

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING GUIDELINES AND STANDARDS FOR ETHICAL CONDUCT AND CONFLICT OF INTEREST MANAGEMENT.

WHEREAS, the City of Independence, Missouri recognizes the importance of maintaining the highest standard of ethical conduct and transparency in all aspects of municipal governance, and;

WHEREAS, it is crucial to establish guidelines and standards to prevent conflicts of interest and ensure fairness, impartiality, and integrity in decision-making processes within the City, and;

WHEREAS, the City Council deems it necessary to enact an ordinance that outlines the expectations and responsibilities of all City elected officials and employees in relation to ethical conduct and conflict of interest management;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI AS FOLLOWS:

SECTION 1. That Chapter 1 Article 16 of the Independence City Code is amended as follows:

ARTICLE 16. - ~~BOARD~~ CODE OF ETHICS

Sec. 1.16.001. - Definitions.

In this article, unless the context shall require otherwise:

1. OFFICER means any department head and/or member of any Charter or Statutory Board or Commission of the City Government.
2. EMPLOYEE means any person employed by the City paid a classified salary or compensation other than heads of departments.
3. HEARING means any regularly called meeting of the Board of Ethics at which there is consideration of factual information, either written or oral, considered preparatory to said Board's rendering of an advisory opinion.

Sec. 1.16.002. - Board of Ethics—Created.

There shall be a Board of Ethics as provided by Section 5.6, Article 5 of the City Charter.

Sec. 1.16.003. - Powers and duties.

- A. The Board of Ethics shall be charged with application of pertinent statutory and Charter provisions and the legal opinions rendered by the City Counselor's office, in their hearings, deliberations and rendering of advisory opinion. In addition, the Board of Ethics shall conduct all hearings and render all advisory opinions relative to questions concerning any alleged violation of the Code of Ethics as contained in Sections 5.1, 5.2, 5.3 and 5.7 of the City Charter.
- B. The Board of Ethics may promulgate rules and regulations as are necessary to carry out the provisions of this article which are not inconsistent with the Charter and Laws of the State of Missouri.

Sec. 1.16.004. - Who may request advisory opinions.

- A. The Mayor or any Councilmember may in writing request a hearing and advisory opinion of the Board of Ethics upon any officer or employee of the City Government.
- B. The City Manager may request in writing a hearing and advisory opinion upon any salaried officer or employee of the City.
- C. The Mayor, any Councilmember, and all other officers or employees of the City Government may in writing request a hearing and advisory opinion upon his or her own situation as guidance for present or future conduct.

Sec. 1.16.005. - Advisory opinion relative to future appointments to boards and commissions.

The Mayor and/or Council may, before making any future appointments to any board or commission, request in writing an advisory opinion of the Board of Ethics concerning all potential appointees under consideration.

Sec. 1.16.006. - Contents of written requests for opinion—Prescribed.

- A. A written request for an advisory opinion shall contain the following information:
  - 1. Name and address of the person about whom the request is made.
  - 2. Name of the person requesting the advisory opinion.
  - 3. Brief description of the position, office, or employment of the person about whom the advisory opinion is sought if the person is presently serving the City as Mayor, Councilmember, officer or employee.
  - 4. Brief description of private profession, trade, vocation, or employment of the person about whom the advisory opinion is sought if the person is not employed by City.
  - 5. A concise, factual statement of the reason for making the request.
  - 6. Statement of all facts within the knowledge of the person making the written request which would be of aid and assistance to the Board of Ethics.
  - 7. All written requests for advisory opinion must be signed by the person making the written request.
- B. A person requesting an advisory opinion about himself or herself may appear before the Board of Ethics and orally inform the Board of Ethics of the information required in [Section 1.16.006](#), paragraph A; provided, however, that the person shall afterwards be required to submit the information in a written form before the Board of Ethics shall issue an opinion.

Sec. 1.16.007. - Conduct and proceedings before the Board of Ethics.

All proceedings of the Board of Ethics shall be conducted in such manner, at such locations and attendance limited as may, by the Board of Ethics, be deemed necessary to prevent disclosure of the names of the persons being considered, names of witnesses appearing and matter discussed.

Sec. 1.16.008. - Appearance before Board of Ethics.

