

One-rdg. _____
P. Hrngs. _____
Pgs. 6
Filed: 08-01-17

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL: 2017- 206

GENERAL ORDINANCE: _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 2, 'Administration,' Article I, 'In
2 General,' by repealing Section 2-8, 'Disclosure of certain transactions,'
3 pertaining to the disclosure of financial transactions by candidates for City
4 Council, City Council members, and certain City employees, and enacting,
5 in lieu thereof, a new Section 2-8.
6
7

8 WHEREAS, the proper operation of government requires that the public have
9 confidence in the integrity of public officials; and
10

11 WHEREAS, state law sets out certain financial disclosure requirements for public
12 officials in RSMo Chapter 105; and
13

14 WHEREAS, RSMo Section 105.485 allows a city to adopt a financial disclosure
15 ordinance subject to certain standards; and
16

17 WHEREAS, the City is committed to a policy of openness and transparency in
18 government.
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
21 SPRINGFIELD, MISSOURI, as follows, that:
22

23 Section 1 – The Springfield City Code, Chapter 2, 'Administration,' Article I, 'In
24 General,' Section 2-8, 'Disclosure of certain transactions,' is hereby repealed in its
25 entirety and a new Section 2-8 is hereby enacted in lieu thereof, which new section
26 shall read as follows:
27

28 Section 2-8. Disclosure of certain transactions.
29

30 (a) *Definitions.*

31
32 (1) *Filer.* A "filer" refers to all candidates for City Council, members of
33 City Council, the City Manager, the Purchasing Agent, and the City

34 Attorney.

35
36 (2) *Substantial personal or private interest.* A "substantial personal or
37 private interest" is defined as ownership by the filer, or his or her
38 spouse or dependent children, whether singularly or collectively,
39 directly or indirectly of:

- 40
41 a. Ten percent (10%) or more of any business entity; or
42
43 b. An interest having a value of ten thousand dollars (\$10,000)
44 or more; or
45
46 c. The receipt by a filer, or his or her spouse or dependent
47 children, whether singularly or collectively, of a salary,
48 gratuity, or other compensation or remuneration of five
49 thousand dollars (\$5,000) or more per year from any
50 individual, partnership, organization, or association within
51 any calendar year.

52
53 (b) *Scope.* All candidates for City Council, members of City Council, the City
54 Manager, the Purchasing Agent, and the City Attorney shall annually file a
55 financial interest statement.

56
57 (c) *Financial Interest Statement – contents, required for whom.*

58
59 (1) The financial interest statement shall contain and disclose all
60 transactions greater than five hundred dollars (\$500) per
61 transaction between the City and:

- 62
63 a. the filer;
64
65 b. all persons within the first degree of consanguinity or affinity
66 to the filer; and
67
68 c. a business in which the filer and/or a person within the first
69 degree of consanguinity or affinity to the filer owns a
70 substantial personal or private interest.

71
72 (2) The financial interest statement shall also include the date of the
73 transaction and the identities of the parties to each transaction.

74
75 (3) If no such transactions were made during the period covered by the
76 financial interest statement, as provided in subsection 2-8(e), the
77 financial interest statement shall state that no such transactions
78 were made.
79

- 80 (d) *Financial Interest Statement – exceptions.* It is not required that a financial
81 interest statement contain or disclose the following:
82
- 83 (1) Compensation received by a filer as an employee of the City;
 - 84
 - 85 (2) Payment by the filer of any tax, fee, or penalty to the City; and
 - 86
 - 87 (3) Any other transactions in which no consideration was provided to
 - 88 the City by the filer.
 - 89
- 90 (e) *Financial Interest Statement – additional requirements for the City*
91 *Manager and Purchasing Agent.* The City Manager and the Purchasing
92 Agent shall, in addition to the disclosure requirements contained herein,
93 disclose the following:
94
- 95 (1) The name and address of each of the employers of the City
96 Manager or the Purchasing Agent from whom income of one
97 thousand dollars (\$1,000) or more was received during the year
98 covered by the statement;
 - 99
 - 100 (2) The name and address of each sole proprietorship which the City
101 Manager or Purchasing Agent owns;
 - 102
 - 103 (3) The name, address, and the general nature of the business
104 conducted of each general partnership and joint venture in which
105 the City Manager or Purchasing Agent were a partner or
106 participant;
 - 107
 - 108 (4) The name and address of each partner or coparticipant for each
109 partnership and joint venture unless such names and addresses
110 are filed by the partnership or joint venture with the secretary of
111 state;
 - 112
 - 113 (5) The name, address and general nature of the business conducted
114 of any closely-held corporation or limited partnership in which the
115 City Manager or Purchasing Agent owned ten percent or more of
116 any class of the outstanding stock or limited partners' units;
 - 117
 - 118 (6) The name of any publicly traded corporation or limited partnership
119 which is listed on a regulated stock exchange or automated
120 quotation system in which the City Manager or Purchasing Agent
121 owned two percent or more of any class of outstanding stock,
122 limited partnership units or other equity interests; and
 - 123
 - 124 (7) The name and address of each corporation for which the City
125 Manager or Purchasing Agent served in the capacity of a director,

