

AN ORDINANCE RELATING TO CONFLICTS OF INTEREST.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF  
ARCADIA, MISSOURI, as follows:

SECTION 1. DEFINITIONS. As used in this Ordinance,  
unless the context clearing requires otherwise, the  
following terms shall have the meanings indicated:

- a) Business Entity shall mean a corporation,  
association, firm, partnership, sole  
proprietorship, joint venture or business  
entity of any kind or character.
- b) Directly benefit shall mean to derive special  
private advantage as opposed to a general  
advantage derived as a member of a large class  
or of the public at large.
- c) Employee shall mean a person performing  
services for or holding a position of  
employment with the city on a full, regular,  
part-time, intermittent or consultant basis.
- d) Immediate family shall mean the officer or  
employee and his spouse and their parents,  
children, brothers, sisters and spouses  
thereof.
- e) Officer shall mean a person holding any office,  
position as department or division head,  
membership on any board or commission, whether  
by election or appointment, whether serving  
with or without compensation, under any

provision of any law or any ordinance of the city.

- f) Substantial interest shall mean ownership by the individual or any member of his immediate family, directly or indirectly, of ten (10) per cent or more of any business entity.

SECTION 2. APPLICABILITY. This Ordinance shall apply to all officers and employees of the city and to any person or business entity filing any papers with, appearing before, doing business with or having any dealings or transactions of any kind with any officer, employee or agent of the city.

SECTION 3. AUTHORITY TO WAIVE COMPLIANCE WITH ORDINANCE. The Board of Aldermen may waive compliance with this Ordinance with respect to any contract, purchase, lease or other transaction if by prior resolution reciting the pertinent facts it finds such action to be in the interest of the City.

SECTION 4. PROHIBITED ACTS GENERALLY. The following shall be deemed to be prohibited conflicts of interest and it shall be unlawful for any officer or employee to act in any such circumstances:

- a) When an officer or employee of the City shall have discretion to act in any matter wherein he or a member of his immediate family or any business entity in which he or a member of his immediate family may own a substantial interest may directly benefit from such action.

- b) When any officer or employee of the city shall have discretion to act in any matter which may directly benefit any person or business entity with whom said officer or employee or member of his immediate family shall have enjoyed profitable business or professional dealing within the period of one (1) year prior to such action;
- c) When any officer or employee of the city shall have discretion to act in any matter which may directly benefit any person or business entity with whom such officer or employee or member of his immediate family is associated in a business or professional way or may directly benefit any person or business entity which is represented in said matter by any person or business entity with which said officer or employee or member of his immediate family is associated in a business or professional way.
- d) When any officer or employee of the city shall have discretion to act in any matter, and has accepted or has agreed to accept anything of monetary value, either directly or indirectly, from any person or business entity who may directly benefit from the matter, with the intent to influence his vote, opinion, judgment or decision on such matter or to induce him to neglect his duty or to perform



such duty with partiality or favor, or otherwise than is required by law.

- e) No member of the immediate family of an officer or employee of the city shall be employed as a full-time, part-time, temporary or seasonal employee of the city.

SECTION 5. ENGAGING IN PRIVATE BUSINESS OR PROFESSIONAL ACTIVITY WHICH CONFLICTS WITH PUBLIC INTEREST PROHIBITED; PENALTY.

A. It shall be unlawful for any officer or employee to engage in any private business or professional activity which would place him in a position of conflict between his private interest and the public interest of the city, or to engage in any private activity which involves the improper use of information gained through his public position or to use the prerogative of his public position for his personal benefit or on behalf of any member of his immediate family, or to accept any fee, compensation, gift, payment of expense or any other thing of monetary value, either directly or indirectly, under circumstances in which acceptance may result in any conflict of interest.

B. If any officer or employee of the city shall violate any provision of this section, the city shall be entitled to recover from said officer or employee in a court of proper jurisdiction an amount equal to any considerations received by said officer or employee in the transaction involving the violation of this section,

and this remedy shall be in addition to any other remedy or penalty provided by law or any ordinance of the city.

#### SECTION 6. DISCLOSURE OF INTEREST.

A. Every person or business entity filing any application, petition or other formal request for action by any officer or employee of the city shall fully and truthfully disclose the name of every person or business entity for whom he is acting when requested to do so by said officer or employee.

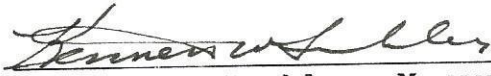
B. Every officer or employee of the city shall fully and truthfully disclose his interest in any matter in which he shall have discretion to act, and the exercise of such discretion without disclosure of a prohibited conflict of interest shall be deemed a representation that no conflict of interest exists.

SECTION 7. SEVERANCE CLAUSE. That if any section, sentence, phrase or clause of this ordinance shall be held to be invalid for any reason by a court of competent jurisdiction, the invalidity of such section, sentence, phrase or clause shall not impair the validity of the remaining sections, sentences, phrases or clauses of this ordinance; the Board of Aldermen hereby declares that it would have passed the remaining portions of this Ordinance had it known that such section, sentence, phrase or clause would be held invalid.


SECTION 8. REPEALING CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith, shall be, and the same are hereby repealed; and this

ordinance shall be in full force and effect from and after its passage and approval as provided by law.

WHEREUPON, this ordinance was read three times and approved by vote of the Board of Aldermen of the City of Arcadia, Missouri, on this 8<sup>TH</sup> day of November, 1993.

  
Kenneth W. Lumbley, Mayor

ATTEST:

  
Joyce Callisto, City Clerk