The person about whom an advisory opinion is requested shall be notified in writing at least three days prior to the hearing by the Board of Ethics. Persons under consideration may appear and be heard at said hearing and may be represented by counsel.

Sec. 1.16.009. - Confidential nature of correspondence, testimony and findings.

- A. All written requests, testimony, findings and opinions submitted, received, and rendered by the Board of Ethics shall be kept by the Secretary of said Board and the same shall be kept in the strictest confidence.

- B. All information received, whether written or oral, contained in a written request for an opinion, testimony or other correspondence submitted to the Board of Ethics, together with its findings and its opinions, shall be privileged and non-actionable.
- C. All advisory opinions shall be made public with such deletions as may be necessary to prevent disclosures of the identity of the person about whom the opinion was sought.
- D. After the making of the deletions as prescribed in this section, advisory opinions shall be filed and maintained in the office of the City Clerk for public information.

Sec. 1.16.010. - City Counselor to attend board meetings upon request.

- A. The City Counselor or a duly authorized assistant shall attend all meetings and hearings of the Board of Ethics when requested by any member of the Board of Ethics to do so.
- B. All advisory opinions rendered by the Board of Ethics, after decision has been reached, shall be reviewed for legality by the City Counselor's office and be so acknowledged upon said opinion in a conspicuous place.

Sec. 1.16.011. - Advisory opinion of Board of Ethics final—Exception.

- A. The opinions of the Board of Ethics being advisory only, shall be final and no appeal from any such decision shall be taken or permitted to be taken to any other City official, administrative board or commission, or to the City Council.
- B. The Board of Ethics may, on its own motion, passed by a majority of the members of the Board as constituted by the Charter, reconsider any advisory opinion rendered by it.

Sec. 1.16.012. - Disclosure of noncity employment and financial interests.

- A. The City Manager and members of the Council, including the Mayor, shall disclose all outside employment and financial interests of themselves and their spouses by filing a written certificate with the City Clerk within 60 days after assuming their offices. Any changes or additions to the disclosure certificate shall be reported to the City Clerk within 60 days after the occurrence of the event requiring disclosures.
- B. The disclosure certificate shall be on forms provided by the City Clerk
  - 1. The sources of income from any person, corporation, partnership or association or from self-employment.
  - 2. The name of any partnership, firm, corporation, joint venture or association in which the subject has a financial interest.
  - 3. The job title, position or corporate directorship or offices held by the subject in any corporation, partnership, firm, joint venture or association. This paragraph does not require the reporting of positions held in any not-for-profit corporation, religious, social, fraternal, or political entity, or positions solely of an honorary nature.
- C. The disclosure certificate shall not require reporting of:
  - 1. The amount of income derived from outside sources.
  - 2. The extent or nature of the financial interest in any corporation, partnership, firm, joint venture or association.
  - 3. Deposits in federally regulated savings institutions.
  - 4. Ownership in any mutual fund.
  - 5. Any interest in a single corporation which is less than \$2,000.00, unless the ownership of that interest amounts to more than ten percent of the outstanding voting stock of the corporation.

- D. Each disclosure certificate shall be sworn to by the reporting Councilmember or City Manager. At the option of the reporting spouse, the spouse may disclose his or her financial interests on a disclosure form filed separately from the reporting Councilmember or City Manager, which disclosure form shall be separately signed by the filing spouse.
- E. All disclosure certificates shall be open for public inspection in the office of the City Clerk during normal City working hours.
- F. Any willful failure to file a disclosure certificate within the time set out in paragraph A above, or any knowing failure to completely and accurately make the disclosures required herein may be cause for removal of the City Manager.
- G. Any person subject to the provisions of this section who willfully fails to file a disclosure certificate within the time set out in paragraph A above, or who knowingly fails to completely and accurately make the disclosures required herein shall, upon conviction therefore, be fined not less than \$1.00 nor more than \$500.00 for each violation.

