



ELECTION PACKET FOR ALDERMAN 2018

**CANDIDATE FILING OPENS AT 8:00 AM ON
TUESDAY, DECEMBER 12, 2017**

Required Forms

Declaration of Candidacy (Alderman) – **Required Form**
Personal Financial Disclosure – **Required Form**
Affirmation of Tax Payments & Bonding Requirements – **Required Form**
Campaign with Integrity – **Optional Form**

Information

Resolution 17-998 Declaring Election
Candidate Filing Notice
Ballot Order Selection Procedure
Resolution 12-429 Campaign with Integrity

Wentzville Municipal Code:

CHAPTER 100: Article II: Official Seal and Logo
CHAPTER 105: Elections
CHAPTER 115: Board Of Aldermen
CHAPTER 120: Officers
CHAPTER 125: Code Of Ethics
CHAPTER 150: Anti-Fraud and Corruption Policy
CHAPTER 155: Political Activity

Section 115.306 RSMo: Disqualification for Delinquent Taxes
Section 130.071 RSMo: Campaign Finance Disclosure
Letter regarding Personal Financial Disclosure
Section 105.485 RSMo: Financial Interest Statements
Section 105.489 RSMo: Financial Interest Statements
Political Sign Guidelines

Some Financial Disclosure Information is included.
Additional Information is available through the Missouri Ethics Commission

www.mec.mo.gov

(573) 751-2020 phone (800) 392-8660 toll free

**DECLARATION OF CANDIDACY FOR ALDERMAN
CITY OF WENTZVILLE, MISSOURI**

Filing for the April 3, 2018 election opens at 8:00 a.m. Tuesday, December 12, 2017, and closes at 5:00 p.m. Tuesday, January 16, 2018. Please return this form with a \$25 filing fee.

Name: _____
(As you wish printed on the ballot)

Residence Address: _____
Street City State Zip

Mailing Address: _____
Street or P.O. Box City State Zip

Telephone No. _____ Home email address _____

I, _____, a resident and registered voter of the **CITY OF WENTZVILLE, MISSOURI** (the "City"), **WARD NO.** _____ do declare and announce myself a candidate for the **OFFICE OF ALDERMAN WARD** _____ to be voted on at the election to be held on the first Tuesday following the first Monday in April, 2018; and do further declare, that if elected to such office, I will qualify and serve.

I further declare that the information contained herein is true, correct and complete to the best of my knowledge, information and belief. Specifically, I declare that:

- I currently reside at _____, _____, Missouri, and as such I am a resident of Ward Number _____, in the City.
- I am at least eighteen (18) years of age.
- I am a citizen of the United States.
- I have been an inhabitant and resident of the City for one (1) year next preceding the date of my election (if elected).
- I have been a resident of the City since the _____ day of _____, _____.
- I have not been found guilty of, or pled guilty to, a felony or misdemeanor under the federal laws of the USA or to a felony under the laws of this state, or an offense committed in another state that would be considered a felony in this state. (§115.306.1 RSMo.)
- I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. (§115.306.2 RSMo.)
- I am a voter under the laws and constitution of the State of Missouri and the ordinances of the City.
- I have no outstanding reports due to, or fees assessed by, the Missouri Ethics Commission (MEC). (RSMo 130.071 attached)

PERSONAL FINANCIAL DISCLOSURE RSMo. §105.489

I, _____, acknowledge that I have received notice that Candidates for Elective Office must file a Financial Interest Statement no later than the Fourteen (14) days after the closing date for filing for office. The statement shall be for the twelve (12) months prior to the closing date, and the statement shall be filed with the Filing Officer designated in § 105.489 RSMo. Filing for the April election closes on **January 16, 2018**. The personal financial disclosure statement filing deadline for candidates is on **January 30, 2018**. Candidates who are required to file a personal financial disclosure statement, but fail to do so within twenty-one (21) days of the closing date for filing for candidacy will be removed from the ballot.

Signature of Candidate _____ Date _____

**DECLARATION OF CANDIDACY FOR ALDERMAN
CITY OF WENTZVILLE, MISSOURI**

Filing for the April 3, 2018 election opens at 8:00 a.m. Tuesday, December 12, 2017, and closes at 5:00 p.m. Tuesday, January 16, 2018. Please return this form with a \$25 filing fee.

Filed this _____ day of _____, 20____, at _____ o'clock a.m./p.m.

Signature of Candidate

Sworn to and subscribed before me this _____ day of _____, 20_____.

My commission expires

Notary Public

Signature of election official/City Clerk

Time Filed _____



Office Use:

Financial Disclosure Statement for Political Subdivisions - 105.485(4), RSMo

1. Statement Information (select one)

Type: New Amended

2. Filing Status & Time Period Covered (select one & insert time period)

A. Filing Status

- Annual Filer:** file from Jan 1 to Dec 31 of prior year (if no longer serving, enter the time period served), due by May 1
- Newly Appointed/Employed:** file for calendar year before start date, due within 30 days
- Incumbent Candidate:** file from Jan 1 of prior year to closing date for candidacy (may be longer than 12-month period), due within 14 days of closing date for candidacy
- New Candidate:** file for the 12-month period before the closing date for candidacy, due within 14 days of closing date for candidacy

B. Time Period Covered: From ___/___/___ to ___/___/___ (mm/dd/yyyy)

3. Filer Information

 Filer's name (First, Middle, Last)

 Spouse's name (First, Middle, Last)

 Mailing address

 City, State, Zip

 Dependent child's name* (First, Middle, Last)

 Dependent child's name* (First, Middle, Last)

 Political Subdivision or State Agency

 Title (Position/Office Seeking)

Check if spouse is filing separate from yourself (if your spouse is not required to file a PFD, this statement MUST disclose his/her information).

*Includes all children, stepchildren, foster children and wards under the age of eighteen residing in the person's household and who receive in excess of 50% of their support from the person.

4. Transaction Information

A. List the transactions, valued at more than \$500, you, your spouse, or any relative within the first degree of blood or marriage had with the political subdivision listed above. *Do not include* compensation received as an employee, payment of taxes, fees or penalties or transfers for no consideration.

 Date (mm/dd/yyyy)

 Parties involved in transaction

 Date (mm/dd/yyyy)

 Parties involved in transaction

B. List the transactions for any business entity, in which you, your spouse, or dependent child(ren) held a substantial interest, that conducted business with the political subdivision listed above valued at more than \$500. *Do not include* payments of taxes, fees or penalties due to the political subdivision or transactions involving payment for providing utility service to the political subdivision or transfers for no consideration. (NOTE: Substantial interest includes ownership of 10% of the business entity or interest valued at \$10,000 or more, or from which a salary, gratuity or other compensation of \$5,000 or more is paid per calendar year).

 Date (mm/dd/yyyy)

 Name of Business

 Parties involved in transaction

 Date (mm/dd/yyyy)

 Name of Business

 Parties involved in transaction

5. Signature (select one, sign & date)

- I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.
- I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate and that my spouse has refused or failed to provide information concerning his or her financial interest and that I have no working knowledge of such interests. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.

 Filer's Signature (Required)

 Date (mm/dd/yyyy)

NOTE: The following information is required from the **Chief Administrative Officer** and **Chief Purchasing Officer** *only*. Include information for filer, spouse and dependent child(ren).

6. Employment

List the name and address of each employer from whom you, your spouse, or dependent child(ren) received income of \$1,000 or more during the time period covered by this statement.

_____ Employer Name	_____ Employer Address/City/State/Zip	_____ Person's name whom received income
_____ Employer Name	_____ Employer Address/City/State/Zip	_____ Person's name whom received income

7. Sole Proprietorships

List each sole proprietorship owned by you, your spouse or dependent child(ren) during the time period covered by this statement.

_____ Sole Proprietorship Name	_____ Sole Proprietorship Address/City/State/Zip
_____ Sole Proprietorship Name	_____ Sole Proprietorship Address/City/State/Zip

8. General Partnerships, Joint Ventures

List each general partnership and joint venture in which you, your spouse or dependent child(ren) were a partner or participant, and the names of partners or co-participants, unless such names and addresses are filed with the Secretary of State, during the time period covered by this statement.

_____ General Partnership or Joint Venture Name	_____ Address/City/State/Zip	_____ Nature of Business	_____ Partner/Coparticipant's Name & Address	_____ Party Involved
_____ General Partnership or Joint Venture Name	_____ Address/City/State/Zip	_____ Nature of Business	_____ Partner/Coparticipant's Name & Address	_____ Party Involved

9. Stocks, Bond & Other holdings

EXCEPTION: Interest in any qualified plan or annuity pursuant to the Employees Retirement Income Security Act (ERISA) is not required to be listed.

A. *Limited Partnerships, Closely-held Corporations:* List the name of any closely-held corporation/limited partnership in which you, your spouse, or dependent child(ren) own ten percent (10%) or more of any class of the outstanding stock or units during the time period covered by this statement.

_____ Limited Partnership/Closely-held Corporation Name	_____ Address/City/State/Zip	_____ Nature of business	_____ Party Involved
_____ Limited Partnership/Closely-held Corporation Name	_____ Address/City/State/Zip	_____ Nature of business	_____ Party Involved

B. *Publicly Traded Corporation or Limited Partnership:* List the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which you, your spouse or dependent child(ren) own two percent (2%) or more of any class of outstanding stock, units or other equity interests during the time period covered by this statement.

_____ Corporation/Limited Partnership Name	_____ Party Involved
_____ Corporation/Limited Partnership Name	_____ Party Involved

10. Corporations

List the name and address of each corporation for which you, your spouse, or dependent child(ren) served in the capacity of a director, officer or receiver during the time period covered by this statement.

