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CODE OF CONDUCT OF THE CITY OF CREVE COEUR

SECTION 130.050: DECLARATION OF POLICY

A. In order to increase public confidence and trust in the integrity of elected officials, appointed officials and City employees and to assure that their actions are independent, impartial and responsible and that their positions are not used for personal gain, the City has adopted a code of ethics for all City Officials and employees and persons that interact with the City.

B. The purpose of this Article is to establish guidelines for standards of conduct for all such officials, employees and other persons by setting forth those acts or actions that are incompatible with the best interests of the City and the public and providing a procedure to deal with allegations and instances of misconduct.

C. Additionally, elected officials, appointed officials and employees of the City are expected to give fair and equal treatment to every person. They shall not grant special consideration, treatment or advantage to any person. In other words, elected officials, appointed officials and employees are expected to afford all persons due process of law and equal protection of the law. There are existing legal remedies for violations of these constitutional protections and violators may be subject to removal, discharge or discipline as provided by applicable laws and regulations.

D. This policy also establishes procedures and guidelines regarding the solicitation and acceptance of donations to the City for use by its citizens, employees and officials. Employees and officials as individuals are also subject to the City's Anti-Fraud and Corruption Policy. A uniform set of procedures shall be followed in solicitation and acceptance of all donations and proper approval shall be obtained prior to solicitation or acceptance. All cash, equipment, in-kind services, materials donated to the City, sponsorship arrangements, and business discount offers to City employees and/or officials shall be accounted for in accordance with the procedures set forth in this policy. (R.O. 2008 §2-166; Ord. No. 1235 Art. I, 7-27-1987; Ord. No. 3035 §1, 1-24-2005; Ord. No. 5184 §1(A), 3-28-2011)

SECTION 130.060: DEFINITIONS

The words and terms used in this Article and Sections 14.1 and 14.2 of the Charter of the City shall have the following meanings unless the text clearly requires otherwise:

APPOINTED OFFICER OR APPOINTED OFFICIAL: An official of the City appointed to their position by the Mayor and/or City Council, whether salaried or not, including, but not limited to, a member of a board, commission or committee of the City. An appointed officer or appointed official shall not be considered to be an employee.

APPROPRIATE DISCIPLINARY AUTHORITY: The City Council regarding any elected officer or elected official and shall mean the person with immediate supervisory authority over any appointed officer, appointed official or employee, provided that the City Administrator and the City Council shall retain respective ultimate authority in such matters and may determine to act as the appropriate disciplinary authority

BUSINESS DISCOUNT: Any offer, formal or informal, to discount the normal purchase price of any item for City employees and/or officials because of their affiliation with the City of Creve Coeur. Such offers may include coupons, promotional discounts, and other programs that would provide special discounted rates to City employees and/or officials that are not extended to the general public.

BUSINESS ENTITY: A corporation, association, firm, partnership, proprietorship or business entity of any kind or character.

DEPENDENT CHILD OR DEPENDENT CHILD IN THE PERSON'S CUSTODY: All children, stepchildren, foster children and wards under the age of eighteen (18) residing in the person's household and who receive in excess of fifty percent (50%) of their support from the person.

DONATION: A monetary contribution and/or equipment, in-kind goods or services, or business discounts, which a City department or the City would accept and for which the donor would not receive any goods or service in return.

ELECTED OFFICER OR ELECTED OFFICIAL: Any person elected to public office of the City. An elected officer or elected official shall not be considered to be an employee.

EMPLOYEE: A full-time or part-time compensated worker of the City, but shall not include appointed officers, appointed officials, elected officers or elected officials.

SPONSORSHIP: An arrangement in which a person would make a donation in support of a City event and the City would provide in return benefits such as name recognition and special participation in the event.

SUBSTANTIAL INTEREST AND SUBSTANTIAL FINANCIAL INTEREST, DIRECT OR INDIRECT OR BY REASON OF OWNERSHIP OF STOCK IN A CORPORATION: Ownership by the individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity or of an interest having a value of ten thousand dollars ($10,000.00) 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 ($5,000.00) or more per year from any individual, partnership, organization or association within any calendar year. (R.O. 2008 §2-167; Ord. No. 1235 Art. II, 7-27-1987; Ord. No. 1435 §1, 1-7-1991; Ord. No. 1472 §1, 8-26-1991; Ord. No. 1981 §1, 1-25-1999; Ord. No. 3035 §1, 1-24-2005; Ord. No. 5184 §1(B), 3-28-2011)

SECTION 130.070: CODE OF ETHICS

A. *Conflict Of Interest.*

1. Elected officials, appointed officials and employees of the City shall comply with the applicable provisions of Sections 105.452, 105.454, 105.458, 105.462, 105.464 and 105.466, RSMo., as the same may be revised or amended from time to time and subject to all applicable exemptions.

2. Elected officials, appointed officials and employees of the City shall comply with Section 14.1 of the Charter of the City, which places restrictions on persons when acting in their capacity as a City Official or employee.

3. Elected officials, appointed officials and employees of the City shall not request or permit the use of City-owned property for any purpose except the conduct of City business. No elected official, appointed official or employee shall, directly or indirectly, attempt to obtain any service or benefit from City personnel for their own personal benefit or for the benefit of their spouse, dependent children or any business entity in which any of them have a substantial interest. Notwithstanding the foregoing, elected officials, appointed officials and employees of the City and their spouses, dependent children and businesses in which any of them have a substantial interest shall not be precluded from obtaining and using property, service and benefit from the City on the same terms as such property, service or benefit is made available to the general public or on other terms as may be approved by the City Administrator and reported to the City Council.

