (1st) the information required of each such person in Section 105.485.4, RSMo., for such transactions that occurred during the previous calendar year.

E. Every officer or employee shall be required to disclose any conflict of interest in writing to the appropriate parties as soon as possible after such conflict has been determined to exist but never later than the next regularly scheduled Council meeting. Should there be any uncertainty as to whether a conflict exists or not, the officer or employee shall be required to ask in writing for the Board of Ethics to review the facts and make determination regarding the potential conflict of interest. The City Clerk shall provide a copy of any and all such written requests to all elected officials of the City of Wildwood, Missouri, by way of written notice that does not contain the names of the parties involved. (Ord. No. 7 §6, 9-1-95; Ord. No. 564 §§1--3, 9-13-99)

SECTION 125.080: 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 (1) 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 April first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December thirty-first (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 (30) days of such appointment or employment.

B. Financial disclosure reports giving the financial information required in Section 125.070(D) shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 7 §7, 9-1-95)

SECTION 125.090: DISQUALIFICATION OF INTERESTED OFFICER OR EMPLOYEE, EFFECT

A. In the event that any officer or, employee ~~or member of a board or commission~~ shall have a prohibited conflict of interest in any matter in which he/she shall have discretion to act, he/she shall be disqualified to act in such matter and shall immediately inform his/her superior who shall thereupon relieve him/her of his/her assignment in that particular matter, and shall exercise the discretion to act therein. For purposes of this Subsection, the superior to any employee shall be the City Administrator.

B. The superior to the City Administrator shall be the City Council, and in cases involving the City Councilmembers, the superior shall be the Mayor. In the case of the Mayor, the Mayor Pro Tem of the Council shall be deemed his/her superior. In the case of a member of any board or commission, the superior shall be the Mayor or Mayor Pro Tem in his/her absence. If sufficient members of the board or commission remain who are not disqualified, the board or commission may continue to act on the matter. If there are not sufficient members to act who are not disqualified, then any such matter pending before any board or commission of the City of Wildwood shall be transferred to the City Council for action. (Ord. No. 7 §9, 9-1-95; Ord. No. 564 §6, 9-13-99)

SECTION 125.100: INDUCEMENT OF PAYMENT TO INTERESTED OFFICIAL, PROHIBITED

It shall be unlawful for any person or business entity to pay or engage to pay, or to offer or attempt to pay any officer or employee, any member of his/her immediate family or any business entity in which said officer or employee or member of his/her immediate family shall ~~own~~have a substantial or private interest, any commission, gratuity or consideration, directly or indirectly, with respect to any matter in which said officer or employee has discretion to act. (Ord. No. 7 §10, 9-1-95)

SECTION 125.110: DISQUALIFICATION OF FORMER OFFICER OR EMPLOYEE

It shall be unlawful for any person, having been an officer or employee of the City of Wildwood, Missouri, within three (3) years after termination of his/her service or employment, knowingly to act as agent or attorney for anyone other than the City of Wildwood in connection with any judicial or other proceeding, application, claim, controversy, or other particular matter in which the City of Wildwood is a party or has a direct and substantial interest and in which he/she participated personally and substantially as an officer or employee while ~~so employed~~serving as same. The Council may waive compliance with this policy with respect to any contract, purchase, lease, or other transaction if by prior resolution reciting the pertinent facts it finds such action to be in the best interest of the City. (Ord. No. 7 §11, 9-1-95)

SECTION 125.120: BOARD OF ETHICS

A. ~~*Enforcement Of Code Of Ethics*~~*Board Construction*. The Board of Ethics shall consist of ~~three~~five (~~3~~5) members plus two (2) alternates appointed by the Mayor and approved by a ~~supermajority (three-fourths (¾))~~majority of the members of the City Council. The terms of the regular members shall be for five (5) years and shall be staggered so that each year one (1) seat is up for appointment~~ while both alternate seats shall be required to be re-appointed each year~~. The terms of the alternate members shall be for two (2) years and shall also be staggered so that each year one (1) seat is up for appointment.

B. *Enforcement of Code of Ethics*. The Board of Ethics shall be empowered to receive complaints, either written or oral, and shall conduct inquiries as it deems appropriate to determine if there is cause to believe a violation has occurred. If the Commission concludes there is cause, it shall make a full report to the City Council in an executive session. The City Council may, at its discretion, conduct further inquiries. ~~But if~~If a majority of the members of the City Council ~~has determined~~determine, by a motion and roll call vote, that a violation has occurred, the ~~Council will be required to remove the officer or employee from their position or such alternative action as may be permitted by law~~offending officer or employee may be subject to forfeiture of his/her position or office in accordance with the applicable provisions of the City Charter, City Code or other rules and regulations relating to removal from office or termination of employment. The Council may, in conjunction with the City Attorney, seek the recovery of any damages, or may recommend legal prosecution of the offender.

~~B~~C. *Administration.* Upon adoption of this Code of Ethics, the City Administrator shall cause a copy thereof to be distributed to every City employee. Failure to distribute any such copy or failure to receive such copy shall have no effect on the duty of compliance with this Code nor the enforcement of provisions hereof.

~~C~~D. *Board Recommendation*. Upon request of any officer or employee, the Ethics Board shall give an opinion as to whether a stated set of facts creates a conflict of interest or otherwise violates this Code, and actions taken by the officer or employee consistent with such opinion shall not be considered a violation of this Code. Nothing herein shall require any ~~official~~officer

or employee to seek such opinion prior to their action. (Ord. No. 7 §12, 9-1-95; Ord. No. 564 §7, 9-13-99)

SECTION 125.130: FILING OF CHAPTER

A certified copy of this Chapter, adopted prior to September 15, 1995, shall be sent within ten (10) days of its adoption to the Missouri Ethics Commission. The filing of this Chapter shall exempt the municipality from all less restrictive or duplicative disclosure provisions of Section 105.485, RSMo. (Ord. No. 7 §13, 9-1-95)