

INTRODUCED BY: ALDERMAN PLUFKA ALDERWOMAN DIMMITT  
ALDERMAN O'NEILL ALDERMAN SLUSSER

AN ORDINANCE AMENDING TITLE I OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI, BY AMENDING CHAPTER 115: OFFICERS AND EMPLOYEES, ADDING A NEW SECTION 115.030 CONFLICTS OF INTEREST; AMENDING CHAPTER 135 BY REPEALING SECTION 135.210 ON THE SAME SUBJECT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES

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BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, as follows:

**SECTION 1:** Title I of the Revised Code of Ordinances of the City of Brentwood, Missouri is hereby amended by adding the following:

**Title I. Government Code**

**Chapter 115: Officers and Employees**

**Section 115.030 Conflicts of Interest**

**Section 115.030.1 PURPOSE AND DECLARATION OF POLICY**

The purpose of Sections 115.030 through 115.030.8 is to set forth standards of conduct for elected and appointed officials as well as employees of the City of Brentwood. This ordinance also provides references to certain state statutes that define and regulate the conduct of officers and employees of municipal government. The proper operation of municipal 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 government 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 and/or recusal of officials and employees faced with financial or personal conflicts of interest in matters affecting the City. This ordinance also sets out the penalty for violation.

**Section 115.030.2. Definitions**

As used in sections 115.030 through 115.030.8, unless the context clearly requires otherwise, the following terms mean:

- (1) "Business entity", a corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;

(2) "Business with which a person is associated":

- (a) Any sole proprietorship owned by himself or herself, the person's spouse or any dependent child in the person's custody;
- (b) Any partnership or joint venture in which the person or the person's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the person is an officer or director or of which either the person or the person's spouse or dependent child in the person's custody whether singularly or collectively owns in excess of ten percent of the outstanding shares of any class of stock or partnership units; or
- (c) Any trust in which the person is a trustee or settlor or in which the person or the person's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust;

(3) "Dependent child" or "dependent child in the person's custody", all children, stepchildren, foster children and wards under the age of eighteen residing in the person's household and who receive in excess of fifty percent of their support from the person;

(4) "Immediate family" includes: husband, wife, son, daughter, father, mother, brother, sister, brother-in-law, sister-in-law, father-in-law, mother-in-law, uncle, aunt, nephew, niece, step parent and stepchild.

(5) "Substantial interest", ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars, or more, per year from any individual, partnership, organization, or association within any calendar year;

(7) "Substantial personal or private interest in any measure, bill, order or ordinance", any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity.

#### **Section 115.030.3 Compliance with State Law**

All elected and appointed officials as well as employees of the City of Brentwood shall comply with Section 105.452 and 105.454 RSMo., on conflicts of interest as well as any other State law governing official conduct.

#### **Section 115.030.4 Circumstances Requiring Disclosure**

1. Each elected official, the City Administrator, Assistant City Administrator, Finance Director, and City Attorney shall disclose the following information annually by May first (1<sup>st</sup>), if any such transactions were engaged in during the calendar year ending with the immediately preceding December thirty first (31<sup>st</sup>):

- (a) Any transaction with the City in excess of five-hundred dollars (\$500.00) which involved the official or employee and any and all persons within the first degree of consanguinity or affinity of that person. Transactions exempted from disclosure include: compensation received as an employee or elected official, payment of any tax, fee or penalty, or any transfers for no consideration to the City.
- (b) Any transaction with the City in excess of five-hundred dollars (\$500.00) which involved any business entity in which such person had a substantial personal or private interest. Transactions exempted from disclosure include: compensation received as an employee or elected official, payment of any tax, fee or penalty, or any transfers for no consideration to the City.

2. The City Administrator, Assistant City Administrator, and Finance Director also shall disclose by May first (1<sup>st</sup>) for the calendar year ending with the immediately preceding December thirty first (31<sup>st</sup>) the following information:

- (a) The names and addresses 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 names and addresses of each sole proprietorship owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she 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 joint venture or partnership 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 (10%) or more of any class of the outstanding stock or limited partnership units; 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 (2%) 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.

3. Each elected official of the City shall disclose by May first (1<sup>st</sup>) for the calendar year ending with the immediately preceding December thirty first (31<sup>st</sup>) the following information, and shall file supplementary or revised disclosures within thirty days of a change to relevant information:

- (a) The address of any real estate located in the City of Brentwood in which the elected official or a member of the elected official's immediate family has an ownership interest;
- (b) The name and address of any business with which the official is associated or in which the official has a substantial interest that (i) has an ownership interest in any real estate in the City of Brentwood; or (ii) is located in the City of Brentwood; or (iii) does business with the City of Brentwood.