_____ Corporation Name	_____ Corporation Address/City/State/Zip	_____ Person's name who served in this capacity
_____ Corporation Name	_____ Corporation Address/City/State/Zip	_____ Person's name who served in this capacity

This form is required to be filed with the Missouri Ethics Commission and with the governing body of your political subdivision. All elected and appointed officials as well as employees of a political subdivision must comply with §105.454 RSMo., on conflicts of interest and their own local code of ethics.



**AFFIRMATION OF TAX PAYMENTS
AND BONDING REQUIREMENTS:**

I, _____, candidate for the office
of _____, in Wentzville, Missouri, hereby
declare under penalties of perjury that I am not currently aware of any
delinquency in the filing or payment of any state income taxes,
personal property taxes, municipal taxes, real property taxes on the
place of residence, as stated on the declaration of candidacy, or that I
am a past or present corporate officer of any fee office that owes any
taxes to the state, other than those taxes which may be in dispute. I
declare under penalties of perjury that I am not aware of any
information that would prohibit me from fulfilling any bonding
requirements for the office for which I am filing.

Candidate's Signature

Date

“A Promise To The Public For A Campaign With Integrity”

Signing this statement, I will agree to adhere to the basic strategies in a campaign to circumvent the need for dishonest statements about government policies, tax issues, records, and reports. Additionally, this statement will provide the public with the understanding that I will not partake in slanderous remarks against my opponent(s), including character and/or personal attacks.

I, _____, in filing for my candidacy for the office of _____ for the City of Wentzville, do hereby promise to conduct myself and those in my campaign in an honorable manner. This shall include offering only factual information with regard to myself, the City of Wentzville, all information pertaining to the office sought, and past records of those in office.

In addition, I promise by my signature that my campaign, including myself and those who work in support of me, will NOT make untrue statements, either verbally or written, about my opponent in this campaign. Nor will I engage in personal or character attacks in any manner.

I agree that I, and anyone working with my campaign, shall use the official City Logo only under the Guidelines for use of the City Logo as adopted by Ordinance No. 2633.

I make these promises to the People of Wentzville.

Signature

Date

Resolution No. 17-998, a Resolution Declaring the Filing Dates and Times for Certain Municipal Offices, Establishing the Election Dates and Polling Hours for Election Day, and Matters Relating Thereto


Be it resolved that the City of Wentzville, Missouri, shall provide for the submission to the qualified voters of the City of Wentzville, Missouri, for one Alderman from each of the three wards for two-year terms in the election to be held on April 3, 2018.

The filing dates for candidates of those offices shall be from 8:00 a.m. December 12, 2017 to 5:00 p.m. January 16, 2018.

That the polls for said election shall be open from and between the hours of 6:00 a.m. and 7:00 p.m.

That this election under Missouri law shall be under the direction of the St. Charles County Election Authority.

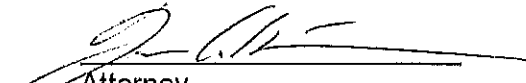
APPROVED BY THE BOARD OF ALDERMEN THIS 15 DAY OF November, 2017

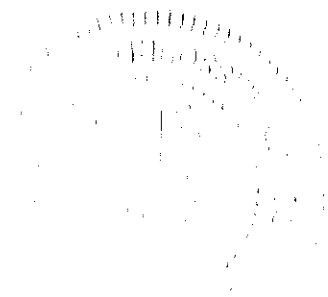

Mayor, Nickolas Guccione

Attest:


City Clerk, Vitula Skillman

Approved as to Form:


Attorney



NOTICE OF ELECTION AND OF THE OPENING AND CLOSING FOR FILING DECLARATIONS OF CANDIDACY FOR ELECTIVE OFFICES IN THE CITY OF WENTZVILLE, MISSOURI, FOR THE ELECTION TO BE HELD APRIL 3, 2018.

Notice is hereby given that an election will be held on Tuesday, April 3, 2018, in the City of Wentzville, Missouri, for the purpose of electing (1) Alderman from each of the three (3) wards for terms of two (2) years.

Filing Procedures

The first day for filing Declarations of Candidacy for the April 3, 2018, election is from 8:00 a.m. to 5:00 p.m. on Tuesday, December 12, 2017. Filing will close at 5:00 p.m. on Tuesday, January 16, 2018. Each Declaration of Candidacy must be filed with the City Clerk at the City Hall, 1001 Schroeder Creek Blvd., Wentzville, MO. City Hall office hours are Monday through Friday, 8:00 am to 5:00 pm. All candidates must file in person; no one else can file for a candidate. State law requires persons filing declarations of candidacy to provide proof of identity.

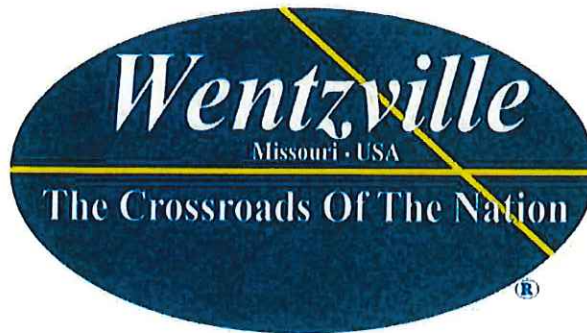
All filing fees are \$25.00 and must be paid when filing for the position of Alderman.

Qualifications for Aldermen:

No person shall be an Alderman unless he/she be at least eighteen (18) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the ward from which he/she is elected.

For further information, please contact the City Clerk at 636-327-5101.

Vitula Skillman
City Clerk



CITY OF WENTZVILLE, MISSOURI

Procedure for lottery process for the order in which the names of candidates for elective office shall be placed on the ballot:

The lottery shall take place at 5:00 P. M. on the first day of filing, December 12, 2017, for elective office, or as soon thereafter as practical. Only properly qualified candidates who have filed completed declarations of candidacy on that day that have been accepted by the City Clerk or his/her designee may participate in the lottery. The names of the qualified candidates and the office for which they have filed will be written or typed on a 2-inch by 2-inch piece of paper, folded and placed in a container by the City Clerk or his/her designee. The City Clerk or his/her designee will draw the names with the City Administrator or his/her designee as a witness. The order in which the names are drawn will be the order those candidates will be placed on the ballot for the office filed, starting with number one (1). The lottery will take place at City Hall and is open to the public.

Declarations of Candidacy received thereafter shall be placed on the ballot in the order they are received. The City Clerk or his/her designee shall continue to accept filings until filing has closed. *(Section 105.060 – Wentzville Municipal Code)*



City Administrator, David Gipson

11/20/17
Date



Vitula Skillman, City Clerk

11-20-17
Date

Posted: 

Vitula Skillman, City Clerk

12-8-2017
Date

Resolution No. 12-429, a Resolution of the City of Wentzville, Missouri, Repealing Resolution 00-054, Encouraging Professional Election Campaigns, Enacting New Legislation and Matters Relating Thereto

WHEREAS, past political campaigns in Wentzville and throughout the country have included name-calling, non-factual information, and personal attacks, and

WHEREAS, the residents of the City of Wentzville look to those running for office to demonstrate virtues of statesmanship, provide accurate and honest statements with regard to facts and issues, and engage in fair discussions and debates, both orally and in printed materials; and

WHEREAS, personal attacks are neither warranted nor necessary in campaigning, and do nothing more than cause ill will and disgust within the community, and

WHEREAS, the City has duly recorded and protected a symbol which represents the City of Wentzville and its goodwill. Said symbol has been registered as an official logo, trademark or service mark. The City has the exclusive right to use said trademark or logo, and has the right to license the use of this symbol by others with restrictions and supervision by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI as follows:

The City of Wentzville, Missouri hereby repeals Resolution No 00-054 in its entirety and in its place enacting the following:

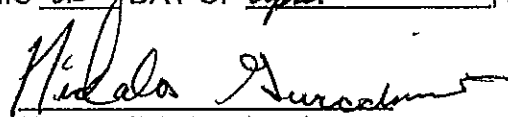
Section 1. The City will offer a statement, attached hereto as Exhibit 1, to candidates filing for office, whereby those signing it will agree to adhere to basic strategies in a campaign to circumvent the need for dishonest statements about government policies, tax issues, records, and reports. Additionally, the statement will provide the public with the understanding that the candidate will not partake in slanderous remarks against the candidate's opponents(s), including character and/or personal attacks. Candidates may use this as their First Promise to the People of Wentzville, and so, shall be held accountable by the people for adhering to this statement.

Section 2: Candidates filing for office in the City of Wentzville shall adhere to all restrictions, conditions and provisions as set forth in the present Guidelines for use of the City Logo as adopted by Ordinance No. 2633, incorporated herein by reference.

Section 3. The City Clerk is hereby directed to provide all candidates filing for office a copy of this Resolution, together with the statement "A Promise To The Public For A Campaign With Integrity", and Ordinance No. 2633.

Section 4: This Resolution shall be in full force and effect immediately upon its passage and approval.

APPROVED BY THE BOARD OF ALDERMEN THIS 25 DAY OF April, 2012


Mayor, Nickolas Guccione

Attest:


City Clerk, Vitula Skillman

EXHIBIT 1

Res. No. 12-429

"A Promise To The Public For A Campaign With Integrity"

Signing this statement, I will agree to adhere to the basic strategies in a campaign to circumvent the need for dishonest statements about government policies, tax issues, records, and reports. Additionally, this statement will provide the public with the understanding that I will not partake in slanderous remarks against my opponent(s), including character and/or personal attacks.