126 officer, or receiver.

127

128 (f) *Filing of Financial Interest Statements.*

129

130 (1) Financial interest statements shall be filed at the following times,
131 but no person is required to file more than one financial interest
132 statement in any calendar year:

133

134 a. Members of City Council, the City Manager, the Purchasing
135 Agent, and the City Attorney shall file a financial interest
136 statement annually not later than May 1, and the statement
137 shall cover the preceding calendar year.

138

139 b. Every person appointed to office or employment shall file a
140 financial interest statement within thirty days of such
141 appointment or employment, and the statement shall cover
142 the preceding calendar year.

143

144 c. Every candidate for City Council shall file a financial interest
145 statement no later than fourteen days after the closing date
146 to file for candidacy, and the statement shall cover the
147 twelve months prior to the closing date of filing for
148 candidacy, except that an incumbent candidate's statement
149 shall cover the period from January 1 of the year preceding
150 the election until the closing date to file for candidacy.

151

152 (2) Financial interest statements shall be filed with the City Clerk and
153 with the Missouri Ethics Commission. The statements held by the
154 City Clerk shall be available for public inspection and copying
155 during normal business hours.

156

157 (g) *Disclosure of substantial personal or private interest by City Council*
158 *Members – Required.*

159

160 (1) Notwithstanding any other provision of City Code section 2-8, any
161 member of City Council who has a "substantial personal or private
162 interest" in any measure, bill, order, or ordinance proposed or
163 pending before City Council must disclose that interest and such
164 disclosure shall be recorded in the minutes of City Council.

165

166 Section 2 – The City Clerk is hereby authorized and directed to file a certified
167 copy of this Ordinance with the Missouri Ethics Commission, and to do all things
168 necessary in connection therewith, within ten days of its adoption and prior to
169 September 15, 2017.

170

171 Section 3 – This Ordinance shall be in full force and effect from and after

172 passage.

173

174 Passed at meeting: _____

175

176 _____

177

Mayor

178

179 Attest: _____, City Clerk

180

181

182 Filed as Ordinance: _____

183

184

185 Approved as to form: Richard T. Wiedner, Assistant City Attorney

186

187

188 Approved for Council action: Gregory B. Smith, City Manager

EXPLANATION TO COUNCIL BILL NO: 2017- 206

FILED: 08-01-17

ORIGINATING DEPARTMENT: Law

PURPOSE: Amending the Springfield City Code, Chapter 2, 'Administration,' Article I, 'In General,' by repealing Section 2-8, 'Disclosure of certain transactions,' pertaining to the disclosure of financial transactions by candidates for City Council, City Council members, and certain City employees, and enacting, in lieu thereof, a new Section 2-8.

REMARKS: In August of 1991, the City first adopted a financial disclosure ordinance. State law requires that the City readopt its financial disclosure ordinance every other year prior to September 15. Typically, state law dictates which individuals must file financial disclosure statements and what must be included on said statements (Chapter 105 RSMo.). However, state law also authorizes certain cities to adopt their own financial disclosure ordinance.


The bill offered to Council for this year is, in substance, similar to bills that have been offered in the past. The format of the bill offered this year looks somewhat different from prior versions. The primary reason for this difference is because the Law Department has attempted to draft the pending version to read more clearly. Some of the changes made this year include breaking paragraphs with multiple clauses into individually numbered paragraphs, and adding titles to help identify specific provisions. The underlying substance of the bill is largely unchanged from the 2015 version approved by Council.

Submitted by:



Nick Woodman, Assistant City Attorney

Recommended by:



Frank Romines, City Attorney

Approved by:



Greg Burris, City Manager