B. *Fairness.* All persons shall comply with Section 14.2 of the Charter of the City.

C. *Donations.*

1. *Donations and sponsorships valued at one thousand dollars ($1,000.00) or less.*

a. The City Administrator will consider the guidelines established in Subsection (C)(3) of this policy and either accept or reject offers of donations of money, equipment and in-kind contributions or sponsorships to the City up to one thousand dollars ($1,000.00).

b. Donated money will be expended for general purposes or specified purposes, if agreed upon with the donor, as one-time supplements to the City's operating budget. Donations of equipment will be considered based on program outcomes, department goals and needs. Each donation will be evaluated for usefulness, and costs of potential replacement/rental rates will be considered. In-kind contributions and sponsorships, or business discounts for specific events will be treated in the same way as donated funds.

c. The City Administrator will accept or reject donations to the City and sponsorship arrangements with the City and business discount offers for City employees and/or officials with a cumulative value of up to one thousand dollars ($1,000.00). Acceptance of such discount offers by individuals shall comply with the policies and procedures set forth in the City's Anti-

Fraud and Corruption Policy. Unless otherwise directed by the City Council, the City Administrator shall determine any necessary allocation of gifts to the City.

d. Donations, sponsorships, and business discounts that are approved by the City Administrator shall be recorded by the office of the City Administrator. Recorded information shall include the name of the donor or sponsor, a description of the donation, sponsorship or discount including approximate material value, and the date of approval by the City Administrator.

2. *Donations and sponsorships valued at more than one thousand dollars ($1,000.00).*

a. For monetary, equipment and in-kind contributions, sponsorships, or discounts with material values over one thousand dollars ($1,000.00), a report to the City Council will be written outlining the purpose of each proposed transaction and any relevant considerations of the guidelines provided in Subsection (C)(3). The City Council will decide, on a per-case basis, if donations or sponsorships should be accepted or rejected. Corporations offering in-kind contributions will be requested to state the value of the offered item or service.

b. All donations and sponsorships valued at more than one thousand dollars ($1,000.00) either separately or cumulatively during a calendar year require City Council approval. Subsequent to Council's acceptance, procedures for handling transactions of more than one thousand dollars ($1,000.00) shall be the same as those for the acceptance of transactions valued at one thousand dollars ($1,000.00) or less.

3. *Guidelines for accepting donations.* The following criteria shall be considered in the acceptance or rejection of all donations:

a. Does acceptance of funds, equipment or in-kind services, materials, or business discounts present a conflict of interest for the City or its employees? Regardless of the value, donations shall not be accepted if there is reason to believe there may be a conflict of interest. Examples may include donations from:

(1) Donors that are involved in a matter under current review with a pending outcome with any City process such as any zoning or development matter, building inspection, Police investigation, Property Maintenance Code investigation, or any investigation into the violation of Municipal Code.

(2) Contractors, vendors, or persons seeking to provide services/materials to the City of Creve Coeur.

b. Do restrictions upon the use of the item or funds make it practical to accept?

c. Do restrictions on disposal or retention of the item or funds make it practical to accept?

d. Is required accounting for the item or funds excessively difficult?

e. Would donated materials or equipment require extensive repair or maintenance, and if so, is maintenance support available?

f. Does the equipment or materials require the purchase of additional items to be useful?

g. Will the donation result in an increase to the City's budget? Donations are to be considered one-time supplements and should not be used to develop new programs or services which would require budget supplements from the City in the current or subsequent years.

4. *Solicitations.*

a. Solicitation of donations to the City shall be subject to this Subsection (C)(4) as well as the same procedures that would apply to acceptance of an unsolicited donation under Subsection (C)(3). Approval of a solicitation shall constitute approval of acceptance unless the terms and conditions required for acceptance are materially different from those included with the solicitation.

b. City officials and employees shall obtain approval prior to soliciting donations to the City. If the solicitation is for a donation of less than one thousand dollars ($1,000.00), approval shall be obtained from the City Administrator. If the solicitation is for a donation of one thousand dollars ($1,000.00) or more, approval shall be obtained from the City Council.

c. Other than a donation solicitation approved pursuant to Subsection (C)(4)(b), no elected or appointed City Official or employee of the City shall directly solicit anything of value, for any purpose, from a person or corporation:

(1) That is currently seeking or subject to official action of, or doing business with, the City, or anticipated to be doing so in the immediate future; or

(2) Whose interests may be substantially affected by the performance or non-performance of the individual's official duties.

d. City Officials and employees soliciting donations in compliance with this policy (i.e. either with approval or after restrictions no longer apply) from those that are or have previously engaged in the conduct set forth in Subsection (C)(4)(c) of this policy shall make clear that such solicitations are not connected to or presented as requests for payment for services rendered and otherwise strive to avoid any semblance of impropriety.

e. Those soliciting donations are prohibited from exerting any form of pressure upon those they have benefited through official acts.

f. City Officials and employees shall not offer any form of "special access" to themselves in exchange for donations.

g. City Officials and employees shall not solicit anything of value, for a private purpose, through the use of the City's letterhead, official stationery, assigned City e-mail address, or any other means that suggest that the solicitation is made with authority or on behalf of the City.

h. City Officials shall not directly solicit anything of value from City employees. City employees shall not directly solicit anything of value from their subordinates. Notwithstanding the foregoing, fundraising campaigns directed to all employees may be approved by the City Administrator.

i. This policy does not apply to solicitations of campaign contributions. Such activities are subject to separate regulations, including Chapter 130, RSMo.

D. *Violations.*

1. Any complaint regarding a violation of the provisions of Section 130.070(A) or Section 130.070(C) shall be presented to the Missouri Ethics Commission established under Section 105.955, RSMo., or its successor. Upon receipt of a report from the Missouri Ethics Commission under Section 105.961, RSMo., as amended or revised, that indicates that there is probable cause that a violation has occurred, the appropriate disciplinary authority shall determine whether to follow the recommendations contained in the report within the time allowed by Statute (including any stay resulting from an appeal) and whether to take any other appropriate disciplinary action. As provided by Statute, in the case of a person that is an elected official, the appropriate disciplinary authority is the City Council and in the case of a person that is an appointed official or employee, the appropriate disciplinary authority is the person with immediate supervisory authority over the person. However, the City Administrator and City Council retain their respective ultimate supervisory authority in such matters and may determine to act as the disciplinary authority within the constraints of the Charter of the City.

2. Violations of Section 130.070(B) are subject to prosecution by the City.

E. *Hearings.*

1. In conjunction with determining whether to follow the recommendations of a report received from the Missouri Ethics Commission or to take any other appropriate disciplinary action, the appropriate disciplinary authority shall schedule a hearing.

a. If the subject of the report is an employee, the provisions of the Personnel Code and related laws and regulations shall apply.

b. If the subject of the report is not an employee, then the provisions of this Subsection (D) shall apply. When a hearing is scheduled hereunder, the complainant and respondent shall be given reasonable notice thereof by certified mail. However, if the respondent agrees that he/she has committed a violation as alleged in the complaint, the appropriate disciplinary authority will not hold a hearing, but instead will promptly hold a public meeting to consider the matter and render a decision regarding the appropriate discipline or penalty.