I, _____, in filing for my candidacy for the office of _____ for the City of Wentzville, do hereby promise to conduct myself and those in my campaign in an honorable manner. This shall include offering only factual information with regard to myself, the City of Wentzville, all information pertaining to the office sought, and past records of those in office.

In addition, I promise by my signature that my campaign, including myself and those who work in support of me, will NOT make untrue statements, either verbally or written, about my opponent in this campaign. Nor will I engage in personal or character attacks in any manner.

I agree that I, and anyone working with my campaign, shall use the official City Logo only under the Guidelines for use of the City Logo as adopted by Ordinance No. 2633.

I make these promises to the People of Wentzville.

City of Wentzville, MO
Thursday, November 2, 2017

Chapter 100. General Provisions

Article II. Official Seal and Logo

Section 100.140. City Seal.

[R.O. 2006 §100.170]

- A. The Seal of the City of Wentzville shall be circular in form, one and seven-eighths ($1 \frac{7}{8}$) inches in diameter, with the words "St. Charles County, Missouri" engraved across the face thereof, and the words "Seal of the City of Wentzville" engraved on the face thereof and near the outer edge of said Seal, and the same is hereby declared to be adopted as the Seal of the City of Wentzville.
- B. The City Clerk shall be the keeper of the common Seal of the City of Wentzville, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City.

Section 100.150. City Logo or Trademark – Use.

[R.O. 2006 §100.181; Ord. No. 2633 §2, 11-8-2006; Ord. No. 2012-3246 §1, 8-22-2012]

- A. The City has duly recorded and protected a symbol or emblem which represents the City of Wentzville and its goodwill. Said symbol has been registered as an official logo, trademark or service mark. The City has the exclusive right to use said trademark or logo but has the right to license the use of this symbol by others with restrictions and supervision by the City. Any such use of the City's logo should be allowed under certain conditions and restrictions which would preserve the goodwill of the City and not be commercialized solely for profit.
- B. The Wentzville Logo should be used only in its entirety and in the exact form which is on file in the City offices. It should be reproduced only in its official blue and yellow color (Panatone Reflux Blue C and Panatone Yellow C) or in black. Any use of the logo shall keep the original proportions and shall not stretch or condense the logo. The logo may only be used without modifications of any sort; no graphic elements may be added or taken away from the official logo.
- C. As a general rule, the space around the logo should be kept clear to be readable and prominent. Additional symbols or text, if any, should be placed beneath the logo (preferably) or above or to the side with sufficient distance from the logo in order to maintain the distinct appearance of the Wentzville logo.
- D. The use of the Wentzville logo in violation of the provisions set out in the present guidelines could result in the revocation of the authorization to use the logo.

- E. Nothing in Article II of Chapter 100 shall prohibit a person from flying an official City of Wentzville flag purchased from the City or other City-authorized outlet.

Section 100.160. Licensing of City Logo or Trademark.

[R.O. 2006 §100.182; Ord. No. 2633 §2, 11-8-2006]

- A. The City Administrator is authorized to negotiate with individuals or companies who wish to make limited use of the logo of the City of Wentzville and reduce any proposals to contract form for consideration by the Board of Aldermen. No agreement shall be effective or binding upon the City except by contract duly approved and executed. The following conditions shall be included in any such agreement in addition to others agreed upon by the parties:
1. Uses shall be for certain named products only.
 2. Each licensee for a product shall have the exclusive use for that product.
 3. The market area for these products shall be limited to the City of Wentzville only.
 4. The logo may not be used for commercial advertising by the licensee.
 5. The City may require samples and adequate quality control safeguards.
 6. The City shall retain the right to inspect the goods to be sold and reject those not of quality equal to or exceeding the samples approved. The City may limit the number of units produced.
 7. The use of the logo shall not be assignable by the licensee.

Section 100.170. Enforcement.

[R.O. 2006 §100.183; Ord. No. 2633 §2, 11-8-2006]

The City shall reserve the right to prosecute violations of the trademark laws and unauthorized uses of the City's logo. An infringement or unauthorized use of the City's logo shall be a violation of the Wentzville Municipal Code as well as all other penalties and remedies including injunctive relief allowed by State Statutes. Violation of any of the provisions of the licensing agreement by the licensee shall be the basis for terminating the agreement and such violations may be in addition to the penalties allowed by State Statutes for unauthorized use.

Section 100.180. Compensation.

[R.O. 2006 §100.184; Ord. No. 2633 §2, 11-8-2006]

Licensees shall pay to the City such royalties, fees or other consideration as may be agreed upon by the parties.

*City of Wentzville, MO
Thursday, November 2, 2017*

Chapter 105. Elections

Article I. In General

Section 105.010. Conduct of Elections per State Law.

[R.O. 2006 §105.010; CC 1988 §9-1]

The conduct of all elections in the City shall be governed by the provisions of Chapter 115, RSMo., and the rules and regulations adopted by the County election authority, except as may be provided by ordinance not inconsistent therewith.

Section 105.020. General Election.

[Ord. No. 2012-3253 §1, 10-10-2012]

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April beginning in 2012 and then every fourth (4th) year thereafter, a municipal election of the qualified voters of the City of Wentzville shall be held for the purpose of electing a Mayor who shall hold office for a term of four (4) years and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Wentzville shall be held for the purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- D. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Wentzville shall be held for the purpose of electing a Municipal Judge and one (1) Alderman from each ward who shall hold their offices for a term of two (2) years and until their successors are elected and qualified.

Section 105.030. Special Elections.

[R.O. 2006 §105.030; CC 1988 §9-3]

Special elections shall be called by ordinance as provided by law.

Section 105.040. Filing Fee.

[R.O. 2006 §105.040; CC 1988 §9-4; Ord. No. 402 §1, 1-11-1967]

Candidates for any City office shall pay to the City Clerk the sum of twenty-five dollars (\$25.00) as a filing fee at the time such candidate files with the City Clerk a declaration of candidacy for the office sought.

Section 105.050. Filing Dates.

[R.O. 2006 §105.050; CC 1988 §9-6; Ord. No. 995 §1, 8-24-1988; Ord. No. 1044 §1, 8-28-1989; Ord. No. 1336 §1, 10-10-1996; Ord. No. 2005 §1, 9-24-2003]

Pursuant to Section 115.127, RSMo., the opening filing date for declaration of candidacy for any elective office in the City of Wentzville, Missouri, shall be 8:00 A.M. the sixteenth (16th) Tuesday prior to the April election; and the closing filing date shall be 5:00 P.M. the eleventh (11th) Tuesday prior to said April election.

Section 105.060. Order of Appearance of Candidates for Elective Position.

[R.O. 2006 §105.060; Ord. No. 1310 §§1 — 2, 4-10-1996; Ord. No. 2473 §1, 2-22-2006; Ord. No. 2011-3161 §1, 8-10-2011]

The City Administrator or his/her designee is directed and authorized to develop and maintain a lottery process to be implemented by the City Clerk or his/her designee. The procedures for the lottery process shall be posted at City Hall no later than 5:00 P.M. on the day prior to the opening of candidate filing. For the purpose of determining the order in which declarations of candidacy are filed, the City Clerk or his designee shall, at 5:00 P.M. on the first (1st) day of filing, hold a lottery from amongst all candidates having filed on that day to determine the order upon which candidate's names shall appear on the ballot. This lottery shall be open to the public and shall be held in City Hall. Declarations of candidacy received thereafter shall be placed on the ballot in the order they are received. The Clerk or his designee shall continue to accept filings until filing has closed.

City of Wentzville, MO
Thursday, November 2, 2017

Chapter 115. Board of Aldermen

Article I. In General

Section 115.010. Qualifications.

[Ord. No. 3350 §1, 12-11-2013]

No person shall be an Alderman unless he/she be at least eighteen (18) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the ward from which he/she is elected.

Section 115.020. Tie Vote in General Election, Procedure to Be Followed.

[R.O. 2006 §115.020]

- A. If two (2) or more persons receive an equal number of votes for nomination or election to elective office, and a higher number of votes than any other candidate for nomination or election to the same office, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the officer to each election authority responsible for conducting the special election. In his/her proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.
- B. As an alternative to the procedure prescribed in Subsection (A) of this Section, if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this Subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time and place of such drawing given to each such candidate at least five (5) days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his/her name put into such drawing.

Section 115.030. Acting President — Selection, Term.

[R.O. 2006 §115.030; CC 1988 §2-18; Ord. No. 652 §§2, 4, 3-8-1978; Ord. No. 1134 §§2 — 3, 12-4-1991]

- A. The Board of Aldermen shall elect one (1) of its own number who shall be styled "Acting President of the Board of Aldermen", and who shall serve for a term of one (1) year.

- B. The election of the Board of the Acting President of the Board of Aldermen shall be accomplished at the first (1st) meeting in April of each year or at any time upon a motion being made, seconded and passed by the elected majority of the Board of Aldermen.

Section 115.040. Acting President – Duties.

[R.O. 2006 §115.040; CC 1988 §2-19; Ord. No. 652 §§3, 5, 3-8-1978; Ord. No. 1134 §4, 12-4-1991]

- A. When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify or from any other cause whatever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until the vacancy is filled or the disability is removed or, in case of temporary absence, until the Mayor's return.
- B. It is the duty of the Acting President of the Board of Aldermen to determine the absence of the Mayor before assuming the Mayor's duties.
- C. When in the absence of the Mayor, the Acting President of the Board serves as the Presiding Official at the Aldermanic meetings he/she shall be given the opportunity to cast his/her vote on each issue coming before the Board of Aldermen. The Acting President of the Board of Aldermen shall be allowed to vote a second (2nd) time on the same issue as Acting Mayor in the case of a tie vote.

