

# RESOLUTION NO. 07 25 2024A

## A RESOLUTION READOPTING AND REAFFIRMING CHAPTER 125: CODE OF ETHICS, OF THE O'FALLON CITY CODE, RELATIVE TO THE FILING OF FINANCIAL INTEREST STATEMENTS.

**WHEREAS**, Section 105.485.4 of the Revised Statutes of Missouri requires certain employees, officials and candidates of certain political subdivisions of the State of Missouri (the "State"), to file financial interest statements with the Missouri Ethics Commission (the "Commission"), unless said political subdivision adopts an ordinance, order or resolution which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests; and

**WHEREAS**, The City of O'Fallon (the "City") previously adopted such regulations now codified as Chapter 125, as amended, of the O'Fallon City Code, which established and made public the City's chosen method of disclosing potential conflicts of interest and substantial interests in accordance with the requirements of Section 105.485.4, aforesaid; and

**WHEREAS**, Section 105.485.4 requires political subdivisions that wish to establish their own method of disclosing potential conflicts of interest and substantial interests to adopt an ordinance, order or resolution at an open meeting by September 15th biennially;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:**

**SECTION 1:** The City Council hereby readopts and reaffirms Chapter 125, as amended, of the O'Fallon City Code, a copy of which is attached and marked as Exhibit A, as the City's chosen method of disclosing potential conflicts of interest and substantial interests in accordance with the requirements of Section 105.485.4.

**SECTION 2:** The City Clerk is hereby authorized and directed to file with the Commission a copy of this Resolution, including Exhibit A, within 10 days of the date of its adoption by the Council.


**SECTION 3:** This Resolution shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

**PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 25<sup>TH</sup> DAY OF JULY, 2024.**

Attest:

  
Bess Bacher, City Clerk




  
\_\_\_\_\_  
Presiding Officer

# RESOLUTION NO. 07 25 2024A

APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS 25<sup>TH</sup> DAY OF JULY, 2024.



  
\_\_\_\_\_  
Bill Hennessy, Mayor

Attest:

  
\_\_\_\_\_  
Bess Bacher, City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Kevin M. O'Keefe, City Attorney

**Chapter 125**

**CODE OF ETHICS**

**ARTICLE I  
Conflict of Interest**

**Section 125.010. Declaration Of Policy.**

**Section 125.020. Conflicts Of Interest.**

**Section 125.030. Required Financial Interest  
Statements.**

**Section 125.040. Prohibited Actions.**

**Section 125.050. Financial Interest Statement —  
Form — When And Where  
Filed.**

**ARTICLE II  
Code of Conduct For City Officials**

**Section 125.060. Relatives Of Public Officials  
Not To Be Appointed Or  
Employed — When.**



ARTICLE I  
**Conflict of Interest**

**Section 125.010. Declaration Of Policy.** [R.O. 2008 §125.010; R.O. 2007 § 125.010; Ord. No. 4113 § 2, 8-29-2000 ; Ord. No. 4403 § 2, 8-22-2002 ; Ord. No. 4717 § 2, 8-30-2004 ; Ord. No. 4894 § 2, 8-29-2005 ; Ord. No. 5055 § 2, 9-8-2006 ; Ord. No. 5357 § 2, 8-14-2008 ; Ord. No. 5512 § 2, 10-8-2009 ; Ord. No. 5611 § 2, 8-12-2010 ; Ord. No. 5806 § 2, 8-23-2012 ; Ord. No. 5932 § 2, 9-12-2013 ; Ord. No. 6028 § 2, 9-11-2014 ; Ord. No. 6127 § 2, 8-27-2015 ; Ord. No. 6256 § 2, 9-22-2016 ; Ord. No. 6377 § 2, 8-24-2017 ; Ord. No. 6491, 8-23-2018 ; Ord. No. 6599, 8-22-2019 ; Ord. No. 6702, 8-27-2020 ; Ord. No. 6818, 8-26-2021 ]

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

**Section 125.020. Conflicts Of Interest.** [R.O. 2008 § 125.020; R.O. 2007 § 125.020; Ord. No. 4113 § 3, 8-29-2000 ; Ord. No. 4403 § 3, 8-22-2002 ; Ord. No. 4717 § 3, 8-30-2004 ; Ord. No. 4894 § 3, 8-29-2005 ; Ord. No. 5055 § 3, 9-8-2006 ; Ord. No. 5357 § 3, 8-14-2008 ; Ord. No. 5512 § 3, 10-8-2009 ; Ord. No. 5611 § 3, 8-12-2010 ; Ord. No. 5806 § 3, 8-23-2012 ; Ord. No. 5932 § 3, 9-12-2013 ; Ord. No. 6028 § 3, 9-11-2014 ; Ord. No. 6127 § 3, 8-27-2015 ; Ord. No. 6256 § 3, 9-22-2016 ; Ord. No. 6377 § 3, 8-24-2017 ; Ord. No. 6491, 8-23-2018 ; Ord. No. 6599, 8-22-2019 ; Ord. No. 6702, 8-27-2020 ; Ord. No. 6818, 8-26-2021 ]