2. The hearing shall be held within twenty (20) days of the receipt of the report from the Missouri Ethics Commission unless:

a. The respondent requests a later date not to exceed twenty (20) additional days.

b. The disciplinary authority itself determines that more time is required, not to exceed twenty (20) additional days.

On request from the respondent, the disciplinary authority may grant an expedited date for the hearing.

3. The disciplinary authority may meet prior to the hearing to prepare for the hearing. Such a meeting shall be a work meeting and no public comments will be accepted during such a meeting.

4. The hearing shall be conducted in the manner most conducive to the determination of the truth and the disciplinary authority shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by any informality in the proceedings.

5. Hearings shall be open meetings under the open meetings and records policy of the City as provided for by the laws of the State. Notice of a hearing must be posted in conformance with the above stated policy.

6. All hearings shall be conducted as follows:

a. The disciplinary authority shall receive evidence from:

(1) The Missouri State Ethics Commission (in the form of its report);

(2) The complainant;

(3) The respondent;

(4) Respective witnesses; and

(5) Any other person the disciplinary authority deems necessary.

b. Each side will be permitted an opening statement and closing argument. The complainant shall first present his/her witnesses and evidence to sustain the charges. The disciplinary authority may request any witnesses to appear at a fixed time and/or the production of any records or material evidence. Failure or inability of the complainant to appear or produce evidence shall not be grounds for dismissal. The respondent will then present his/her witnesses and evidence in defense. Rebuttal may be permitted.

c. Complainant and respondent will be allowed to examine and cross-examine witnesses. The disciplinary authority may also examine witnesses through its counsel.

d. Both the complainant and the respondent may be represented by legal counsel at their own expense.

7. The disciplinary authority shall determine the relevancy, weight and credibility of testimony and evidence. The disciplinary authority shall base its findings on the preponderance of evidence.

8. The hearing may be continued by the disciplinary authority to allow for additional information to be presented. The disciplinary authority may set time constraints on the proceedings.

9. The City Attorney shall serve as counsel to the disciplinary authority, unless special counsel is appointed pursuant to the Charter.

10. A transcript of the hearing shall be made unless waived by the complainant, the respondent and the disciplinary authority.

F. *Decisions.* The disciplinary authority, upon completion of a hearing or admission of a violation, shall render a decision in writing to the Mayor, City Council, City Attorney, the City Administrator, the complainant and the respondent within ten (10) days after conclusion of the hearing. The decision shall:

1. Determine whether or not a violation occurred as charged in the report from the Missouri Ethics Commission;

2. Set forth any necessary requirements for voluntary compliance;

3. Recommend any appropriate prosecution under applicable State or local law; and

4. Take other actions or recommend other actions by the authorized City Officials as deemed appropriate under the circumstances.

G. *Willful Concealment.* In the event that a City Official or employee willfully conceals a substantial financial interest in violation of Section 14.1 of the Charter of the City or otherwise willfully violates the requirements of Section 14.1 of the Charter of the City, such person shall be guilty of malfeasance in office or position and shall forfeit all offices and positions with the City.

H. *Complicity By Private Sector.* In the event that a person or business entity who makes a contract or sale with the City knows or should have known that a City Official or employee has violated Section 14.1 of the Charter of the City regarding such contract or sale, the City Administrator or the City Council may declare the contract or sale void within thirty (30) days after the determination that the official or employee violated Section 14.1. (R.O. 2008 §2-168; Ord. No. 1235 Art. III, 7-27-1987; Ord. No. 1435 §§2 — 4, 6, 1-7-1991; Ord. No. 3035 §1, 1-24-2005; Ord. No. 5184 §1(C — D), 3-28-2011)

SECTION 130.080: POLITICAL ACTIVITIES OF CITY EMPLOYEES

A. *Application.* The provisions of this Section apply to all full-time and part-time employees of the City in both classified and unclassified positions.

B. *Hatch Act Restrictions.* Employees engaged in activities which are funded in whole or part by Federal funds may have the additional restrictions of the Hatch Act and may be prohibited from taking an active part in City, County, State or national elections. The City Administrator is responsible for maintaining a listing of positions subject to the Hatch Act.

C. *Permitted Political Activities Of City Employees.* Activities listed in this Section are permitted for City employees on their own time. These activities apply to County, State and national elections and to municipal elections outside the City. These activities are not permitted while the employee is on duty, on any City property or in a uniform normally identified with the City.

D. Each employee, including an employee engaged in an activity financed through Federal funds, may:

1. Register and vote in any election.

2. As an individual, privately and publicly express an opinion on political subjects and candidates except as modified in Subsection (D)(8) below.

3. Be a member of a political party and participate in its activities consistent with this regulation.

4. Sign a political nomination, initiative, referendum or recall petition as an individual, except for City elective positions or propositions.

5. Make a financial contribution to a political party, group or candidate except for elective positions or propositions in the City.

6. Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum or issue of a similar character not pertaining to the City.

7. Display bumper stickers, signs, posters or pamphlets on private property for the endorsement of candidates or issues, except for elective positions and propositions regarding the City.

8. In City municipal elections, register, vote and express privately an opinion on candidates and propositions.

E. *Additional Permitted Activities.* In addition, an employee who is not engaged in an activity supported by Federal funds may:

1. Take an active part in the management of political campaigns, except for elective offices and propositions within the City.

2. Directly or indirectly solicit, receive or account for funds for a partisan political purpose except as prohibited by this regulation.

3. Solicit votes in support of, or in opposition to, a partisan or party office.

4. Initiate or circulate partisan nominating or recall petitions.

5. Serve as a delegate, alternate or proxy to a political party convention.

6. Drive voters to the polls on behalf of a political party or partisan candidate except for City municipal elections.

7. Endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature or similar material.

F. *Prohibited Activities.*

1. Employees covered by the Hatch Act are prohibited from engaging in those activities listed in Subsection (E) above.

2. No employee may use any official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office or directly or indirectly coerce, attempt to coerce, command or advise another official or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

3. No employee shall engage in political activities involving City municipal elections except as expressly permitted in Subsections (C) and (E) above.