Section 115.050. Preparation, Passage of Ordinances.

[R.O. 2006 §115.050; CC 1988 §2-20; Ord. No. 349 §1-220, 9-18-1963; Ord. No. 362 §1-307, 3-8-1978; Ord. No. 991 §1, 8-24-1988]

The style of ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Wentzville, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.

Section 115.060. Bills to Be Signed by Mayor – Mayor's Veto.

[R.O. 2006 §115.060; CC 1988 §2-21; Ord. No. 362 §1-308, 3-8-1978]

- A. Every bill duly passed by the Board of Aldermen and presented to the Mayor and by the Mayor approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding". The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds ($\frac{2}{3}$) of all members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified

shall be deposited with the proper officer, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor.

- B. The Mayor shall have the power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should the Mayor neglect or refuse to sign any ordinance and return the same with objections in writing at the next regular meeting of the Board of Aldermen, the same shall become a law without the Mayor's signature.

Section 115.070. Resolutions, Motions and Contracts.

[R.O. 2006 §115.070; CC 1988 §2-22; Ord. No. 349 §1-220, 9-18-1963]

Resolutions and other matters or subjects requiring action by the Board of Aldermen may be presented to the Board by the Mayor, City Administrator, City Clerk or City Attorney.

Section 115.080. Journal of Proceedings.

[R.O. 2006 §115.080; CC 1988 §2-23; Ord. No. 362 §1-309, 4-7-1964]

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

Section 115.090. Semi-Annual Statements.

[R.O. 2006 §115.090; CC 1988 §2-24; Ord. No. 362 §1-310, 4-7-1964]

The Board of Aldermen shall semi-annually each year, at times to be set by the Board, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half (½) year ending with the last day of the month immediately preceding the date of the report, which account and statement shall be published in some newspaper of general circulation in the City.

Section 115.100. Attendance of Witnesses — Oaths.

[R.O. 2006 §115.100; CC 1988 §2-25; Ord. No. 362 §1-312, 4-7-1964]

The Board of Aldermen shall have the power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved, and shall have the power to call on the proper officers of the City, or of the County in which the City is located, to execute such process. The officer making the service shall be allowed to receive therefor such fees as are allowed by law in the Circuit Court for similar services to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses.

Article II. Rules of Procedure

Section 115.110. Regular Meetings.

[Ord. No. 3044 §§I — II, 1-27-2010]

- A.

Time. The Board of Aldermen shall hold regular meetings on the second (2nd) and fourth (4th) Wednesdays of each month. Any deviation must be approved by the Mayor and Board of Aldermen.

- B. *Place.* All meetings of the Board of Aldermen shall be held in the City Hall, or other designated location when deemed necessary.

Section 115.120. Special Meetings.

[Ord. No. 3044 §§1 — II, 1-27-2010]

The Mayor shall call special meetings of the Board of Aldermen whenever in his/her opinion the public business may require it or at the written request of any three (3) members of the Board of Aldermen.

Section 115.130. Agenda.

[Ord. No. 3044 §§1 — II, 1-27-2010; Ord. No. 2012-3230 §1, 6-27-2012]

The deadline for submission of items on the Board's agenda is established at 5:00 P.M. on the Thursday prior to the Board's regular meeting or at such other time as may be set by the City Administrator by written policy from time to time. Administrative matters of a minor nature may be added after said deadline at the discretion of the City Administrator. All other additions to the agenda require written request of at least three (3) members of the Board to be added not later than twenty-four (24) hours prior to the meeting.

Section 115.140. Duties of Officer Presiding.

[Ord. No. 3044 §§1 — II, 1-27-2010]

- A. The Mayor or, in the absence of the Mayor, the Acting President of the Board of Aldermen shall:
1. Preserve strict order and decorum at all regular and special meetings of the Board of Aldermen;
 2. State every question coming before the Board;
 3. Announce the decision of the Board on all subjects and decide all questions of order, subject, however, to an appeal to the Board, in which event a majority vote of the Board shall govern and conclusively determine the question of order; and
 4. Sign all ordinances and resolutions adopted by the Board during such person's presence as Presiding Officer. In the event of the absence of the Mayor, the Acting President of the Board of Aldermen shall sign ordinances or resolutions as then adopted.
- B. The Mayor shall not vote except in case of a tie; however, the Acting President of the Board may vote on any question.

Section 115.150. Call to Order.

[Ord. No. 3044 §§1 — II, 1-27-2010]

The Mayor or the Acting President of the Board of Aldermen if the Mayor is absent shall take the Chair precisely at the hour appointed for the meetings of the Board of Aldermen and shall

immediately call the Board to order. In the absence of the Mayor or the Acting President of the Board of Aldermen, the City Clerk shall call the Board to order, whereupon a temporary Chairman shall be elected by the members of the Board present. Upon the arrival of the Mayor or the Acting President of the Board of Aldermen, the temporary Chairman shall immediately relinquish the Chair upon the conclusion of the business immediately before the Board.

Section 115.160. Roll Call.

[Ord. No. 3044 §§1 — II, 1-27-2010]

Before proceeding with the business of the Board, the City Clerk or deputy shall call the roll of the members and the names of those present shall be entered in the minutes.

Section 115.170. Quorum.

[Ord. No. 3044 §§1 — II, 1-27-2010]

A majority of all the members elected to the Board of Aldermen shall constitute a quorum at any regular or special meeting of the Board. In the absence of a quorum, the Presiding Officer shall, at the instance of any two (2) members present, compel the attendance of absent members.

Section 115.180. Reading of Minutes.

[Ord. No. 3044 §§1 — II, 1-27-2010]

Unless a reading of the minutes of a Board of Aldermen meeting is requested by a member of the Board, such minutes may be approved without reading if the City Clerk has previously furnished each member with a synopsis thereof.

Section 115.185. Robert's Rules of Order Adopted.

[Ord. No. 3044 §§1 — II, 1-27-2010]

In the absence of an express provision contained in this Code, the Board of Aldermen shall be governed by the most current edition of Robert's Rules of Order Newly Revised (RONR).

Section 115.190. Rules of Debate.

[Ord. No. 3044 §§1 — II, 1-27-2010; Ord. No. 3505 §1, 8-12-2015]

- A. In addition to the rules of debate contained in Robert's Rules of Order, the following rules of debate shall apply:
1. *Obtaining the floor.* Every member desiring to speak at a meeting of the Board of Aldermen shall address the Chair and, upon recognition by the Presiding Officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.
 2. *Interruptions.* A member of the Board of Aldermen, once recognized, shall not be interrupted when speaking unless it be to call the member to order or as otherwise provided in this Section. If a member while speaking is called to order, the member shall cease speaking until the question of order is determined and, if in order, the member shall be permitted to proceed.

3. *Motion to Reconsider.* A motion to reconsider any action taken by the Board of Aldermen may be made only on the day the action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by a member of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor. The motion shall be debatable. A previously considered motion may become a substantially different question through a significant change in the wording or because of a difference in the time or circumstances in which it is proposed, and such a motion may thus be in order when it could not otherwise be renewed. Matters that are presented again to the Board of Aldermen more than six (6) months after the Board's initial rejection of such matter, unless the facts suggest otherwise, are considered to be a new matter and thus not restricted by the limitations on reconsideration or renewal of motions.
4. *Remarks of Aldermen Entered in Minutes.* An Alderman may request, through the officer presiding, the privilege of having an abstract of his/her statement on any subject under consideration by the Board of Aldermen entered in the minutes. If the Board consents thereto, such statement shall be entered in the minutes.
5. *Synopsis of Debate Entered in Minutes.* The City Clerk may be directed by the officer presiding with consent of the Board to enter in the minutes a synopsis of the discussion on any question coming regularly before the Board.

Section 115.200. Addressing the Board.

[Ord. No. 3044 §§I — II, 1-27-2010]

- A. During a regular meeting of the Board of Aldermen, any person desiring to address the Board shall first secure the permission of the Presiding Officer to do so, provided however, that under the "Open Forum" item on the agenda, any person may address the Board without securing such prior permission in the following manner:
 1. *Written communications.* Interested parties or their authorized representatives may address the Board of Aldermen by written communications in regard to matters then under discussion.
 2. *Oral communications.* Taxpayers or residents of the City or their authorized legal representatives may address the Board of Aldermen by oral communications concerning any matter of the City's business or any matter over which the Board has control.
 3. *Reading of protests, etc.* Interested persons or their authorized representatives may be recognized by the officer presiding over the Board of Aldermen meeting and allowed to present protests, petitions or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions or similar matters, in regard to matters then under consideration.

Section 115.210. Addressing Board After Motion Made.

[Ord. No. 3044 §§I — II, 1-27-2010]

After a motion is made by a member of the Board of Aldermen, no person shall address the Board without first securing the permission of the Board so to do.

Section 115.220. Addressing Board.

[Ord. No. 3044 §§1 — II, 1-27-2010]

Each person addressing the Board of Aldermen shall give his/her name and address in an audible tone of voice for the records and unless further time is granted by the Board shall limit his/her address to five (5) minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the officer presiding. No question shall be asked an Alderman except through the officer presiding.

Section 115.230. Public Inquiries.

[Ord. No. 3044 §§1 — II, 1-27-2010]

Any person desiring to ask a question of the Board of Aldermen must first be recognized by the Presiding Officer.

Section 115.240. Decorum.

