

**AN ORDINANCE ESTABLISHING THE CODE AND BOARD OF ETHICS FOR VILLAGE OF INNSBROOK AND ESTABLISHING REQUIREMENTS FOR DISCLOSURES**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INNSBROOK, AS FOLLOWS:**

**Section One. 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 Village 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.

**Section Two. Scope.**

This policy is enacted pursuant to Section 105.485.4, Revised Statutes of Missouri 1994, as amended, and shall apply to all officers and employees of the Village of Innsbrook 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 Village officer, employee, or agency acting on behalf of the Village of Innsbrook.

**Section Three. Definitions.**

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

- (A) "Business entity," a corporation, association, firm, partnership, sole proprietorship, joint venture, or business entity of any kind or character.
- (B) "Employee," a person performing service for, or holding a position of employment with the Village of Innsbrook on a full-time, regular or part-time basis, or as a consultant or volunteer, whether on a paid or unpaid basis.
- (C) "Immediate family," the officer or employee and his spouse and their parents, children, brothers, sisters, and spouses thereof.
- (D) "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 Village of Innsbrook.

(E) "Substantial" or "private" interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of: (1) 5% or more of any business entity; or (2) an interest having a value of \$10,000 or more; or (3) the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

(F) "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.

(G) "Officer" shall mean any appointed or elected official of the Village.

#### **Section Four. General Compliance.**

All elected and appointed officials as well as employees of the Village shall comply with Section 105.454 of Missouri Revised Statutes relating to conflicts of interest as well as this ordinance and any other state law governing official conduct.

#### **Section Five. 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 in a position of conflict between his private interest and the public interest of the Village of Innsbrook, Missouri, which shall include engaging in any private activity which involves the improper use of information gained through his public position or to use the prerogative of his official position for his personal benefit or on behalf of any member of his immediate family, or to accept 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 officer or employee who violates this section shall be subject to forfeiture of his position. In addition, if any officer or employee of the Village of Innsbrook shall violate any provision of this section, the Village of Innsbrook 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.

#### **Section Six. 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 Village of Innsbrook shall fully and truthfully disclose with such application the name of every person or business entity for whom he is acting when requested to do so by said officer or employee.

(B) Every Village officer or employee shall fully and truthfully disclose to his superior as



defined in Section 9 herein, any interest he may have, or benefit he may receive, in any matter over which he shall have discretion to act. In the absence of such disclosure, if such officer or employee refrains from the exercise of such discretion without disclosure a prohibited conflict of interest shall be deemed not to exist.

(C) Any member of the Board of Trustees 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.

(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 1 the information required of each such person in RSMo §105.485.4 for such transactions that occurred during the previous calendar year.

### **Section Seven. Filing of Reports.**

- (A) The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year;
- (1) Every person required to file a financial interest statement shall file the statement annually not later than April 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the Board of Trustees may 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.
  - (2) Each person appointed to office shall file the statement within thirty days of such appointment or employment;
- (B) Financial disclosure reports giving the financial information required in Section Six(E) shall be filed with the Village Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

### **Section Eight. 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:

- (A) When a Village officer or employee shall have discretion to act in any matter wherein he or a member of his immediate family or any business entity in which he

or a member of his immediate family may own a substantial interest may directly benefit from such action.

- (B) When any Village 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 immediate family shall have had a substantial interest in the same business entity or both within the period of two years prior to such action.
- (C) When any Village 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 immediate family is directly associated in a business or professional way or may directly benefit any person or business entity which is represented in said matter by any person or business entity with which said officer or employee or member of his immediate family is associated in a business or professional way.
- (D) When any Village 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 vote, opinion, judgment, or decision on such matter or to induce him to neglect his 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 \$10 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 ordinance.
- (E) When any Village officer or employee shall use or attempt too use his official position to secure unwarranted privileges or exemptions for himself or others.
- (F) When any Village officer or employee shall appear in behalf of private interests in any action or proceeding against the Village in any litigation to which the Village is a party, or receive any compensation or retainer that may be contingent upon a specific action by a Village agency. A Village Board of Trustees member shall not appear in a representative capacity before any administrative agency or board of the Village exercising judicial or quasi-judicial functions.



or a member of his immediate family may own a substantial interest may directly benefit from such action.