**Sec. 1.16.013. – Ethical Conduct**

- A. **All Officers and Employees shall conduct themselves in a manner that upholds the highest ethical standards and demonstrates integrity, transparency, and accountability in their roles and responsibilities.**
- B. **All Officers and Employees shall avoid engaging in any actions that may result in personal or financial gain at the expense of the City or its residents.**
- C. **All Officers and Employees shall refrain from using their positions for personal or political advantage, including but not limited to, accepting gifts, favors, or other forms of inducement that could compromise their objectivity or impartiality.**
- D. **All Officers and Employees shall adhere to a Code of Conduct, which shall be adopted and periodically reviewed by the City Council. The Code of Conduct shall provide comprehensive guidelines on acceptable behavior, conflict resolution, and the handling of ethical dilemmas.**

**Sec. 1.16.014. – Conflict of Interest Management**

- A. **All Officials and Employees shall promptly disclose any actual or potential conflicts of interest that may arise in the course of their duties. Such disclosures shall be made in writing to the City Manager or his or her designee.**
- B. **All Officers and Employees possessing actual or potential conflicts of interest shall recuse themselves from participating in any decision-making process or discussions related to the matter in question.**
- C. **The City Clerk shall maintain a public register of disclosed conflicts of interest to ensure transparency and accountability.**

**Sec. 1.16.015. – Training and Education**

**The City shall provide for regular training and education programs on ethical conduct, conflict of interest management, and related topics for all Officers and Employees no less than every four years. The training programs shall be designed to enhance awareness understanding, and compliance with this ordinance.**

**Sec. 1.16.016. – Enforcement and Penalties**

- A. Violations of this ordinance may result in disciplinary action, which may include, but is not limited to, reprimand, suspension, or termination of employment as deemed appropriate by the City Manager, or removal from office, as deemed appropriate by the City Council.
- B. Any Official or Employee found guilty of engaging in fraudulent or corrupt practices may be subject to criminal prosecution in accordance with applicable laws.

**Sec. 1.16.017. – Promotion of Candidates for Elected Office and Avoidance of Favoritism**

- A. The Mayor and members of the City Council shall adhere to the following guidelines when engaging in activities related to the promotion of candidates for the purpose of preventing favoritism:
  - 1. The Mayor and members of the City Council shall refrain from recruiting candidates to run against incumbents presently serving as Mayor or as a member of the City Council, as it may create conflicts of interest and undermine the democratic process.
  - 2. The Mayor and members of the City Council shall refrain from promoting or endorsing a family member or relative to the third degree of consanguinity or affinity.
    - i. To the third degree of consanguinity applies to the Mayor’s and members of the City Council’s first, second, and third degree of blood relatives as follows:
      - 1. Spouse - Children - Parents (first degree)
      - 2. Brothers/Sisters - Half-Brothers/Half-Sisters - Grandchildren - Grandparents (second degree)
      - 3. Uncles/Aunts - Nephews/Nieces - Great-Grandparents - Great-Grandchildren (third degree)
    - ii. To the third degree of affinity applies to the Mayor’s and members of the City Council’s first, second, and third degree relatives by marriage as follows:
      - 1. Stepchildren - Stepmother/Stepfather - Mother-in-Law - Father-in-Law (first degree)
      - 2. Stepbrothers/Stepsisters - Brothers-in-Law - Sisters-in-Law – Step grandchildren – Step grandparents (second degree)
      - 3. Step uncles/Step aunts – Step nephews/Step nieces – Step great Grandparents – Step great-Grandchildren (third degree)
  - 3. The Mayor and members of the City Council shall not use public funds or resources for the benefit of any specific candidate, campaign, or political organization.
  - 4. Violations of this ordinance may result in disciplinary action, including but not limited to reprimand, suspension, or removal from office, as determined by the City Council.
  - 5. The City shall provide training and education to the Mayor and City Council and the time of their election regarding the policies outlined in this ordinance, with specific emphasis on the importance of impartiality, fairness, and the integrity of the electoral process.

**Sec. 1.16.018. - Reporting of Mismanagement or Violations, Discipline of Employee Prohibited**

As codified in R.S.Mo Sec. 105.055 (1), it shall be illegal for the City, acting as an employer, to take disciplinary action against any Official or Employee that discloses information he or she

**reasonably believes evidence (a) A violation of any law, rule, or regulation; or (b) Mismanagement, a gross waste of funds or abuse of authority, violation of policy, waste of public resources, alteration of technical findings or communication of scientific opinion, or breaches of professional ethical canons.**

Secs. 1.16.01~~39~~—1.16.999. - Reserved.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

\_\_\_\_\_  
Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Counselor

REVIEWED BY:

\_\_\_\_\_  
City Manager

**NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.**