[Ord. No. 3044 §§1 — II, 1-27-2010]

- A. *By Board Members.* While the Board of Aldermen is in session, the members must preserve order and decorum and a member shall neither, by conversation or otherwise, delay or interrupt the proceeding or the peace of the Board nor disturb any member while speaking or refuse to obey the orders of the Board or its officer presiding, except as otherwise provided in this Section.
- B. *By Persons.* Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Board of Aldermen shall be forthwith, by the officer presiding, barred from further addressing the Board, unless permission to continue be granted by a majority vote of the Board.

Section 115.250. Sergeant-At-Arms.

[Ord. No. 3044 §§1 — II, 1-27-2010; Ord. No. 3417 §4, 9-24-2014.]

The Chief of Police shall assign Police Officers to serve as sergeant-at-arms at the meetings of the Board of Aldermen and such other meetings of the City's boards and commissions as determined necessary by the City Administrator. The sergeant-at-arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at such meetings. Upon instructions of the Presiding Officer, it shall be the duty of the sergeant-at-arms to remove or place any person who violates the order or decorum of the meeting under arrest and thus cause the person to be prosecuted under the provisions of this Code, the complaint to be signed by the Presiding Officer.

Section 115.260. Reports and Resolutions.

[Ord. No. 3044 §§1 — II, 1-27-2010]

All reports and resolutions shall be filed with the Clerk and entered on the minutes.

Section 115.270. Protests Against Board Action.

[Ord. No. 3044 §§I — II, 1-27-2010]

Any member shall have the right to have the reasons for dissent from or protest against any action of the Board of Aldermen entered on the minutes.

Section 115.280. Adjournment.

[Ord. No. 3044 §§I — II, 1-27-2010]

A motion to adjourn a meeting of the Board of Aldermen shall always be in order and decided without debate.

Section 115.290. Meeting Attendance.

[Ord. No. 3044 §§I — II, 1-27-2010]

- A. Members of the Board of Aldermen shall attend all regular, closed and special meetings of the Board and remain at each such meeting until adjournment, unless leave of absence is granted by the Board or unless excused by the Mayor or the Board because of extraordinary circumstances including, but not limited to, illness, business or personal travel or other similar reason.
- B. A member shall inform the City Clerk of an expected absence and the reason therefor as soon as possible upon learning that he/she will be unable to attend a meeting. If a member intends to leave any meeting prior to adjournment, he/she will inform the Mayor or the Board of the necessity of such departure.

Section 115.300. Voting.

[Ord. No. 3044 §§I — II, 1-27-2010]

- A. For the purpose of enacting ordinances, a majority vote shall require the affirmative vote of no less than four (4) members of the Board of Aldermen, unless a greater number is required by law. The Mayor may only cast a "deciding vote" in the case of a tie.
- B. Members of the Board of Aldermen shall either vote for or against each bill brought before the Board for its consideration, when a vote on such bill is called for pursuant to Board procedure or abstain if by such vote the member would violate the City's code of ethics or the member believes that he/she otherwise has or may be perceived by the public as having a conflict of interest, the member lacks sufficient time or information with which to assess the merits of the bill or the member otherwise for good cause cannot vote.

City of Wentzville, MO
Thursday, November 2, 2017

Chapter 120. Officers

Article I. In General

Section 120.010. Appointment of Officers.

[R.O. 2006 §120.010; CC 1988 §2-66; Ord. No. 362 §1-318, 4-7-1964]

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have the power to appoint such officers as authorized by ordinance to appoint.

Section 120.020. Officers to Be Voters and Residents — Exceptions, Appointed Officers.

[R.O. 2006 §120.020]

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City. Appointed officers other than the City Administrator need not be residents of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office.

Section 120.030. Oath.

[R.O. 2006 §120.030; CC 1988 §2-68; Ord. No. 362 §1-321, 4-7-1964]

Every officer of the City and the officer's assistants and every Alderman before entering upon the duties of office shall take and subscribe to an oath or affirmation before some court of record in the County or the City Clerk that he/she possesses all the qualifications prescribed for office by law, that he/she will support the Constitution of the United States and of the State, the provisions of all laws of this State affecting Cities of the Fourth Class, and the ordinances of the City and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation as required in this Section, the office shall be deemed vacant.

[1] *Cross Reference — Oath required of personnel of department of emergency preparedness, §230.080.*

Section 120.040. Bond.

[R.O. 2006 §120.040; CC 1988 §2-69; Ord. No. 362 §1-321, 4-7-1964]

Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after appointment or election, and before entering upon the discharge of the duties of the office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of duty, and that such person will pay over all monies belonging to the

City, as provided by law, that may come into such person's hands. If any person elected or appointed to any office shall fail to give bond as required by this Section, the office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to the use of such person.

Section 120.050. Elected Officials Not to Hold Other Salaried Positions.

[R.O. 2006 §120.050; CC 1988 §2-70; Ord. No. 332 §§1 — 2, 6-6-1962; Ord. No. 3550 § 1, 11-18-2015; Ord. No. 3725 § 1, 4-13-2017]

- A. That salaries of elected municipal officials must be set by ordinance in accordance with the provisions of Section 79.270, RSMo.
- B. That the salary of the elected position of Mayor for the four-year term commencing immediately after the April 7, 2020 election, is hereby set at the annual amount of nineteen thousand dollars (\$19,000.00), and such salary shall be adjusted as of the date of the second meeting of the Board of Aldermen in the month of April of each year after 2016 based on the change in the Consumer Price Index for the St. Louis Metropolitan Area for the previous calendar year (December to December).
- C. That the salary of the elected position of Alderman for the terms commencing immediately after the April 3, 2018 election, or thereafter, is hereby set at the annual amount of nine thousand dollars (\$9,000.00), and such salary shall be adjusted as of the date of the second meeting of the Board of Aldermen in the month of April of each year after 2016 based on the change in the Consumer Price Index for the St. Louis Metropolitan Area for the previous calendar year (December to December).

Section 120.060. Elected Officials — Salaries.

[R.O. 2006 §120.055; Ord. No. 1590 §1, 12-1-1999; Ord. No. 1715 §§2 — 3, 12-13-2000; Ord. No. 2011-3155 §1, 6-8-2011; Ord. No. 3549 §1, 11-18-2015; Ord. No. 3550 § 1, 11-18-2015; Ord. No. 3725 § 1, 4-13-2017]

- A. That salaries of elected municipal officials must be set by ordinance in accordance with the provisions of Section 79.270, RSMo.
- B. That the salary of the elected position of Mayor for the four (4) year term commencing immediately after the April 7, 2020, election, is hereby set at the annual amount of nineteen thousand dollars (\$19,000.00), and such salary shall be adjusted as of the date of the second meeting of the Board of Aldermen in the month of April of each year after 2016 based on the change in the Consumer Price Index for the St. Louis Metropolitan Area for the previous calendar year (December to December).
- C. That the salary of the elected position of Alderman for the terms commencing immediately after the April 3, 2018, election, or thereafter, is hereby set at the annual amount of nine thousand dollars (\$9,000.00), and such salary shall be adjusted as of the date of the second meeting of the Board of Aldermen in the month of April of each year after 2016 based on the change in the Consumer Price Index for the St. Louis Metropolitan Area for the previous calendar year (December to December).

Section 120.070. Inspection of Books and Records.

[R.O. 2006 §120.090; CC 1988 §2-74; Ord. No. 362 §1-335, 4-7-1964.]

The Mayor or Board of Aldermen shall have the power, as often as necessary, to require any officer of the City to exhibit accounts or other papers or records, and to make a report to the Board, in writing, touching any matter relating to such person's office.

Section 120.080. Removal.

[R.O. 2006 §120.100; CC 1988 §2-75; Ord. No. 642 §§2 — 3, 10-26-1977]

- A. The Mayor may with the consent of a majority of all the members elected to the Board of Aldermen remove from office for cause shown any elective officer of the City, such officer being first given opportunity, together with such officer's witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor may in like manner for cause shown be removed from office by a two-thirds ($\frac{2}{3}$) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation.
- B. The Mayor may with the consent of a majority of all the members elected to the Board of Aldermen remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds ($\frac{2}{3}$) vote of all the members elected to the Board independently of the Mayor's approval or recommendation.

Section 120.090. Filling Vacancies — Procedure.

[Ord. No. 2012-3226 §1, 6-13-2012]

- A. If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.
- B. Pursuant to and consistent with Section 79.280, RSMo., vacancies in elective offices under Subsection (A) above shall be filled as follows: When a vacancy occurs in any elective office, the City Clerk shall give notice of the vacancy via the City's website, news release and other channels to publicize the vacancy and call for applications from all persons interested in filling the vacancy. The notice of vacancy shall state that the City Clerk will accept applications from all persons meeting the qualifications of the vacant office on a form approved by the City for a period of ten (10) business days. On the tenth (10th) business day at 5:00 P.M. the City Clerk shall stop accepting applications and shall forward all applications received to the Board, in the case of a vacancy in the office of Mayor, or to the Mayor, in the case of all other vacancies in elective office, for review and consideration in filling the vacancy.

City of Wentzville, MO
Thursday, November 2, 2017

Chapter 125. Code of Ethics

Section 125.010. Purpose and Applicability – Declaration of Policy.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

The proper operation of democratic 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 Code of Ethics for all officials and employees of the City of Wentzville, whether elected or appointed, paid or unpaid. The purpose of this Chapter is to establish ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the City. The provisions and purpose of this Chapter and such rules and regulations as may be established are hereby declared to be in the best interests of the City. This policy shall apply to the Mayor, Board of Aldermen, paid employees, members of all boards and commissions, and volunteers for the City of Wentzville.

