Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. _____B 202-12_____

AN ORDINANCE

amending Chapter 2 of the City Code to reestablish a procedure to disclose potential conflicts of interest and substantial interests for certain City officials; directing the City Clerk to send a certified copy of this ordinance to the Missouri Ethics Commission; and fixing the time when this ordinance shall become effective.

WHEREAS, the City of Columbia has adopted its own conflict of interest and financial disclosure procedures which are set forth in Chapter 2 of the Code of Ordinances of the City of Columbia, Missouri; and

WHEREAS, Section 105.485 RSMo requires political subdivisions which adopt their own conflict of interest and financial disclosure procedures to adopt such procedures biennially; and

WHEREAS, the City Council desires to retain the procedures in the current ordinance without change.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 2 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended by repealing Sec. 2-53.1, Sec. 2-125.1 and Sec. 2-125.2 and adopting in lieu thereof three new sections identical to the repealed sections to read as follows:

Sec. 2-53.1. Disclosure of interests; abstentions.

(a) Every council member who has a substantial personal or private interest in any bill or measure proposed or pending before the council shall file a written report of the nature of the interest with the city clerk. The city clerk shall record the statement in the council minutes. A council member who has a substantial personal or private interest in any bill or measure pending before the council shall disqualify himself from voting on any matter relating to such interest.

(b) The following definitions apply to this section:

Business entity. A corporation, association, firm, partnership, proprietorship, or business entity of any kind or character.

Dependent child. 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 (50) percent of their support from the person.

Substantial interest. Ownership by the individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten (10) percent 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.

Substantial personal or private interest in any measure, bill, order or ordinance. Any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity.

. . .

Sec. 2-125.1. Disclosure reports.

(a) Each member of the council, the city manager, the head of the purchasing division and the city counselor shall disclose, in writing, the following information by May 1 of each year, beginning in 1992, 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 political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and

(2) The date and 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 political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

(b) The city manager and the head of the purchasing division shall disclose, in writing, by May 1 of each year, beginning in 1992, the following information for the previous calendar year:

(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, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten (10) percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two (2) percent or more of any class of outstanding stock, limited partnership units or other equity interests;

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

(c) The definitions set forth in section 2-53.1 shall apply to this section.

Sec. 2-125.2. Filing of disclosure reports.

(a) The disclosure reports required by section 2-125.1 shall be filed with the city clerk and shall be available for public inspection and copying during normal business hours. Copies of the disclosure reports shall also be filed with the Missouri Ethics Commission.

(b) The disclosure reports shall be filed at the following times, but no person is required to file more than one (1) disclosure report in any calendar year:

(1) Each person appointed to office shall file the report within thirty (30) days of such appointment or employment.

(2) Every other person required to file a disclosure report shall file the report annually not later than May 1 and the report shall cover the calendar year ending the immediately preceding December 31.

SECTION 2. The City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission's office within ten days of its passage.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2012.

ATTEST:

_____ _____

City Clerk Mayor and Presiding Officer

APPROVED AS TO FORM:

_____

City Counselor

Source: Law

Agenda Item No:

To: City Council
From: City Manager and Staff

Council Meeting Date: Aug 6, 2012

Re: Conflict of Interest and Financial Disclosure Procedures

EXECUTIVE SUMMARY:
Section 105.485.4 RSMo requires political subdivisions which adopt their own conflict of interest and financial disclosure procedures to adopt such procedures biennially.

DISCUSSION:
Staff has prepared an ordinance which repeals and readopts the financial disclosure procedures of the City Code. No changes have been made to the current ordinance.

FISCAL IMPACT:

Not applicable.

VISION IMPACT:
http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php

None.

SUGGESTED COUNCIL ACTIONS:
Passage of the ordinance.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		**Program Impact**		**Mandates**	
City's current net FY cost	$0.00	New Program/ Agency?	No	Federal or State mandated?	Yes
Amount of funds already appropriated	$0.00	Duplicates/Expands an existing program?	No	**Vision Implementation impact**	
Amount of budget amendment needed	$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		**Resources Required**		Vision Impact?	No
One Time	$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	