#### **Section 115.030.5 Disclosure Reports**

The disclosure reports, on a form acceptable to the Missouri Ethics Commission, shall be made available by the office of the City Clerk for distribution electronically, by telephone fax, and by regular mail. The City Clerk will send a notice in the month of January every year reminding the elected and appointed officials, as well as the City employees of their obligations under this ordinance. Completed disclosure reports shall be filed with the City Clerk and with the Missouri Ethics Commission in accordance with the Commission's requirements. The reports shall be available for public inspection and copying during normal business hours.

The disclosure reports shall be filed at the following times:

- (a) Elected and appointed officials covered by this ordinance shall file their initial report as required within thirty (30) days of their election or appointment.
- (b) Every other person covered by this ordinance and required to file shall do so annually not later than May first (1<sup>st</sup>) covering the calendar year ending with the immediately preceding December thirty first (31<sup>st</sup>).

If the official or employee covered by this ordinance has no conflicts of interest as described herein, a disclosure report is not required, except that an elected official shall be required to file a report attesting that none of the circumstances requiring disclosure under this ordinance exist as to such person.. In no event shall any person covered by this ordinance be required to file more than one report per calendar year; however, elected or appointed officials may file supplemental disclosure reports describing additional interests acquired after December thirty first (31<sup>st</sup>) of the covered year until the date of the filing of the disclosure report.

#### **Section 115.030.6 Conflicts of Interest Requiring Recusal**

The Mayor or any member of the Board of Aldermen who has a substantial personal or private interest in any measure, bill, order, or ordinance proposed or pending before the Board of Aldermen shall disclose that interest to the City Clerk so that such disclosure can be recorded in the records of the Board of Aldermen and shall further recuse themselves from deliberation and voting or acting on any matters relating to this self-interest.

#### **Section 115.030.7 Contracts and Agreements**

1. No elected official or other official of the City having any power of review or approval of any of the undertakings contemplated by an agreement or contract under consideration by the City of Brentwood shall knowingly participate in any decision(s) relating to terms or approval of such agreement or contract which affect his/her personal interests or those of his/her immediate family or those of any corporation or partnership in which he/she or a member of his/her immediate family is directly or indirectly interested.

2. The City shall not knowingly, after due inquiry, employ or contract with any person if a member of his/her immediate family is a member of the Board of Aldermen or is employed by the City in an executive or administrative capacity as to the subject of the agreement or contract (i.e., those who have selection, hiring or supervisory or operational responsibility for the work to be performed pursuant to the agreement or contract); provided however, that the foregoing shall not apply to temporary or seasonal employment.

(3) The City shall not knowingly, after due inquiry, employ or contract with any business entity if it is a business with which any of the following is associated (as "business with which a person is associated" is defined above): an elected official of the City or a person employed by the City in an executive or administrative capacity (as defined in the foregoing subsection).

#### **Section 115.030.8 Penalty**

Any person violating any part of this Sub-Chapter shall be prosecuted under the general penalty ordinance of the City of Brentwood as set forth at §100.080 of the Brentwood Municipal Code.

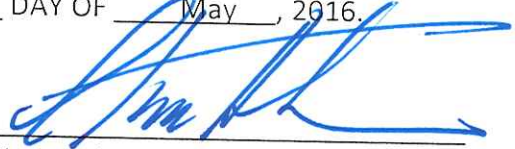
**SECTION 2:** Section 135.210 of Chapter 135 of Title I of the Code of Ordinances of the City of Brentwood, Missouri, entitled *Financial Interest*, is hereby repealed.

**Section 3:** In conformity with the provisions of said Code, the City Clerk shall cause appropriate copies to be made hereof and shall insert such copies in each edition of said Code.

**SECTION 4:** All ordinances and parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

**SECTION 5:** This ordinance shall be in full force and effect from and after the date of its passage and approval according to law.

PASSED BY THE BOARD OF ALDERMEN THIS 16<sup>th</sup> DAY OF May, 2016.

  
Christopher A. Thornton, Presiding Officer

ATTEST:  
  
Bola Akande, City Clerk/Administrator

APPROVED BY THE MAYOR THIS 16<sup>th</sup> DAY OF May, 2016.

  
Christopher A. Thornton, Mayor

ATTEST:  
  
Bola Akande, City Clerk/Administrator

1<sup>st</sup> Reading: 5/16/16

2<sup>nd</sup> Reading: 5/16/16