Section 125.020. Responsibilities of Public Office.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the Nation, State, County, and the City and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

Section 125.030. Definitions.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

As used herein, all capitalized words or phrases shall have the following meanings:

CONFIDENTIAL INFORMATION

All information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge.

DISCLOSURE OF INTEREST

A disclosure pursuant to Section 125.050(B) ("Conflicts of Interest").

ENTITY

Any individual, sole proprietorship, corporation, company, business endeavor, partnership, association, or any other organization whatsoever, whether for profit or not-for-profit.

SPECIAL MONETARY BENEFIT

Being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, 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 officials must recuse themselves from acting, except that such official may act on increases in compensation subject to the restrictions of Section 13 of Article VII of the Missouri Constitution.

SUBSTANTIAL INTEREST

Ownership by the individual, his spouse or his dependent children, whether singularly or collectively, directly or indirectly of:

1. Ten percent (10%) or more of any entity involved; or
2. An interest having a value of ten thousand dollars (\$10,000.00) or more in the matter in any entity involved; or
3. The receipt of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any entity involved in the matter.

Section 125.040. Orientation Training.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. A person shall receive orientation training on ethics within a reasonable length of time after election as either a member of the Board of Aldermen or to the office of Mayor or appointment to a City board, commission or committee and after taking office. It shall be the responsibility of the City Administrator to provide this training, which shall include: legislative procedures, applicable Sections of Chapter 105, RSMo. (Conflict of Interest and Missouri Ethics Commission); Chapter 130, RSMo. (Campaign Financial Disclosure); Chapter 610, RSMo. (the Sunshine Law); this Code of Ethics, the Anti-Fraud and Corruption provisions of the Code (Chapter 150) and the Political Activity provisions of the Code (Chapter 155). Such training will also be provided every three (3) years thereafter.

[Ord. No. 3556 §1, 12-9-2015]

- B. The City Administrator shall furnish each elected or appointed official with a written synopsis of the functions and responsibilities of each City department and a synopsis of the City financing sources, including definition of terms. Elected and appointed officials will have the opportunity to meet with each department head, receive orientation on that department's functions and responsibilities, and to meet with the City Administrator and receive orientation on any compensation and benefits.
- C. Appointed department heads and all other City employees will receive training regarding the Ethics provisions of the Code (Chapter 125), the Anti-Fraud and Corruption provisions of the Code (Chapter 150) and the Political Activity provisions of the Code (Chapter 155) from the Human Resources Department during new hire orientation and every three (3) years thereafter.

[Ord. No. 3556 §1, 12-9-2015]

- D. Contracted vendors or subcontracted companies will receive a copy of this policy and shall be responsible for training their personnel.

Section 125.050. Conflicts of Interest.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. While Section 105.476, RSMo., permits the City to establish additional or more stringent requirements than those specified in Sections 105.450 to 105.498, RSMo., in addition to the requirements set forth in this Code of Ethics, all elected and appointed officials, as well as employees of a political subdivision, must comply with the applicable provisions of Sections 105.452, 105.454, and 105.458, RSMo., on conflicts of interest, as well as any other State law governing official conduct.
- B. Any member of any board, commission or committee of the City who has a substantial interest in any measure, bill, order or ordinance proposed or pending before the board, commission or committee must disclose that interest to the City Clerk and such disclosure shall be recorded in the board, commission or committee minutes.
- C. Elected and appointed officials should avoid the appearance of impropriety by refraining from engaging in conduct that makes their decisions appear to have been unduly influenced by others rather than being arrived at independently. All employees, elected and appointed officials should avoid the appearance of impropriety. Decisions should be arrived at independently from undue influence and pressure based on personal relationships and affiliations. Other situations may not be covered by these guidelines. In these situations, members of the Board of Aldermen, employees and members of all City boards and commissions are encouraged to seek counsel from the City Administrator prior to acting. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality. When a conflict of interest or potential appearance of impropriety does occur, the following steps should be taken:
 - 1. The member or official must declare and the record should show that a conflict of interest exists or potential appearance of impropriety with respect to a particular issue and that the member will not participate in any discussion or action;
 - 2. The member or official shall explain and the record should show what constitutes the specific conflict or potential appearance of impropriety;
 - 3. The member or official must step down from his or her regular seat and leave the room;
 - 4. The member or official should not speak with any other members during or prior to the discussion of the issue at hand;
 - 5. The member or official should not represent or speak on behalf of any interested party but may utilize a representative to convey his or her own position as a private citizen during the discussion of the issue at hand; and
 - 6. The member or official must not discuss the issue privately with any other member voting on the matter.
- D. To avoid the appearance of impropriety, conflict, and division of loyalty that may arise by continuing in certain employment while serving as the Mayor or as an Alderman in the City of Wentzville, a person serving as Mayor or Alderman shall not be employed by St. Charles County or a county located in the State of Missouri that is contiguous to St. Charles County or by a municipality, town or village in St. Charles County or located in a County located in the State of Missouri that is contiguous to St. Charles County, if such person is actively employed in such County or municipality in an executive or administrative capacity. An "executive or administrative" capacity is a position that has managerial, supervisory, and/or policy-making functions.

[Ord. No. 3557 §1, 12-9-2015]

Section 125.060. Disclosure Reports.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 2013-3277 §1, 2-13-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. Each elected official, candidate for elective office, the Mayor, City Administrator, and the Director of Finance shall disclose the following information by May first (1st), or the appropriate deadline as referenced in Section 105.487, RSMo., if any such transactions occurred 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.
 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 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.
 3. The Mayor, City Administrator, Director of Finance, and candidates for Mayor also shall additionally disclose by May first (1st), or the appropriate deadline as referenced in Section 105.487, RSMo., the following information for the previous calendar year:
 - 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 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 co-participant 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.
 4. Financial disclosure reports giving the financial information required in this Section shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.
 - 5.

Each applicant submitting an application for a board or commission shall disclose at the time of submitting the application and each appointed official shall disclose by March first (1st), all information set forth in Subsections (1) and (2) above if any such transactions occurred during the previous calendar year. The City Clerk will provide the forms for reporting and completed forms will be submitted to and kept on file in the City Clerk's office.

Section 125.070. Use of City-Owned Property.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015; Ord. No. 3558 §1, 12-9-2015]

Unless expressly permitted by a contract approved by the Board of Aldermen, no official or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business. For purposes of this Section "personal convenience" shall not include an employee's reasonable use of a City-owned vehicle for obtaining meals while the employee is currently using the vehicle for City business.

Section 125.080. Solicitation – Gifts and Gratuities.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3365 §1, 2-12-2014; Ord. No. 3517 §1, 9-9-2015]

- A. Employees shall not solicit or accept from any entity any gift or discount (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the employee(s) or the City or any other entity, if an employee knows or should know that the public may reasonably infer that the entity:
 - 1. Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty; or
 - 2. Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.
- B. It is expressly prohibited for any elected or appointed City Official or employee in any way to use his/her position or influence for private gain for himself/herself or others.
- C. It is expressly prohibited for an employee to accept anything with a value over twenty-five dollars (\$25.00), or multiple items having an aggregate value over twenty-five dollars (\$25.00) per quarter, or a single item of value having a value over one hundred dollars (\$100.00) in a single calendar year, from a contractor, vendor, person providing or seeking to provide services/materials to the City of Wentzville, or person with a pending matter before the City (including a matter concluded within the past ninety (90) days or a matter expected to commence within ninety (90) days), including not only tangible items and money, but also discounts that are not available to the general public. However, the foregoing prohibition does not apply to donations made to the City and then distributed by the City to specific employees and/or officials, and discount programs for City employees and/or officials, when such donations and discount programs have been approved in accordance with the City's Donations Policy and Procedures.

[Ord. No. 3558 §1, 12-9-2015]

D.

In conformance with the above provisions and subject to the limitations of Subsection (A) above:

[Ord. No. 3543 §1, 11-4-2015; Ord. No. 3558 §1, 12-9-2015]

1. Attendance by elected and appointed City Officials and employees in their official capacity at luncheons or other events directly related to educational or professional enhancement of their positions with the City is permitted;
2. Elected and appointed officials and employees may enter into bona-fide raffles, and door prize, attendance prize or "fish bowl" drawings at events that they are attending in their official capacity and retain any prize that they may win through such raffle or drawing provided the value of the item is below three hundred dollars (\$300.00) and the receipt of any such item valued between seventy-five dollars (\$75.00) and three hundred dollars (\$300.00) is reported to the City Administrator;
3. Employees may accept discounts and promotions that are offered universally to the public and/or to employees of private or public employers;
4. Promotional items given away by the City for the purposes of promoting economic development within the City or to otherwise promote the City of Wentzville for other public purposes are permitted;
5. Solicitations by the Mayor and members of the Board of Aldermen which benefit charitable (Section 501(c) tax-exempt) entities, including solicitations for the Mayor's Ball, are permitted; provided that said elected official does not receive a salary or direct financial benefit from such charitable entity;
6. Donations of food, gifts or other items, and discount programs that are made to an employee or group of employees generally of the City that do not exceed a value of twenty-five dollars (\$25.00) per employee per quarter or one hundred dollars (\$100.00) per calendar year, provided, however, that the conditions under Subsection (A) continue to be met, are permitted; and
7. As part of the City's wellness program, employees and dependents are permitted to use the work out facilities and participate in wellness programs at Progress Park at no cost for employees and at reduced rates for dependents. Employees are also permitted to purchase pool passes at the resident rate regardless of personal residency as part of the wellness program.