4. While bumper stickers, signs and posters may be displayed on private vehicles parked in a City employee parking area, such materials, as well as pamphlets and buttons, may not be otherwise displayed on City vehicles, City property or by an employee on a City work site.

5. Activities prohibited for an individual employee are also prohibited for groups or organizations of employees, even though the specific activities are being performed by a non-employee as a representative of the employee group.

6. Activities permitted in Subsections (C) and (E) above are prohibited when an employee is on duty, including break periods. They are also prohibited on City property and when an employee is in uniform normally identified with the City.

7. An employee shall not use an official City title or make reference to employment with the City in political advertisements, endorsements or speeches.

8. An employee shall not be a candidate for, or serve as, an officer of a political party or partisan club whether local, State or national.

G. *Candidate For Elective Office.*

1. A City employee may seek election to a partisan political office. Such employee shall be placed on an unpaid leave of absence from the time a declaration of candidacy is made until the completion of the elective process. During this leave of absence, the employee shall not use an official City title in political campaigning other than in a biographical description of the employee's experience nor shall official authority be used to affect the result of the election. If elected to political office and such office is clearly inconsistent, incompatible, in conflict with or inimical to duties as a City employee, the employee shall terminate City employment prior to assuming the elected position.

2. An employee may be a candidate for a non-partisan board such as, but not limited to, a school board or a library board or fire district, while retaining active City employment and, if elected, may retain the City position.

3. An employee who declares an intent to become a candidate by circulating or authorizing the circulation of a nominating petition for elective office of the City shall be placed on immediate unpaid leave and shall not exercise any of the duties of his/her position. Such unpaid leave shall continue until the conclusion of the elective process. Should the employee win said election, the employment shall be terminated when he/she is sworn into office.

4. An employee subject to the provisions of the Hatch Act may not be a candidate for partisan elective office. (R.O. 2008 §2-169; Ord. No. 1235 Art. IV, 7-27-87; Ord. No. 3035 §1, 1-24-05)

SECTION 130.090: DISCLOSURE REPORTS

A. *Generally.* The Mayor and each member of the City Council, the Planning and Zoning Commission and the Board of Adjustment, the City Administrator, the Finance Director and any candidate for elected office of the City shall disclose the following information if any such transactions were engaged in during the previous calendar year:

1. For such person and all persons within the first degree of consanguinity or affinity of such person (including spouse, parents and dependent children), the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars ($500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City; and

2. 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 ($500.00), if any, that any business entity in which such person had a substantial interest had with the City, other than payment of any tax, fee or

penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.

B. *City Administrator And Finance Director; Additional Requirements*. The City Administrator and the Finance Director also shall disclose for the previous calendar year the following information for them, their spouses and dependent children:

1. The name and address 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;

2. The name and address of each sole proprietorship that such person owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which such person 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 (10%) 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 (2%) 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.

C. *Exception.* Notwithstanding the foregoing, said person, if he or she does not know and his or her spouse will not divulge any information required to be reported by this Section concerning the financial interest of his or her spouse, shall state on his or her financial interest statement that he or she has disclosed that information known to his or her and that his or her spouse has refused or failed to provide other information upon his or her bona fide request, and such statement shall be deemed to satisfy the requirements of this Section for such financial interest of his or her spouse; and provided further if the spouse of any person required to file a financial interest statement is required by Section 105.483, RSMo. or this Code Section to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed.

D. *Filing Of Reports.* The reports, in the form as prescribed by the Missouri State Ethics Commission, shall be filed with the City Clerk and with the Missouri State Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. Pursuant to Subsection (4) of Section 105.485, RSMo., these reports are to be filed in lieu of reports otherwise required by the Statute.

E. *When Filed.* 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. Each person appointed to office or employed shall file the statement within thirty (30) days of such appointment or employment.

2. Each candidate for elective office shall file a financial interest statement no later than the 45th day after the last day for filing for the election at which he/she seeks nomination or election and the statement shall be for the twelve (12) months prior to the closing date, except that in the event an individual does not become a candidate until later than the 45th day after the last day for filing for the election, the statement shall be filed within ten (10) days of becoming a candidate.

3. 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 person 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. (R.O. 2008 §2-170.1; Ord. No. 1603 §§1 — 3, 8-23-1993; Ord. No. 1664 §§1 — 3, 9-12-1994; Ord. No. 1734 §§1 — 3, 8-28-1995; Ord. No. 2145 §1, 8-27-2001; Ord. No. 2230 §§1 — 3, 8-11-2003; Ord. No. 3040 §1, 2-14-2005; Ord. No. 5200 §1, 6-27-2011; Ord. No. 5253 §2, 6-11-2012; Ord. No. 5326 §1, 8-26-2013)

SECTION 130.095: CAMPAIGN FINANCE REPORTS

Candidates for election to the office of Mayor or City Council Member for the City of Creve Coeur are encouraged to make their campaign finance reports required by Chapter 130, RSMo., accessible to the public by means of the internet by submitting such reports in electronic form to the Missouri Ethics Commission. Candidates shall inform the City Clerk that they have elected to submit such reports in electronic form by providing a copy of their electronic filing agreement and the identification number assigned to them or their committee by the Missouri Ethics Commission. Candidates who do not make such reports accessible to the public in that manner shall submit a copy of each campaign finance report they file in paper form with the City Clerk in addition to the required submittal to State and/or local election authorities. Such copy shall be submitted to the City Clerk by the next business day (Monday — Friday) after the original report is filed with the State or local election authority. The City Clerk shall endeavor to provide a courtesy copy of this Section to persons who submit candidate petitions, but provision of such courtesy copy is not a condition for compliance with this Section. Failure by a candidate to comply with this Section shall not affect eligibility for candidacy or elective office. A candidate shall not be subject to prosecution for violation of this Section unless they fail to submit a copy of a report within five (5) calendar days of receipt of a certified letter from the City Clerk requesting the copy of the report. The penalty for violation of this Section shall be a fine in an amount not to exceed twenty-five dollars ($25.00) for each report that is not submitted on a timely basis. (Ord. No. 5253 §2, 6-11-2012)

SECTION 130.100: ADVISORY OPINIONS

A. Where an employee has a doubt as to the applicability of any provision of this code of conduct to a particular situation regarding that employee or as to the definition of terms used herein, the employee may apply by signed writing to the City Administrator for an advisory opinion. Elected officials and appointed officials shall have the right to apply to the City Attorney for an advisory opinion regarding particular situations in which they are personally involved or as to the definition of terms used herein. The individual shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made. The application shall at a minimum provide sufficient detail to fully and accurately describe the situation and shall be certified as true to the best knowledge, information and belief of the applicant. The City Administrator shall freely seek the advice and assistance of the City Attorney where interpretation of the law is required. Unless the time is waived by the applicant, the City Administrator and/or City Attorney shall respond within ten (10) days.

