

One-rdg. X
P. Hrngs. _____
Pgs. _____
Filed: 10-01-19

Sponsored by: McClure

COUNCIL BILL 2019- RESOLUTION _____

RESOLUTION

1 CONFIRMING the appointment of Kenneth Thompson as Hearing Examiner for certain
2 matters pursuant to Section 2-60(o)(1) of the Code of the City of
3 Springfield; and referring certain matters to the said Hearing Examiner.
4
5

6 WHEREAS, Section 2-60(o)(1) of the City Code of Springfield provides for the
7 Council to confirm a mayoral appointment of a Hearing Examiner to determine if a
8 Councilmember has violated provisions of Section 2-60; and
9

10 WHEREAS, Mayor McClure has nominated Kenneth Thompson to serve as Hearing
11 Examiner as to matters referred by Councilmembers concerning conduct of Councilmember
12 Fisk alleged to violate the provisions of Sec. 2-60; and
13

14 WHEREAS, requests concerning alleged impropriety on the part of Councilmember
15 Jan Fisk signed by the requisite number of Councilmembers have been presented to the
16 City Council for consideration for referral to a Hearing Examiner; and
17

18 WHEREAS, the Missouri Ethics Commission previously determined that there are
19 reasonable grounds to support (a) one or more violations of Chapter 105, RSMo., and
20 Springfield Ordinances as to personal financial disclosure by Councilmember Fisk, and (b)
21 one or more violations of Springfield Ordinances and Charter as to direct or indirect financial
22 interest of Councilmember Fisk in city contracts, and referred all such matters to the City for
23 appropriate action; and
24

25 WHEREAS, the ordinances of the City and public confidence in the integrity of the
26 City Council and the conduct of its members require that incidents of alleged misconduct be
27 properly investigated and appropriately dealt with.
28

29 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
30 SPRINGFIELD, MISSOURI, as follows, that:

31
32 I
33 APPOINTMENT OF HEARING EXAMINER
34

35 1. Kenneth Thompson, a resident and registered voter of the City of Springfield and
36 licensed to practice law in the State of Missouri, is hereby confirmed as Hearing
37 Examiner pursuant to Section 2-60(o)(1) of the City Code of Springfield to determine

38 the propriety of the conduct of Councilmember Jan Fisk as to the alleged violations
39 hereinafter referred to said Hearing Examiner.

- 40
41 2. The Hearing Examiner is authorized and directed to conduct a hearing with respect
42 to the matters hereinafter referred, and to thereafter make written findings of fact and
43 conclusions of law as to a determination concerning the propriety of the conduct of
44 Councilmember Fisk, and to file such findings and conclusions with the City Council
45 for such further action as the Council may determine in accord with Section 2-60(p)
46 of the City Code of Springfield.

47
48 II
49 MATTERS REFERRED

50
51 The following questions regarding allegations of misconduct by Councilmember Jan Fisk
52 are referred to the Hearing Examiner for a determination as to the propriety of the
53 Councilmember's conduct in each instance.

- 54
55 1. Has Councilmember Jan Fisk filed complete, accurate and timely personal financial
56 interest statements as required by Sec. 2-8 of the Springfield City Code and Sec.
57 105.450 through 105.496, RSMo., during her service on the Springfield City Council?
58
59 2. Has Councilmember Jan Fisk had a financial interest, direct or indirect, in any
60 contract with the City, or been financially interested, directly or indirectly, in the sale
61 to the City of any services, except on behalf of the City as an officer or employee in
62 violation of the provisions of Sec. 19-16 of the Springfield City Charter and/or Sec. 2-
63 60 of the Springfield City Code?

64
65 This Resolution shall be in full force and effect from and after passage.

66
67 Passed at meeting: _____

68
69
70 _____
71 Mayor

72
73 Attest: _____, City Clerk

74
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76 Filed as Resolution: _____

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79 Approved as to form: _____, City Attorney

80
81
82 Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL 2019 - ____

FILED: 10-01-19

ORIGINATING DEPARTMENT: City Council

PURPOSE: To confirm the appointment of Kenneth Thompson as Hearing Examiner for certain matters pursuant to Section 2-60(o)(1) of the Code of the City of Springfield; and to refer certain matters to said Hearing Examiner.

BACKGROUND INFORMATION: This Resolution appoints the Honorable Kenneth Thompson as a Hearing Examiner pursuant to City Code Section 2-60(o)(1) and refers the following matters to him for a determination as to the propriety of Councilmember Fisk's conduct:

- Has Councilmember Jan Fisk filed complete, accurate and timely personal financial interest statements as required by Section 2-8 of the Springfield City Code and Section 105.450 through 105.496, RSMo., during her service on the Springfield City Council?
- Has Councilmember Jan Fisk had a financial interest, direct or indirect, in any contract with the City, or been financially interested, directly or indirectly, in the sale to the City of any services, except on behalf of the City as an officer or employee in violation of the provisions of Section 19-16 of the Springfield City Charter and/or Section 2-60 of the Springfield City Code?

September 24, 2019

REVISED REQUEST FOR REFERRAL TO A HEARING EXAMINER OF
ALLEGATIONS OF MISCONDUCT AGAINST
COUNCILMEMBER JAN FISK

The undersigned Councilmembers of the City Council of Springfield, Missouri, request referring the following matter regarding Councilmember Jan Fisk to a hearing examiner in accordance with the provisions of City Code Section 2-60(o)(l):

Violation of City Charter Sec. 19-6 and City Code Sec. 2-60(d)(1) by reason of having a direct or indirect financial interest in a contract with the City and violation of Sec. 2-8 of the City Code and applicable state law regarding disclosure of financial interests and transactions.

The Missouri Ethics Commission ("MEC"), after an investigation, found reasonable grounds to support one or more violations of City Charter Sec. 19-6 and City Code Sec. 2-60(d)(1) by Councilmember Fisk. The cited provisions prohibit a councilmember from having a direct or indirect financial interest in a City contract or in the sale of services to the City. The MEC referred its report to City Council for possible action. The alleged violation relates to a City contract for charter bus services with Executive Limousines. Executive Limousines outsources work to Fisk Limousines, and Councilmember Fisk has a financial interest in Fisk Limousines, through her husband or otherwise.

In addition, state law and City Code Sec. 2-8 require councilmembers to report certain financial interests and transactions. It is believed Councilmember Jan Fisk failed to comply with those reporting requirements in regard to her association with Fisk Limousines and its business activities.

There had been a prior request for referral to a hearing examiner regarding whether Councilmember Jan Fisk violated the City's Code of Ethics and the requirement to disclose a financial and other private interest in regard to Council Bill 2019-058. We have been advised the circumstances are such that the formal imposition of sanctions for Councilmember Fisk's conduct in that matter is not warranted. Accordingly, that request is withdrawn.

