

Model Financial Disclosure Ordinance to Conform With
Requirements of Section 105.485 RSMo

AN ORDINANCE OF THE CITY OF _____, MISSOURI, TO ESTABLISH A
PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL
INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

BE IT ENACTED BY THE (CITY COUNCIL/BOARD OF ALDERMEN) OF THE CITY OF
_____, MISSOURI, AS FOLLOWS:

Section 1. Declaration of Policy. 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 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 2. Conflicts of Interest. The mayor or any member of the (board of aldermen/city council) who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the (city council/board of aldermen) the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

Section 3. Disclosure Reports. Each elected official, the chief administrative officer¹, the chief purchasing officer and the general counsel (if employed full-time)² shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and

b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

c. The chief administrative officer¹ and the chief purchasing officer also shall disclose by May 1 for the previous calendar year the following information:

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

2) 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 or joint venture unless such names and addresses are filed by the partnership or joint

venture 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 or more of any class of the outstanding stock or limited partnership units; and 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 or more of any class of outstanding stock, limited partnership units or other equity interests;

3) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 4. Filing of Reports. The reports, in the attached format, shall be filed with the city clerk and with the secretary of state prior to January 1, 1993, and thereafter with the ethics commission. The reports shall be available for public inspection and copying during normal business hours.

Section 5. When Filed. 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:

a. Each person appointed to office shall file the statement within thirty days of such appointment or employment;

b. 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 (city council/board of aldermen) 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.

Section 6. Filing of Ordinance. If this ordinance is adopted prior to January 1, 1993, then the city clerk shall send a certified copy of this ordinance to the Secretary of State's office within ten days of its adoption. If this ordinance is adopted on or after January 1, 1993, then the city clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten days of its adoption.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the (city council/board of aldermen).

Passed _____

Presiding Officer

Approved _____

Mayor

Attest: City Clerk

¹In many municipalities, the mayor, the chief administrative officer and the chief purchasing officer may be the same individual. In other municipalities, the chief administrative officer and the chief purchasing officer may be the same individual, such as the city manager or city administrator. You may want to designate a specific position (such as city administrator) for the broad descriptive language of the position.

²State statute [105.478(11)] requires reports from "each official or employee of a political subdivision who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law." But no one seems to know what this means.