B. No person who relies upon an advisory opinion rendered pursuant to this Article may be found in violation of this Article except where such opinion has been fraudulently obtained or where the person so relying failed to provide or omitted material facts in the request for the advisory opinion.

C. Such opinion until amended or revoked shall be binding on the City, the City Council and the City Administrator and City Attorney in any subsequent actions concerning the elected official, appointed official or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

D. Any advisory opinion prepared by the City Administrator or City Attorney shall be in writing and a copy shall be sent to the City Clerk to be retained and made available to the public upon request. (R.O. 2008 §2-172; Ord. No. 1235 Art. VII, 7-27-1987; Ord. No. 1435 §6, 1-7-1991; Ord. No. 3035 §1, 1-24-2005)

SECTION 130.110: TRAINING

The City Administrator and the City Attorney shall arrange for training sessions for all elected and appointed officials and employees of the City regarding the provisions of this code of conduct and related provisions of law. All officials and employees shall attend a training session within one (1) year of appointment, election or hire and shall attend at least one (1) training session every two (2) years thereafter. In conjunction with such training, reference materials shall be developed for distribution to officials, employees and the public. (R.O. 2008 §2-173; Ord. No. 3035 §1, 1-24-2005)

CHARTER FOR THE CITY OF CREVE COEUR

ARTICLE XIV. GENERAL PROVISIONS

SECTION 14.1 PERSONAL FINANCIAL INTEREST:

Any elected or appointed officer, employee or member of any board or commission of the city who has a substantial financial interest, direct or indirect in any proposed or existing contract with the city or in the proposed sale or purchase of any land, material, supplies or services to or from the city shall make known that interest in writing to the city council and shall refrain from voting upon or otherwise participating in his or her capacity as a city officer or employee or board or commission member in the making of such sale or purchase or in the making or performance of such contract. Any city officer or employee or board or commission member who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his or her office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to or purchase from the city shall render the contract or sale or purchase voidable by the city administrator or the city council. The city council shall enact and maintain a conflict of interest ordinance embodying the above principles.
(Ord. No. 1129, § 1(Prop. 7), 12-16-85; Ord. No. 4058, § 1(Prop. 5), 12-11-06)

SECTION 14.2 PROHIBITIONS:

(a) *Activities prohibited:*
(1) No person employed by the City or seeking employment from the City shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his or her age, race, color, marital status, national origin, political affiliation, religion, sex or disabled status except where specific age, sex or physical requirements constitutes a bona fide occupational qualification.
(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
(b) *Penalties:* Any person who by himself or with others willfully violates any of the provisions of Paragraphs (1) through (3) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as may be provided by ordinance.
(Ord. No. 4058, § 1(Prop. 5), 12-11-06)

CITY OF CREVE COEUR ANTI-FRAUD & CORRUPTION POLICY

PURPOSE

The purpose of this policy is to establish a method of reporting within the City of Creve Coeur in order to minimize the risk of internal and external fraud as well as theft of City assets or fraudulent financial reporting. This policy addresses the responsibility of employees and elected and appointed officials for detecting and reporting fraud or suspected fraud, corruption, or dishonest activities. The City is determined to protect itself and the public from fraud, corruption, and dishonest activities and is committed to the maintenance of a strategy for the prevention and detection of fraud, corruption, and dishonest activities.

POLICY

Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. Management also recognizes that a key preventative measure in the fight against fraud and corruption is to employ staff and appoint officials who have high standards in terms of propriety and integrity. Further, all employees and officials of the City government have a duty to residents of the City of Creve Coeur to ensure that City resources are prudently used in accordance with the law. Management further is committed to continuously improving the systems for which it is responsible, both through its own assessments and by positive and prompt response to audit recommendations. It is, therefore, the intent of the City Council of the City of Creve Coeur and the City Administrator to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations to aid in the detection and prevention of fraud against the City of Creve Coeur.

FRAUD & CORRUPTION

Fraud is defined as an intentional, false representation or concealment of a material fact that leads to a financial advantage to the perpetrator or other upon whose behalf he or she acts. Corruption is the offering, giving, soliciting, or acceptance of any inducement or reward that may influence the actions taken by an employee or official. Fraud incorporates theft, larceny, embezzlement, fraudulent conversion, false pretences, forgery, corrupt practices and falsification of accounts. Fraud or other wrongful acts may include:

1. Forgery or alteration of a check, bank draft, or other financial document or account belonging to the City of Creve Coeur.

2. Falsifying time sheets, expense reports, or other report documents.

3. Misappropriation of funds, securities, supplies, or other assets.

4. Impropriety in handling or reporting of money or financial transactions.

5. Disclosing confidential or proprietary information to outside parties.

6. Accepting anything with a material value of more than $50 (cumulative over a one-year period) from a contractor, vendor, person providing or seeking to provide services/materials to the City of Creve Coeur, or person with a pending matter before the City (including a matter concluded within the past 90 days or a matter expected to commence within 90 days), including not only tangible items and money, but also discounts that are not available to the general public; provided however, that the foregoing prohibition does not apply to donations made to the City and then distributed by the City to specific employees and/or officials, and discount programs for City employees and/or officials, when such donations and discount programs have been approved by in accordance with the City's Donations Policy and Procedures. Campaign contributions made to elected officials or candidates for elective positions made and reported in accordance with applicable law are not limited by this policy.