[Ord. No. 3599 §1, 5-11-2016]

- E. Nothing herein shall apply to campaign contributions made to elected officials or candidates for elective positions made and reported in accordance with applicable law that are not within the scope of this Section.

Section 125.090. Donations and Sponsorships.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3365 §1, 2-12-2014; Ord. No. 3517 §1, 9-9-2015]

A. *Donations To And Sponsorships Of The City.*

1. *Valued between twenty-five dollars (\$25.00) and five thousand dollars (\$5,000.00).*
 - a. The City Administrator will consider the guidelines established in this policy and either accept or reject offers of donations of money, equipment, in-kind contributions or

sponsorships to the City between twenty-five dollars (\$25.00) and five thousand dollars (\$5,000.00) in any calendar year from any single source.

- b. Donated money will be expended for general purposes or specified purposes, if agreed upon with the donor, as one-time supplements to the City's operating budget. Donations of equipment will be considered based on program outcomes, department goals and needs. Each donation will be evaluated for usefulness, and costs of potential replacement/rental rates will be considered. In-kind contributions and sponsorships, or business discounts for specific events will be treated in the same way as donated funds.
 - c. The City Administrator will accept or reject business discount offers for City employees and/or officials with a cumulative annual value of between twenty-five dollars (\$25.00) and five thousand dollars (\$5,000.00) in any calendar year from any single source. Acceptance of such discount offers by individuals shall comply with the policies and procedures set forth in the City's Anti-Fraud and Corruption Policy. Unless otherwise directed by the Board of Aldermen, the City Administrator shall determine any necessary allocation of gifts to the City.
 - d. Donations, sponsorships, and business discounts that are approved by the City Administrator shall be recorded by the office of the City Administrator. Recorded information shall include the name of the donor or sponsor, a description of the donation, sponsorship or discount, including approximate material value, and the date of approval by the City Administrator. These records shall be considered open records accessible by and available to the public.
2. *Valued at more than five thousand dollars (\$5,000.00).*
 - a. For monetary, equipment and in-kind contributions, sponsorships, or discounts with material values over five thousand dollars (\$5,000.00) in any calendar year from any single source, the Board of Aldermen shall be provided a written report outlining the purpose of each proposed transaction and any relevant considerations of the guidelines provided. The Board of Aldermen will decide, on a per-case basis, if donations or sponsorships should be accepted or rejected. Corporations offering in-kind contributions will be requested to state the value of the offered item or service.
 - b. All donations and sponsorships valued at more than five thousand dollars (\$5,000.00) for a certain project, item or fund or from any single donor, either separately or cumulatively, during a calendar year require Board of Aldermen approval. In the event multiple donations or sponsorships exceed five thousand dollars (\$5,000.00) in a calendar year, Board of Aldermen approval will be required. Subsequent to the Board's acceptance, procedures for handling transactions of more than five thousand dollars (\$5,000.00) shall be the same as those for the acceptance of transactions valued at five thousand dollars (\$5,000.00) or less.
 3. *Guidelines for accepting donations.* The following criteria shall be considered in the acceptance or rejection of all donations:
 - a. Does acceptance of funds, equipment or in-kind services, materials, or business discounts present a conflict of interest for the City or its officials and employees? Regardless of the value, donations shall not be accepted if there is reason to believe there may be a conflict of interest. Examples may include donations from:
 - (1) Donors that are involved in a matter under current review with a pending outcome with any City process such as any zoning or development matter, building inspection, public-private partnership for financing public infrastructure

or projects, police investigation, Building/Property Maintenance Code investigation, or any investigation into the violation of Municipal Code.

- (2) Contractors, vendors, or persons seeking to provide services/materials to the City of Wentzville.
- b. Are there restrictions upon the use of the item or funds that make it impractical or inappropriate to accept?
- c. Are there restrictions on disposal or retention of the item or funds that make it impractical or inappropriate to accept?
- d. Is any required accounting for the item or funds excessively difficult?
- e. Would donated materials or equipment require extensive or costly repair or maintenance, and, if so, is maintenance support available?
- f. Does the equipment or materials require the purchase of additional items to be useful?
- g. What effect will the donation have on the City's budget? Donations are to be considered one-time supplements and should not be used to develop new programs or services which would require budget supplements from the City in the current or subsequent years, unless a benefit analysis proves the donation to be fiscally responsible, cost effective and receives approval as outlined in this policy.

B. *Solicitations.*

1. Solicitation of donations to the City shall be subject to this Section as well as the procedures applicable to acceptance of an unsolicited donation under Section 125.080, Solicitation — Gifts and Gratuities, and Section 125.090(A), Donations and Sponsorships. Approval of a solicitation shall constitute approval of acceptance unless the terms and conditions required for acceptance are materially different from those included with the solicitation.
2. Except as otherwise permitted under Section 125.080(D)(3), individual employees shall obtain approval prior to soliciting donations to the City. If the total amount of the solicitation sought is for a donation of five thousand dollars (\$5,000.00) or less, approval shall be obtained from the City Administrator. If the solicitation is for a donation of over five thousand dollars (\$5,000.00), approval shall be obtained from the Board of Aldermen. Elected and appointed City Officials shall not solicit donations to the City.
3. Other than a donation solicitation approved pursuant to previous Sections of this policy, no elected or appointed City Official or employee of the City shall directly solicit anything of value, for any purpose, from an entity:
 - a. That is currently seeking to do business or subject to official action of, or doing business with, the City, or anticipated to be doing so in the immediate future; or
 - b. Whose interests may be substantially affected by the performance or non-performance of the individual's official duties.
4. Elected and appointed City Officials and employees soliciting donations in compliance with this policy (i.e., either with approval or after restrictions no longer apply) from those that are or have previously engaged in the conduct set forth in previous Sections of this policy shall make clear that such solicitations are not connected to or presented as requests for payment for services rendered and otherwise strive to avoid any semblance of impropriety.

5. Those soliciting donations are prohibited from exerting any form of pressure upon those they have benefited through official acts.
 6. Elected and appointed City Officials and employees shall not offer any form of special access to themselves in exchange for donations.
 7. Unless authorized by the Board of Aldermen, elected and appointed City Officials and employees shall not solicit anything of value for a purpose unrelated to official City business through any means that may suggest that the solicitation is made with authority or on behalf of the City.
 8. Elected and appointed City Officials shall not directly solicit anything of value from City employees. City employees shall not directly solicit anything of value from their subordinates. Notwithstanding the foregoing, employee-coordinated fund-raising campaigns for charitable or similar programs directed to all employees or a department of employees may be permitted as approved by the City Administrator, and employees may collect money (solicit donations) for co-workers in recognition of a co-worker's retirement, birthday or a family member's death or in similar situations.
[Ord. No. 3558 §1, 12-9-2015]
 9. Any communications related to a solicitation authorized hereunder shall be in a self-contained correspondence and not combined with other City business.
 10. Upon receipt by the City of any donation for a City-sponsored event or program, written communication from the Mayor's office shall be sent to the donor acknowledging receipt of the donation, and a written statement from the City's Finance Department shall be sent to the donor within sixty (60) days of the event or completion of the program confirming that the donated funds, goods or services were utilized by the City in connection with the event or program for which the funds, goods or services were donated.
- C. In conformance with the above Sections, the solicitation of donations or purchases by City employees which are solely for the benefit of the following are permitted:
1. One or more of the following City-sponsored or City-supported events or programs: Wabash Days, Soapbox Derby Race; Easter Eggstravanganza, 4th of July Celebration, Holiday Night Lights, City-Sponsored youth sports; CERT, DARE, Explorers, Special Olympics and National Night Out; and
 2. Such other City-sponsored or City-supported special events and programs as approved by the City Administrator or the Board of Aldermen.
- D. *Exemptions.* Nothing herein shall apply to:
1. Donations of real property, or solicitations therefor, for the purpose of establishing parks or other public places or for real property, or any interests therein, to facilitate public works projects;
 2. Non-profit, 501(c)(3) or other recognized tax-exempt entities formed for or whose stated purpose is raising funds for, donating manpower, materials or real estate to, or otherwise supporting the City or governmental entities in general;
 3. Calls for assistance, actions or responses to natural disasters or other emergency situations affecting all or part of the community;
 4. *Solicitations of campaign contributions.* Such activities are subject to separate regulations, including Chapter 130, RSMo.

Section 125.100. Avoiding Undue Influence.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. An elected or appointed official serving in an executive or administrative capacity shall not directly or indirectly attempt to influence any decision of either the City of Wentzville or any employee of the City over which he/she has supervisory power:
 - 1. When that official knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to that agency for consideration in excess of five hundred dollars (\$500.00) value per annum to him/her, to his/her spouse, to a dependent child in his/her custody or to any entity 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; or
 - 2. When that official has received, is receiving, or has been promised any consideration from any entity.
- B. No City Official or employee shall favorably act on any matter that is so specifically designed to provide a special monetary benefit to such official/employee or his/her spouse or dependent children by reason of such act. This includes, but is not limited to, increases in retirement benefits, whether received from the State of Missouri or any third party.
- C. To avoid the appearance of undue influence, except for the purpose of any investigations as established by this Code, Board members shall not interfere with administrative City Officers or employees who are subject to the direction and supervision of the Mayor and City Administrator. Individual Board members shall not give any orders to any such officer or employee, either publicly or privately.