- (B) When any Village 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 immediate family shall have had a substantial interest in the same business entity or both within the period of two years prior to such action.
- (C) When any Village 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 immediate family is directly associated in a business or professional way or may directly benefit any person or business entity which is represented in said matter by any person or business entity with which said officer or employee or member of his immediate family is associated in a business or professional way.
- (D) When any Village 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 vote, opinion, judgment, or decision on such matter or to induce him to neglect his 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 \$10 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 ordinance.
- (E) When any Village officer or employee shall use or attempt too use his official position to secure unwarranted privileges or exemptions for himself or others.
- (F) When any Village officer or employee shall appear in behalf of private interests in any action or proceeding against the Village in any litigation to which the Village is a party, or receive any compensation or retainer that may be contingent upon a specific action by a Village agency. A Village Board of Trustees member shall not appear in a representative capacity before any administrative agency or board of the Village exercising judicial or quasi-judicial functions.

- (G) When any Village officer or employee shall disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest. He shall not disclose any non-public information concerning the affairs of the Village of Innsbrook. Any inquiring person shall be directed to the public records of the Village or another official not in conflict.
- (H) When a Village 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 official duties.

### **Section Nine. Disqualification of Interested Officer or Employee, Effect.**

In the event that any officer, employee or member of a board or commission shall have a prohibited conflict of interest in any matter in which he shall have discretion to act, he shall be disqualified to act in such matter and shall immediately inform his superior who shall thereupon relieve him of his assignment in that particular matter, and shall exercise the discretion to act therein.

The superior to the employee shall be the Village Board of Trustees, involving the Board members, the superior shall be the Chairman. In the case of the Chairman, the Chairman Pro Tem of the Board of Trustees shall be deemed his superior. In the case of a member of any board or commission, the superior shall be the Chairman or President Pro Tem in his 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 Village of Innsbrook shall be transferred to the Board of Trustees for action or a temporary appointment shall be made.

### **Section Ten. 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 immediate family or any business entity in which said officer or employee or member of his immediate family shall own a substantial interest, any commission, gratuity or consideration, directly or indirectly, with respect to any matter in which said officer or employee has discretion to act.

### **Section Eleven. Disqualification of Former Officer or Employee.**

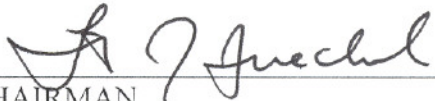
It shall be unlawful for any person, having been an officer or employee of the Village of Innsbrook, Missouri, within one year after termination of his service or employment, knowingly to act as agent or attorney for anyone other than the Village of Innsbrook in connection with any judicial or other proceeding, application, claim, controversy, or other particular matter in which the Village of Innsbrook is a party or has a direct and substantial interest and in which he

participated personally and substantially as an officer or employee while so employed. The Board of Trustees 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 Village.


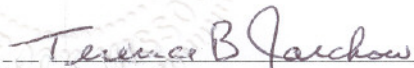
**Section Twelve. Filing of Ordinance.** A certified copy of this ordinance, adopted prior to September 15th, shall be sent within ten days of its adoption to the Missouri Ethics Commission. The filing of this ordinance shall exempt the municipality from all less restrictive or duplicative disclosure provisions of RSMo §105.485.

**Section Thirteen. Effective Date.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

This Bill was passed and approved this 23 day of July, 1998, by the Board of Trustees of the Village of Innsbrook after having been read by title or in full two times prior to passage.

  
CHAIRMAN

ATTEST:

  
  
Village Clerk