7. Accepting or seeking anything with material value of *any amount* if the recipient feels that something beyond standard public service is expected or if the recipient solicited the item or benefit. Employees and officials should never solicit anything of material value for themselves or others in connection with the rendition of public service. .

8. Destruction, removal, or inappropriate use of records, furniture, fixtures, equipment, and/or any similar or related irregularity.

9. Authorizing or receiving payments for hours not worked.

10. Authorizing or receiving payments for goods not received or services not performed.

11. Any violation of federal, state or local laws related to dishonest activities or fraud.

MANAGEMENT RESPONSIBILITY

Management is responsible for detecting fraud, corruption or related dishonest activities in their areas of responsibility. Each department director, manager, or supervisor should be familiar with the types of improprieties that might occur in their area and be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence in his or her area. When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be fraud, corruption or dishonest activity.

Management is responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent recurrence of improper actions.

Great care must be taken in the dealing with suspected dishonest, corrupt or fraudulent activities to avoid incorrect accusations, alerting suspected individuals that an investigation is underway, treating persons unfairly, or making statements that could lead to claims of false accusations or other offenses. Individuals who knowingly make false accusations may be subject to disciplinary action.

REPORTING SUSPICIOUS ACTIVITIES

Employees, officials and others have an obligation to report criminal conduct and/or suspicious activity without fear of retaliation or reprisal. When suspected fraud, corruption or dishonest incidents or practices are observed by or made known to any employee, the incident or practice should be reported to the employee's supervisor (see Appendix A for City's Organizational Chart). However, when the

employee believes the supervisor may be involved in the inappropriate activity, the employee should make the report directly to the next higher level of supervision. Individuals other than employees of the City who have knowledge of suspicious activities should report the inappropriate activity directly to the City Administrator or to the Mayor if the suspected activity involves the City Administrator. Please address your report to the following address:

City Administrator (or Mayor)
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Reports should be presented with the following information: the date on which the criminal conduct and/or suspicious activity occurred if known, a description of the activity and the name(s) of anyone involved in the activity. These reports will then be immediately submitted to the City's external auditor for documenting and future review.

The reporting individual should refrain from further investigation of the incident, confrontation of the alleged violator, or further discussion of the incident with anyone unless requested to do so by management.

Employees and officials serve as the eyes and ears of the City. Their vigilance serves as a strong deterrent against fraud, corruption or other dishonest practices or behavior. Every employee and official has an obligation to report fraud, corruption or dishonest practices.

NO REPRISAL FOR REPORTING SUSPICIOUS ACTIVITIES

It is the policy of the City of Creve Coeur that no employee or official shall be subject to recrimination or any other form of punishment on the basis that they reported what was reasonably believed to be an act of wrongdoing or a violation of policies of the City's Code of Ethics. However, an employee will be subject to disciplinary action, and an official would face similar consequences, if the City reasonably concludes that the report of wrongdoing was knowingly fabricated or was knowingly distorted, exaggerated or minimized to either injure someone else or to protect the reporting party or others. A person whose report of misconduct contains admissions of personal wrongdoing will not, however, be guaranteed protection from disciplinary or similar action. The weight to be given to the self-confession will depend on all the facts known to the City at the time it makes its decisions. In determining what, if any, action may be taken, the City will take into account a person's own admission of wrongdoing; provided, however, that the reporting person's conduct was not previously known to the City or its discovery was not imminent and that the admission was complete and truthful.

INVESTIGATION

The City Administrator or his designee for the City of Creve Coeur will investigate situations involving possible fraud, corruption, or related dishonest activity. The external auditing firm for the City of Creve Coeur shall be informed of all situations of alleged violations of this policy and the results of the required investigations. The investigation requires the full cooperation of all City personnel and officials. If the alleged fraud involves the City Administrator, the Mayor shall designate a person or persons to conduct the investigation. If this investigation uncovers evidence showing fraud, corruption or dishonest activities by an employee, the City Administrator (if not directly involved in the allegations) will determine what disciplinary or legal actions should be taken. If the City Administrator is directly

involved in the allegations, or if an elected or appointed official is involved, the Mayor and City Council will determine what disciplinary or legal actions should be taken regarding such individuals.

PREVENTIVE MEASURES

Management of the City of Creve Coeur recognizes that the implementation of preventive and deterrent measures guard against corruption and fraudulent activities occurring within the confines of the city government.

The City shall develop an annual program in conjunction with its external auditors to re-evaluate areas of its internal control procedures and modify them as necessary to improve these areas.

CONCLUSION

The City is consistently working to improve the current systems and procedures in place to deter, detect, and investigate fraud, corruption and dishonest activities. The City will ensure that these arrangements are fair and are widely publicized and available to all employees and officials. The arrangements will be monitored and updated to keep pace with future developments in prevention, deterrence, and detection techniques regarding fraud, corruption and dishonest activity.

MISSOURI REVISED STATUTES – CHAPTER 105
PUBLIC OFFICERS AND EMPLOYEES – MISCELLANEOUS PROVISIONS

SECTION 105.452 PROHIBITED ACTS BY ELECTED AND APPOINTED PUBLIC OFFICIALS AND EMPLOYEES.

105.452. 1. No elected or appointed official or employee of the state or any political subdivision thereof shall:

(1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; or

(2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated;

(3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;

(4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of section 13 of article VII of the Missouri Constitution; or

(5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.

2. No elected or appointed official or employee of any political subdivision shall offer, promote, or advocate for a political appointment in exchange for anything of value to any political subdivision.

