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**AN ORDINANCE OF THE CITY OF HERCULANEUM TO RE-ESTABLISH A  
PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND  
SUBSTANTIAL PERSONAL INTERSET FOR CERTAIN OFFICIALS**

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**WHEREAS**, Section 105.483 RSMo., as amended, and Section 105.485 RSMo., as amended, authorized the City to adopt an ordinance pursuant to subsection four of Section 105.485 aforesaid establishing and making public the City's own method of disclosing potential conflicts of interest and substantial interest thereby excluding the City and its officers and employees from the requirements of subsection two of said Section 105.485, and

**WHEREAS**, as the Board of Aldermen has determined to so establish the City's own such methods by adopting this ordinance and by sending a certified copy of said ordinance to the Missouri Secretary of State and the County Clerk within ten (10) days of its adoption.

**BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HERCULANEUM, MISSOURI, AS FOLLOWS:**

**SECTION 1. Declaration of Policy.** The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain, and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain official and employees of private financial or other interests in matters affecting the City.

**SECTION 2. Conflicts of Interest.**

- a. All elected and appointed officials as well as employees of the City must comply with Section 105.454 of Missouri Revised Statutes on conflicts of interest as well as any other state law governing official conduct.
- b. Any member of the Board of Aldermen of the City who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such Board of Aldermen must disclose that interest to the secretary or clerk of such body and such disclosure shall be recorded in the appropriate journal of the Board of Aldermen. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of: (1) 10% or more of any business entity; or (2) an interest having a value of Ten Thousand Dollars (\$10,000.00) or more; or (3) the receipt 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.

**SECTION 3. Disclosure Reports.** Each member of the Board of Aldermen, the Administrator, the chief purchasing officer, and any full-time general counsel of the City shall disclose the following

information by May 1<sup>st</sup>, or the appropriate deadline as referenced in Section 105.487, RSMo., if any such transactions occurred during the previous calendar year:

- a. For such person, and all persons within the first degree of consanguinity of affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of Five Hundred Dollars (\$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.
- b. The date and the identities of the parties to each transaction known to the person with a total value in excess of Five Hundred Dollars (\$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.
- c. The Administrator, the chief purchasing officer and candidates for either of these positions also shall disclose by May 1<sup>st</sup>, or the appropriate deadline as referenced in Section 105.487, RSMo., for the previous calendar year the following information:
  1. The name and address of each of the employers of such person from whom income of One Thousand Dollars (\$1,000.00) or more was received during the year covered by the statement;
  2. The name and address of each sole proprietorship that he owned; the name and address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant 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 by 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 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 interest;
  3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

**SECTION 4. Filing of Reports.**

- a. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year;
  1. Every person required to file a financial interest statement shall file the statement annually not later than May 1<sup>st</sup> and the statement shall cover the calendar year ending the immediate preceding December 31<sup>st</sup>; provided that any member of the Board of Aldermen may supplement the financial interest

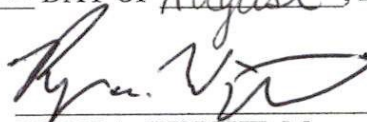
statement to report additional interests acquired after December 31<sup>st</sup> of the covered year until the date of filing of the financial interest statement.

2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment covering the calendar year ending the previous December 31.
  3. Every candidate required to file a personal financial disclosure statement shall file no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve (12) months prior to the closing date of filing for candidacy.
- b. Financial disclosure reports shall be filed with the local City and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during the normal business hours.

**SECTION 5. Filing of Ordinance.** A certified copy of this Ordinance which was adopted prior to September 15, 2023 and formalized at the meeting of the Board of Aldermen on August 7, 2023, shall be sent within ten (10) days of its adoption to the Missouri Ethics Commission.

**SECTION 6. Effective Date.** This Ordinance shall be in full force and effect from the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

READ (IN FULL TWO TIMES) (BY TITLE TWO TIMES, COPIES OF THE PROPOSED ORDINANCE HAVING BEEN MADE AVAILABLE FOR PUBLIC INSPECTION AT THE PLACE OF THE MEETING PRIOR TO THE TIME THE BILL WAS UNDER CONSIDERATION BY THE BOARD OF ALDERMAN) AND PASSED BY THE BOARD OF ALDERMAN OF THE CITY OF HERCULANEUM, MISSOURI, THIS 7<sup>th</sup> DAY OF August, 2023.

  
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RYAN A. WRIGHT, Mayor  
City of Herculaneum

ATTEST:

  
LAURIE FERRETTI, City Clerk