

**AN ORDINANCE OF THE CITY OF KIMBERLING CITY, MISSOURI,  
ESTABLISHING A COMPREHENSIVE CODE OF ETHICS FOR  
OFFICERS AND EMPLOYEES**

**WHEREAS**, it is the policy of the City of Kimberling City, Missouri to uphold, promote and demand ethical conduct from its elected and appointed public officials (hereinafter 'public officials'); and

**WHEREAS**, the citizens and businesses of the City are entitled to have fair, ethical and accountable local government; and

**WHEREAS**, the Board of Alderman recognizes the importance of codifying and making known to the general public the ethical principles that guide the work of the City's public officials; and

**WHEREAS**, the City's public officials are to maintain the highest standards of personal integrity, truthfulness and fairness in carrying out their public duties; and

**WHEREAS**, the Board of Alderman hereby adopts a Code of Ethics for Public Officials and employees to assure public confidence in the integrity of local government and its effective and fair operation.

**NOW THEREFORE, BE IT ORDAINED** BY THE BOARD OF ALDERMEN OF THE CITY OF KIMBERLING CITY, MISSOURI, AS FOLLOWS:

**SECTION ONE** The City Code Chapter 155 City Policies and Programs is hereby amended adding one new section: Article III Code of Ethics,

**Section 155.030 Code of Ethics**

A. Responsibility of Public Office. Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of the City and avoiding actions that are inconsistent with the best interests of the City. All persons, claims and transactions coming before the Board of Alderman or any City Committee, Board or Commission shall be assured of fair and equal treatment.

B. Compliance with Law. Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, State and City and to carry out impartially these laws in the performance of their public duties to foster respect for all government. These laws include, but are not limited to, the United States and Missouri Constitutions, the laws of the State of Missouri and City Ordinances.

C. Conduct of Officials. The professional and personal conduct of public officials shall be

above reproach and shall avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of the Mayor, other members of the Board of Alderman, City Committees, Boards, Commissions, City staff and the public.

D. Performance of Duties. Public officials shall perform their duties in accordance with the processes and rules of order as established by the Board of Alderman, Committees, Boards and Commissions governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the Board of Alderman by City staff.

E. Public Meetings. Public officials shall prepare themselves for the public issues, listening courteously and attentively to all public discussion before the body and focus on the business at hand. Officials shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfere with the orderly conduct of meetings.

F. Decision Based on Merit. Public officials shall base their decisions on the merits and substance at hand and not personal opinion or preference.

G. Communication. Public Officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the Board of Alderman, Committees, Boards, and Commissions of the City which they may have received from sources outside the public decision-making process.

H. Organizational Conflict of Interest.

1. In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official position to influence government decisions in which they have a material financial interest or personal relationship, which may give rise to the appearance of a conflict of interest or impropriety. As a result, public officials shall disclose investments, interest in real property, sources of income and gifts and shall abstain from participating in deliberations and decision-making where conflicts may exist.

2. Public officials should avoid action, whether or not specifically prohibited, which might result in or create the appearance of:

- a. Using their public office for private gain;
- b. Offering preferential treatment to any person;
- c. Impeding City efficiency and economy;
- d. Losing complete independence or impartiality;
- e. Making a City decision outside of official channels; and
- f. Affect adversely the confidence of the public and the integrity of the City.

I. Gifts - Gratuities - Favors. Public officials shall comply with the requirements of Missouri Statute 105.452 relating to the acceptance and reporting of gifts, gratuities and favors.

J. Confidentiality of Information. Other than public information or with legal authorization, public officials shall not disclose or furnish to anyone any information concerning City property, personnel, litigation, or proceedings of the City that was obtained as a result of their positions at a Public Official, per RSMO 105.452. This Section shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit the use of or the providing of information that would place the public official or recipient of the information in a vantage position over the general public and thereby constitute a violation of public trust.

Confidential information shall include, but not be limited to any written information which is not subject to disclosure pursuant to Missouri Sunshine Law or any other statutory exemption regarding public records or any oral information which was not discussed at an open public meeting. All discussions of closed session Board of Alderman, committee, board, or commission meetings of the City shall remain confidential until such time as it is made available in open session.

K. Use of Public Resources.

1. Unless specifically permitted by city policy, the use of City facilities, equipment, vehicles, supplies, on-duty personnel or other goods or services is limited to city business only. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with city policy.

2. A public official may use the City's name, letterhead, logo or seal only when it would be perceived as representing the City or the body as a whole. However, this provision will not prohibit individual Board members from using City letterhead and resources to write personal congratulatory letters, letters of recommendations, reference, endorsement and such may be written on by a Alderman on City letterhead with a copy being provided to the City Clerk.

3. A public official shall not utilize the City's name, letterhead, logo or seal for the purpose of endorsing any political candidate, business, commercial product or service.