SECTION 105.454 ADDITIONAL PROHIBITED ACTS BY CERTAIN ELECTED AND APPOINTED PUBLIC OFFICIALS AND *EMPLOYEES, EXCEPTIONS.*

105.454. No elected or appointed official or employee of the state or any political subdivision thereof, serving in an executive or administrative capacity, shall:

(1) Perform any service for any agency of the state, or for any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, in excess of five hundred dollars per transaction or five thousand dollars per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;

(2) Sell, rent or lease any property to any agency of the state, or to any political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power and received consideration therefor in excess of five hundred dollars per transaction or five thousand dollars per year, unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(3) Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of any agency of the state, or political subdivision thereof in which he or she is an officer or employee or over which he or she has supervisory power, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars' value per transaction or five thousand dollars' value per annum to him or her, to his or her spouse, to a dependent child in his or her custody or to any business with which he or she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

(4) Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his or her official duties, by which service he or she attempts to influence a decision of any agency of the state, or of any political subdivision in which he or she is an officer or employee or over which he or she has supervisory power;

(5) Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state, or a decision of any political subdivision in which he or she was an officer or employee or over which he or she had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the executive department from being employed by any other department, division or agency of the executive branch of state government. For purposes of

this subdivision, within ninety days after assuming office, the governor shall by executive order designate those members of his or her staff who have supervisory authority over each department, division or agency of state government for purposes of application of this subdivision. The executive order shall be amended within ninety days of any change in the supervisory assignments of the governor's staff. The governor shall designate not less than three staff members pursuant to this subdivision;

(6) Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

SECTION 105.458 PROHIBITED ACTS BY MEMBERS OF GOVERNING BODIES OF POLITICAL SUBDIVISIONS, EXCEPTIONS.

105.458. 1. No member of any legislative or governing body of any political subdivision of the state shall:

(1) Perform any service for such political subdivision or any agency of the political subdivision for any consideration other than the compensation provided for the performance of his or her official duties, except as otherwise provided in this section; or

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision for consideration in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for any compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the political subdivision on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon.

2. No sole proprietorship, partnership, joint venture, or corporation in which any member of any legislative body of any political subdivision is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the political subdivision or any agency of the political subdivision for any consideration in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received;

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision where the consideration is in excess of five hundred dollars per transaction or five thousand dollars per annum, or in the case of a school board five thousand dollars per annum, unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

SECTION 105.462 PROHIBITED ACTS BY PERSONS WITH RULEMAKING AUTHORITY--APPEARANCES --EXCEPTIONS.

105.462. 1. No member of any agency of the state or any political subdivision thereof who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the agency, or who is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or who participates in or votes on the adoption of any such rule, regulation, rate or plan shall:

(1) Attempt to influence the decision or participate, directly or indirectly, in the decision of the agency in which he or she is a member when he or she knows the result of such decision may be the adoption of rates or zoning plans by the agency which may result in a direct financial gain or loss to him or her, to his or her spouse or a dependent child in his or her custody or to any business with which he or she is associated;

(2) Perform any service, during the time of his or her employment, for any person, firm or corporation for compensation other than the compensation provided for the performance of his or her official duties, if by the performance of the service he or she attempts to influence the decision of the agency of the state or political subdivision in which he or she is a member;

(3) Perform for one year after termination of his or her employment any service for compensation for any person, firm or corporation to influence the decision or action of the agency with which he or she served as a member; provided, however, that he or she may, after termination of his or her office or employment, perform such service for consideration in any adversary proceeding or in the preparation or filing of any public document or conference thereon unless he or she participated directly in that matter or in the receipt or analysis of that document while he or she was serving as a member.

2. No such member or any business with which such member is associated shall knowingly perform any service for, or sell, rent or lease any property to any person, firm or corporation which has participated in any proceeding in which the member adopted, participated in the adoption or voted on the adoption of any rate or zoning plan or the granting or revocation of any license during the preceding year and received therefor in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum except on transactions pursuant to an award on contract let or of sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

SECTION 105.464 PROHIBITED ACTS BY PERSONS IN JUDICIAL OR QUASI-JUDICIAL POSITIONS.

105.464. 1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which the person knows that a party is any of the following: the person or the person's great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin.

2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or herself or transferring the matter to another court, body, or person for further proceedings.

SECTION 105.466 EXCEPTIONS TO APPLICABILITY OF SECTIONS 105.450 TO 105.458, 105.462 TO 105.468, AND 105.472 TO 105.482.

105.466. 1. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482 shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or by law to be performed.

2. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482 shall be construed to prohibit any person from communicating with the office of the attorney general or any prosecuting attorney or any attorney for any political subdivision concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.

3. No provision of sections 105.450 to 105.458, 105.462 to 105.468, and 105.472 to 105.482 shall be construed to prohibit any person, firm or corporation from receiving compensation for property taken by the state or any political subdivision thereof under the power of eminent domain in accordance with the provisions of the constitution and the laws of the state.

SECTION 115.342 DISQUALIFICATION FOR DELINQUENT TAXES--AFFIDAVIT, FORM--COMPLAINTS, INVESTIGATION, NOTICE, PAYMENT OF TAXES.

115.342. 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

"AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. ..... Candidate's Signature ..... Printed Name of Candidate."

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

MISSOURI REVISED STATUTES - CHAPTER 610
GOVERNMENTAL BODIES AND RECORDS

SECTION 610.027 VIOLATIONS--REMEDIES, PROCEDURE, PENALTY, PURPOSEFUL VIOLATIONS--VALIDITY OF ACTIONS BY GOVERNING BODIES IN VIOLATION--GOVERNMENTAL BODIES MAY SEEK INTERPRETATION OF LAW, ATTORNEY GENERAL TO PROVIDE.

610.027. 1. The remedies provided by this section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek judicial enforcement of the requirements of sections 610.010 to 610.026. Suits to enforce sections 610.010 to 610.026 shall be brought in the circuit court for the county in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of sections 610.010 to 610.026, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to section 610.021 or the assertion that the requested record is not a public record until the court directs otherwise.

2. Once a party seeking judicial enforcement of sections 610.010 to 610.026 demonstrates to the court that the body in question is subject to the requirements of sections 610.010 to 610.026 and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of sections 610.010 to 610.026.

3. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of sections 610.010 to 610.026, the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

4. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars. If the court finds that there was a purposeful violation of sections 610.010 to 610.026, then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the

jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously.

5. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of sections 610.010 to 610.026, a court shall void any action taken in violation of sections 610.010 to 610.026, if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of sections 610.010 to 610.026 outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement shall be brought within one year from which the violation is ascertainable and in no event shall it be brought later than two years after the violation. This subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

6. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the circuit court of the county of the public governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.

SECTION 610.028 LEGAL DEFENSE OF MEMBERS OF GOVERNMENTAL BODIES, WHEN--WRITTEN POLICY ON RELEASE OF INFORMATION REQUIRED--PERSONS REPORTING VIOLATIONS EXEMPT FROM LIABILITY AND DISCIPLINE.