The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by State law, in any bill, shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

**Section 125.030. Required Financial Interest Statements.** [R.O. 2008 § 125.030; R.O. 2007 § 125.030; Ord. No. 4113 § 4, 8-29-2000 ; Ord. No. 4403 § 4, 8-22-2002 ; Ord. No. 4717 § 4, 8-30-2004 ; Ord. No. 4894 § 4, 8-29-2005 ; Ord. No. 5055 § 4, 9-8-2006 ; Ord. No. 5357 § 4, 8-14-2008 ; Ord. No. 5512 § 4, 10-8-2009 ; Ord. No. 5611 § 4, 8-12-2010 ; Ord. No. 5806 § 4, 8-23-2012 ; Ord. No. 5932 § 4, 9-12-2013 ; Ord. No. 6028 § 4, 9-11-2014 ; Ord. No. 6127 § 4, 8-27-2015 ; Ord. No. 6256 § 4, 9-22-2016 ; Ord. No. 6377 § 4, 8-24-2017 ; Ord. No. 6491, 8-23-2018 ; Ord. No. 6599, 8-22-2019 ; Ord. No. 6702, 8-27-2020 ; Ord. No. 6818, 8-26-2021 ]

- A. Each elected official, the Chief Administrative Officer and the Chief Purchasing Officer and each official or employee of the City who is authorized by the City to promulgate rules and regulations with the force of law, or to vote on the adoption of rules and regulations with the force of law, shall disclose, in writing, the following information by May 1 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, 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.

3. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose, in writing, by May 1 for the previous calendar year the following information:
  - a. 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;
  - b. The name and address of each sole proprietorship that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she 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;
  - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

**Section 125.040. Prohibited Actions.** [R.O. 2008 § 125.040; R.O. 2007 § 125.040; Ord. No. 4113 § 5, 8-29-2000 ; Ord. No. 4403 §§ 5–6, 8-22-2002 ; Ord. No. 4717 § 5, 8-30-2004 ; Ord. No. 4894 § 5, 8-29-2005 ; Ord. No. 5055 § 5, 9-8-2006 ; Ord. No. 5357 § 5, 8-14-2008 ; Ord. No. 5512 § 5, 10-8-2009 ; Ord. No. 5611 § 5, 8-12-2010 ; Ord. No. 5806 § 5, 8-23-2012 ; Ord. No. 5932 § 5, 9-12-2013 ; Ord. No. 6028 § 5, 9-11-2014 ; Ord. No. 6127 § 5, 8-27-2015 ; Ord. No. 6256 § 5, 9-22-2016 ; Ord. No. 6377 § 5, 8-24-2017 ; Ord. No. 6491, 8-23-2018 ; Ord. No. 6599, 8-22-2019 ; Ord. No. 6702, 8-27-2020 ; Ord. No. 6818, 8-26-2021 ]

- A. No City official or employee subject to Section 125.030 shall:
  1. Act or refrain from acting in any capacity in which he/she 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/herself 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 paid by the City;
  2. Use confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner with intent to result in financial gain for himself/herself, his/her spouse, his/her dependent children in his/her custody, or any business with which he/she is associated;
  3. Disclose confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner with intent to result in financial gain for himself/herself or any other person;



4. Favorably act on any matter that is so specially designed so as to provide a special monetary benefit to such person or his/her 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 Chapter, "special monetary benefit" means being materially affected in a substantially different manner or degree from the manner or degree in which the public in general will be affected or, if the matter affects only a special class of person, 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 persons must recuse themselves from acting;
5. Use his/her decision-making authority for the purpose of obtaining a financial gain which materially enriches himself/herself, his/her spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value;
6. Perform any service for the City for receipt or payment of any compensation, other than of the compensation provided for the performance of his/her official duties, in excess of five hundred dollars (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) 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;
7. Sell, rent or lease any property to the City in excess of five hundred dollars (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) per annum 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;
8. Participate in any matter, directly or indirectly, in which he/she attempts to influence any decision of the City when he/she knows the result of the decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to the City for consideration in excess of five hundred dollars (\$500.00) value per transaction or one thousand five hundred dollars (\$1,500.00) value per annum to him/her, his/her spouse, to a dependent child in his/her custody or to any business with which he/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;
9. Perform any service during the time of his/her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his/her official duties, by which service he/she attempts to influence a decision of the City or employee over which he/she has supervisory power;
10. Perform any service for consideration during one (1) year after termination of his/her office or employment, by which performance he/she attempts to influence a decision of the City, 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;
11. Perform any service for any consideration for any person, firm, or corporation after termination of his/her office or employment in relation to any case, decision, proceeding or application with respect to which he/she was directly concerned or in which he/she personally participated during the period of his/her service or employment.