L. Appearance for Private Interests. As steward of the public interest, the Mayor and Board of Alderman shall not appear at proceedings on behalf of the private interests of any third parties that go before the Board of Alderman, committees, boards, and/or commissions of the City. Public officials of the Board of Alderman, committees, boards, and commissions of the City shall not appear before their own bodies or before the Board of Alderman on behalf of the private interests of third parties.

M. Advocacy. Public officials shall represent the official policies or positions of the City to the best of their abilities when designated as delegates for this purpose. When representing their individual opinions and positions, public officials shall explicitly state that they do not represent the City and they shall not give the inference that they do.

N. Policy Role of Members. Except as provided by ordinance, the Mayor and /or Alderman shall not interfere with the administrative functions of the city, the professional duties of city staff, personnel issues concerning hire, promotion or discipline (except upon appeal as provided for by policy), or impair the ability of staff to implement city policy and decisions. Public Elected Officials shall not direct or request services from city staff but shall forward all requests or concerns to the City Administrator for review.

O. Behavior. All city elected and appointed officials shall conduct themselves in a professional business manner and should refrain from the public use of profane or offensive language so as to reflect well on the City. The City strongly disapproves of and does not tolerate harassment of the public, other elected officials or city staff. Public officials shall avoid offensive or inappropriate harassing behavior. Complaints of harassment, targeting of employees or complaints of inappropriate conduct will be promptly and carefully investigated in accordance with city policy.

P. Positive Workplace Environment. Public officials shall support the maintenance of a positive and constructive workplace environment for the city employees and for citizens and businesses who conduct business with the City. Public officials shall recognize their roles in dealing with city employees and refrain from creating the perception of favoritism, confusing staff in regard to daily duties or tasks or any other form of inappropriate action to city staff.

Q. City Attorney to Render Opinions on Request. Whenever any public official, subject to this policy, is in doubt as to the proper interpretation or application of this Code of Ethics Ordinance, that public official may request that the City Administrator solicit from the City Attorney a full written statement of the facts and questions. The City Attorney shall then render a written opinion to such public official and the City Administrator shall provide the opinion to all members of the Board of Alderman without use of the name of the public official involved unless such public official permits the use of a name.

R. Implementation.

1. The Code of Ethics for public officials is intended to be self-enforcing. Therefore, it becomes most effective when public officials are thoroughly familiar with it and embrace its provisions. For this reason, these ethical standards shall be included in the regular orientation of candidates for Mayor, Board of Alderman, newly elected and appointed officials, and appointed members of all boards and commissions.

2. The Code of Ethics shall be reviewed semi-annually, in conjunction with the City's Conflict of Interest Ordinance by City Administration.

Recommendations from City Administration and the Missouri Ethics Commission shall be considered by the Board of Alderman.

S. Compliance and Enforcement.

1. The City's Code of Ethics expresses standards of ethical conduct expected for the public officials of the city. Public officials themselves have the primary responsibility to ensure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the government.

2. A person making a complaint against a public official, appointed official or employee for violation of this policy shall submit the complaint, in writing, to the City Clerk for submission to the City Attorney who will determine its legal sufficiency. The written complaint must be based substantially upon the personal knowledge of the complainant and must be signed under oath or affirmation by the person filing the complaint.

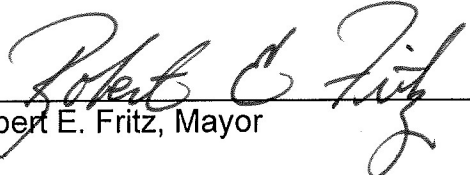
3. If the City Attorney determines that the complaint is legally sufficient, the City Administrator shall conduct a hearing to determine if cause of the violation(s) of this policy exists. If the City Administrator determines that probable cause does exist for violation of this policy, the City Administrator shall report the finding to the Board of Alderman.

4. During the course of the investigation, the City Administrator has the authority to limit access of the public official named in the complaint to City Hall, Committee meetings and /or city staff.

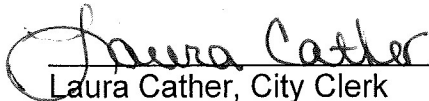
5. The Board of Alderman shall make a final determination upon a majority vote of all members, except for any member of the Board of Alderman which may be the subject of a complaint. The hearing by the Board of Alderman shall not be subject to the strict rule of evidence and the standard of proof required for a final determination of violation of this policy shall be a preponderance of the evidence. At the discretion of the Board of Alderman, sanctions may include:

- a. private or public reprimand or censure;
- b. exclusion from leadership positions;
- c. removal from office.

**PASSED, APPROVED, AND ADOPTED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF KIMBERLING CITY, MISSOURI, this 17<sup>th</sup> day of July, 2024.**

  
\_\_\_\_\_  
Robert E. Fritz, Mayor

Attest:

  
\_\_\_\_\_  
Laura Cather, City Clerk  
(SEAL)

First Reading: 6/4/2024  
Second Reading: 7/17/2024