610.028. 1. Any public governmental body may provide for the legal defense of any member charged with a violation of sections 610.010 to 610.030.

2. Each public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, open to public inspection, regarding the release of information on any meeting, record or vote and any member or employee of the public governmental body who complies with the written policy is not guilty of a violation of the provisions of sections 610.010 to 610.030 or subject to civil liability for any act arising out of his adherence to the written policy of the agency.

3. No person who in good faith reports a violation of the provisions of sections 610.010 to 610.030 is civilly liable for making such report, nor, if such person is an officer or employee of a public governmental body, may such person be demoted, fired, suspended, or otherwise disciplined for making such report.

CITY OF CREVE COEUR RESOLUTION NO. 582 - OPEN MEETINGS AND RECORDS

SUBSTITUTE RESOLUTION NO. 582

RESOLUTION ON OPEN MEETINGS AND RECORDS

WHEREAS, the Missouri General Assembly recently revised the Missouri Open Meetings and Records Law, and

WHEREAS, Section 610.028(2) of the Open Meetings and Records law requires each political subdivision to provide a reasonable written policy in compliance with Sections 610.010 to 610.030 RSMo.,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR to hereby adopt the following policy:

SECTION 1. All meetings, records, votes, actions and deliberations of public governmental bodies of the City shall be open to the public, except a public governmental body may close any meeting, record, vote, action or deliberation relating to the following:

a. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any vote, minutes or settlement agreement, relating to legal actions, cause of action or litigation involving a public governmental body or any entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations or section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

b. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.

c. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available to the public with a record of how each member voted within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees.

d. The state militia or National Guard or any part thereof.

e. Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological or alcoholism or drug dependency diagnosis or treatment.

f. Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents or other guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years.

g. Testing and examination materials, before the test or examination is given or if it is to be given again before so given again.

h. Welfare cases of identifiable individuals.

i. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.

j. Software codes for electronic data processing and documentation thereof.

k. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.

l. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.

m. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source.

n. Records that are protected from disclosure by law.

o. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.

p. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.

q. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records.

r. Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008.

s. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

1. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.

2. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security of safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records.

3. Records that are voluntarily submitted by a nonpublic entity shall be reviewed within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed.

4. This exception shall sunset on December 31, 2008.

t. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open.

u. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

SECTION 2. All records that may be closed hereby are deemed closed records unless the public governmental body votes to make them public. Before closing a meeting to the public, a majority of a quorum of the public governmental body must vote to do so in a public vote. The vote of each member of the public governmental body on the question of closing the meeting or vote and the reason for closing the meeting or vote by reference to a specific exception under Chapter 610 shall be announced at a public meeting and entered into the minutes. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any

other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in Chapter 610, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any such objection made. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, by statute the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to section 610.027.

SECTION 3. The public governmental body shall give notice of the time, date and place of a proposed closed meeting and the reason for holding it by reference to a specific exception allowed pursuant to the provisions of section 610.021. The notice shall comply with Section 4 below. No business may be discussed in a closed meeting that does not directly relate to the specific reason announced to close the meeting to the public. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

SECTION 4. A public governmental body shall give notice of the time, date, place and tentative agenda of each meeting, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If the public body plans to meet by Internet chat, Internet message board, or other computer link, it shall post a notice of the meeting on its web site in addition to is principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on the designated bulletin board at City Hall. Notice conforming with all of the applicable requirements shall be given at least 24 hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a public governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a public governmental body, compliance with that law shall constitute compliance with the notice requirements in this section.

SECTION 5. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a

place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

SECTION 6. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenience to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

SECTION 7. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

SECTION 8. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a class C misdemeanor.

SECTION 9. A journal or minutes of opened and closed meetings shall be taken and retained by the public governmental body, including but not limited to a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" or abstinence if not voting to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

SECTION 10. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian shall provide public access to all public records as soon as possible but no later than the third business day

following the date the request is received by the custodian of a public governmental body. If records are requested in a certain format, the public governmental body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause. If additional delay is necessary, the custodian shall give an explanation for the delay and the date the record will be available for inspection. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority. If a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the public governmental body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying. When designing a public record, a public governmental body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public governmental body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat that purpose of the exemption.

If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date the request for the statement is received.

The custodian shall charge ten cents ($.10) per page for a paper copy not larger than 9 by 14 inches and Seventeen and 25/100 Dollars ($17.25) per hour for duplicating time, and the actual cost of research time. The custodian may require payment prior to duplicating copies. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.

Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations

or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

The custodian shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 and 610.028 to the appropriate fiscal officer of the City for deposit to the governmental body's accounts.

The custodian may designate deputy custodians in the following departments:

Administrative
Finance
Community Development
Public Works
Parks & Recreation
Police

SECTION 11. To the extent the City keeps its records in an electronic format, it will try to provide access to its public records to members of the public in an useable electronic format. A public governmental body may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are on-line or stored in an electronic recordkeeping system used by the agency. Such contract may not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the public governmental body's records. For purposes of this section, a useable electronic format shall allow, at a minimum, viewing and printing of records. However, if the public governmental body keeps a record on a system capable of allowing the copying of electronic documents into other electronic documents, the public governmental body shall provide data to the public in such electronic format, if requested. The activities authorized pursuant to this section may not take priority over the primary responsibilities of a public governmental body. For purposes of this section the term "electronic services" means on-line access or access via other electronic means to an electronic file or data base. This subsection shall not apply to contracts initially entered into before August 28, 2004.

Public governmental bodies shall include in a contract for electronic services provisions that:

(1) Protect the security and integrity of the information system of the public governmental body and information systems that are shared by public governmental bodies; and

(2) Limit the liability of the public governmental body providing the services.

SECTION 12. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this section shall only apply to messages sent to two or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exceptions of section 610.021.

SECTION 13. RESOLUTION IN CONFLICT REPEALED. Resolution No. 431 adopted the 14th day of February, 1994, is hereby repealed in its entirety.

Adopted this 27th day of September, 2004.

Harold L. Dielmann, Mayor

ATTEST:

Laverne Collins, CMC
City Clerk