- B. No sole proprietorship, partnership, joint venture, or corporation in which any person subject to this Chapter is the sole proprietor, a partner having more than a ten percent (10%) partnership interest, or a coparticipant or owner of in excess of ten percent (10%) of the outstanding shares of any class of stock, shall:
1. Perform any service for the City for any consideration in excess of five hundred dollars (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) 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 City where the consideration is in excess of five hundred dollars (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) 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.
- C. No employee or elected official of the City who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the City, or who is empowered to fix any rate, adopt zoning or land use planning regulations 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 City when he/she knows the results of such decisions may be the adoption of rates or zoning plans by the City which may result in a direct financial gain or loss to him/her, to his/her spouse or a dependent child in his/her custody or to any business with which he/she is associated;
  2. Perform any service, during the time of his/her employment, for any person, firm or corporation for compensation other than the compensation provided for the performance of his/her official duties, if by the performance of the service he/she attempts to influence the decision of the City;
  3. Perform for one (1) year after termination of his/her employment any service for compensation for any person, firm or corporation to influence the decision or action of the City; provided, however, that he/she may, after termination of his/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/she participated directly in that matter or in the receipt or analysis of that document while he/she was with the City;
  4. No person subject to this Chapter or any business with which such person 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 person 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 (\$500.00) per transaction or one thousand five hundred dollars (\$1,500.00) per annum except on transactions 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.

**Section 125.050. Financial Interest Statement — Form — When And Where Filed.** [R.O. 2008 § 125.050; R.O. 2007 § 125.050; Ord. No. 4717 § 6, 8-30-2004 ; Ord. No. 4894 § 6, 8-29-2005 ; Ord. No. 5055 § 6, 9-8-2006 ; Ord. No. 5357 § 6, 8-14-2008 ; Ord. No. 5512 § 6, 10-8-2009 ; Ord. No. 5611 § 6, 8-12-2010 ; Ord. No. 5806 § 6, 8-23-2012 ; Ord. No. 5932 § 6, 9-12-2013 ; Ord. No. 6028 § 6,



**9-11-2014 ; Ord. No. 6127 § 6, 8-27-2015 ; Ord. No. 6256 § 69-22-2016 ; Ord. No. 6377 § 6, 8-24-2017 ; Ord. No. 6491, 8-23-2018 ; Ord. No. 6599, 8-22-2019 ; Ord. No. 6702, 8-27-2020 ; Ord. No. 6818, 8-26-2021 ]**

- A. Each financial interest statement to be completed shall be on the form provided for by law, as amended from time to time.
1. **Time Of Filing.** Each candidate for elective office shall file a financial interest statement no later than the forty-fifth day after the first 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 forty-fifth day after the last day for filing for election, the statement shall be filed within ten (10) days of his/her becoming a candidate. The appropriate election authority shall provide to the candidate at the time of filing for election written notice of the candidate's obligation to file a financial interest statement. An individual required to file a financial interest statement because of the individual's candidacy for office prior to an election is also required to amend such statement no later than the close of business on Monday prior to the general election to reflect any changes in financial interest during the interim. Every other person required to file a financial interest statement shall file the statement annually not later than the first day of May, and the statement shall cover the calendar year ending the immediately preceding December 31. Provided that any member of the City Council 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. The deadline for filing any required statement shall be 5:00 P.M. of the last day designated for filing the statement. When the last day of filing falls on a Saturday or Sunday or on an official State holiday, the deadline for filing is extended to 5:00 P.M. on the next day which is not a Saturday, Sunday or official State holiday.
  2. **Place Of Filing.** The financial interest statement shall be filed with the City Clerk and with the State through the Ethics Commission.
  3. **Public Record.** Each financial interest statement shall be available for public inspection at the office of the City Clerk during normal business hours.
  4. **Penalties.** Any person required by this Chapter to file a financial interest statement who fails to file such statement by the times required shall, if such person receives any compensation or other remuneration from public funds for his/her services, not be paid such compensation or receive such remuneration until he/she has filed a financial interest statement as required herein.



ARTICLE II  
**Code of Conduct For City Officials**

**Section 125.060. Relatives Of Public Officials Not To Be Appointed Or Employed — When. [R.O. 2008 § 125.060; R.O. 2007 § 125.060; Ord. No. 3027 § 1, 5-20-1993 ]**

Elected or appointed officials of the City of O'Fallon shall not name or appoint to public office or employment, by virtue of his/her office or employment, any relative within the fourth degree by consanguinity or affinity.