Section 125.110. Preservation of Confidential Information.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. No City Official or employee shall:
 - 1. Without proper approval, disclose confidential information concerning the property, government, personnel or affairs of the City;
 - 2. Use confidential information obtained in the course of employment or official capacity with intent to result in financial gain for himself/herself, his/her spouse, his/her dependent child in his/her custody, or any business with which he/she is associated; or
 - 3. Disclose any confidential information obtained in the course of employment or official capacity with intent to result in financial gain for himself/herself or any other person or to give another a competitive advantage over others dealing with the City.

Section 125.120. Bidding.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. No official or employee shall:

1. Disclose any information to any entity regarding matters that is contained in bids that are in process (i.e., between the time a notice of bid is issued to the time the bid is awarded) or are going to be in process (i.e., while bid specifications are being developed) for a service to be contracted by the City, other than that information which has been disclosed to all bidders or the general public; or
2. Sell, rent or lease any property to the City for consideration in excess of five hundred dollars (\$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.

Section 125.130. Participation in City Contracts.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. No City Officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any entity by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.
- B. No City Officer or employee with procurement or contract management authority shall, during their term of office or during employment or within twelve (12) months of termination of employment, make or participate in the making of a contract with any entity by which the officer or employee has a substantial interest.
- C. No entity shall enter into any contract where any City public official or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the entity.
- D. For purposes of this Section, a City public official or employee does not make or participate in the making of a contract if the public official or employee abstains from any action in regard to the contract and employee files written notification of abstention with the City Administrator.
- E. This Section shall not apply to the following:
 1. Contracts let after competitive bidding has been advertised for by published notice; and
 2. Contracts for property or services for which the price or rate is fixed by law.
- F. No City Officer or employee perform any service for the City for any consideration other than the compensation from the City for the performance of his/her official duties.

Section 125.140. Endorsement of Products or Services.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. A City employee in his/her official capacity shall not knowingly assist in the sale of any goods or services by permitting his/her endorsement of said goods or services to be used for advertising purposes, without the express written consent of the City Administrator.
- B. Nothing herein shall be deemed to apply to an employee's response to inquiries by the Board of Aldermen, his/her supervisors, other governmental entities, or members of the public as to that employee's experience with particular goods or services.

Section 125.150. Participation in Other Matters.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

A City Official or employee shall not be deemed to have passed or acted upon any matter if the public official or employee abstains from any action in regard to the matter.

Section 125.160. Restriction on Former Public Officials or Employees.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

A. *Matters Connected With Their Former Duties.* No elected or appointed official or employee of the City, serving in an executive or administrative capacity, shall:

1. For a period of one (1) year after termination of his or her office or employment, perform any service for consideration by which performance he or she attempts to influence a decision of the Board of Aldermen or any other board or commission of the City, or a decision of any official or employee over which he or she had supervisory power, 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;
2. Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

B. *Selling To The City.*

1. It shall be a breach of ethical standards for any former City Official or employee to engage in selling or attempting to sell supplies, services or construction to the City for one (1) year following the date term or employment ceased.
2. The term "sell", as used herein, means signing a bid, proposal or contract; negotiating a contract; contacting any City Official or employee for the purpose of obtaining, negotiating or discussing changes in specifications, price, cost allowances or the terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided however, that this Section is not intended to preclude a former public official or employee from accepting employment with private industry solely because the former public official's or employee's employer is a contractor with this City, nor shall a former public official or employee be precluded from serving as a consultant to this City under specific circumstances outlined in a contract approved by the Board of Aldermen.
3. This Section shall not apply if the former City Official or employee, before he/she engages in or attempts to sell, makes a full disclosure to the Board of Aldermen of the former official's date of service and position with the City or employee's date of employment and position with the City and the Board of Aldermen determines that it is in the best interest of the City to permit the former official or employee to sell or attempt to sell such supplies, services or construction.

Section 125.170. Responsibilities Under Code of Ethics.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. *Employees.* If an employee becomes aware of a violation of this policy, the concerns should be reported to the Department Director immediately. If the situation is not immediately resolved or if the employee is unable to address or uncomfortable addressing the Department Director, he or she should report the incident to the City Administrator or Human Resources. If the suspected violation involves an elected City Official, he or she should report the incident to the City Administrator who shall immediately notify the Mayor, or the President of the Board of Aldermen if the Mayor is an interested party. It may be helpful to make a written record of the date, time and nature of the incident(s) and the names of any witnesses. It is important to report concerns, regardless of the seriousness, as soon as possible. The City cannot assist in stopping violations of this policy if it is unaware of the problem. Publicizing information about alleged violations without following the appropriate reporting procedures might be considered evidence of a vexatious intent on part of the accuser.
- B. *Department Directors.* Department Directors must deal expeditiously and fairly with allegations of violations within their departments whether or not there has been a written or formal complaint. Department Directors must:
1. Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
 2. Ensure that the suspected violation is reported to the City Administrator or Human Resources immediately so that a prompt investigation can occur.
 3. Take any appropriate action to prevent retaliation or prohibited conduct from reoccurring during and after any investigations or complaints.
 4. Department Directors and supervisors who knowingly allow or tolerate violations of this policy shall be subject to discipline.
- C. *City Administrator, Mayor And/Or President Of The Board Of Aldermen.* The City Administrator and Mayor, or President of the Board of Aldermen in the case of a conflict in the office of Mayor, are responsible for:
1. Explaining the City's Code of Ethics policy and investigation procedures to the person reporting the possible violation and the respondent.
 2. Exploring informal means of resolving complaints.
 3. Notifying the police if criminal activities are alleged.
 4. Arranging for an investigation, either internally or through a third party, of the alleged violation and the preparation of a written report.

Section 125.180. Advisory Opinions.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. Where an employee has a doubt as to the applicability of any provision of this code of conduct to a particular situation regarding that employee or as to the definition of terms used herein, the employee may apply by signed writing to the City Administrator for an advisory opinion. Elected officials and appointed officials shall have the right to apply to the City Attorney for an advisory

opinion regarding particular situations in which they are personally involved or as to the definition of terms used herein. The individual shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made. The application shall at a minimum provide sufficient detail to fully and accurately describe the situation and shall be certified as true to the best knowledge, information and belief of the applicant. The City Administrator shall freely seek the advice and assistance of the City Attorney where interpretation of the law is required.

- B. No person who relies upon an advisory opinion rendered pursuant to this Chapter may be found in violation of this Chapter except where such opinion has been fraudulently obtained or where the person so relying failed to provide or omitted material facts in the request for the advisory opinion.
- C. Such opinion until amended, distinguished or revoked shall be binding on the City, the Board of Aldermen and the City Administrator and City Attorney in any subsequent actions concerning the elected official, appointed official or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.
- D. Any advisory opinion prepared by the City Administrator or City Attorney shall be in writing and a copy shall be sent to the City Clerk to be retained and made available to the public upon request.

Section 125.190. Resolution Procedures.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. Incidents of possible violations of this Code of Ethics should be reported using the following procedures.
 - 1. To assist the City in its investigation into an alleged violation of this policy, employees will often be asked to provide a written report of possible violation. Any report of possible violation should be submitted as soon as possible after an incident of alleged violation. The Director of Human Resources may assist the person reporting the incident in completing a report of possible violation form.
 - 2. To ensure the prompt and thorough investigation of a complaint, the reporting person should provide as much of the following information as is possible:
 - a. The name, department and position of the person or persons allegedly violating the Code of Ethics ("Respondent(s)").
 - b. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
 - c. Any other information the reporting person believes to be relevant to the complaint of violation.
- B. While all employee inquiries and reports of possible violations are treated as confidentially as possible, employees understand that the City, as a public governmental body, strives to comply to the fullest with Missouri's open records and meetings laws, and has a duty to make public certain records of public concern. To that end, the following is a general statement of the City's policies on handling records relating to reports of possible violations.
 - 1.

Reports of possible violations by employees. In keeping with the Personnel Policy and Chapter 112, information contained in a report of possible violation regarding an employee is kept as confidential as possible. However, the identity of the reporting person usually is revealed to the respondent and witnesses. Retaliation against the reporting person will not be tolerated. All information pertaining to a report of possible violation or investigation is maintained by the Director of Human Resources in secure files.

2. *Reports of possible violations by elected officials.* Except where it has been decided to proceed pursuant to a criminal investigation by law enforcement, information contained in a report of possible violation regarding an elected official shall be made available to the public except that in the case of a report of possible violation filed by an employee, the name of the employee shall be kept as confidential as possible. However, the identity of the reporting person usually is revealed to the respondent official and witnesses. Retaliation against the reporting person will not be tolerated. The report of possible violation may be made available to the public by the Board of Aldermen. An investigation of the report of possible violation shall be kept confidential until it is concluded.
3. The Director of Human Resources can answer any questions relating to the procedures for handling information related to reports of possible violations and investigations to reporting persons and respondents.

C. *Investigation Of Reports Of Possible Violations.*

1. In the case of the report of possible violation involving an employee, the provisions of the Personnel Policy shall apply.
2. Except where the report of possible violation involves an employee, any report of possible violation of the provisions of this Code of Ethics (Chapter 125) and/or Chapter 105, RSMo., believed by the disciplinary authority to have merit shall be presented to either:
 - a. An independent investigator, or
 - b. The Missouri Ethics Commission established under Section 105.955, RSMo., or its successor, or
 - c. May be referred to the appropriate Law Enforcement Agency. Upon receipt of any investigative report from either an independent investigator or the Missouri Ethics Commission under Section 105.961, RSMo., as amended or revised, that indicates that there is probable cause that a violation has occurred, the appropriate disciplinary authority shall determine whether to follow the recommendations contained in the report within the time allowed by Statute (including any stay resulting from an appeal) and whether to take any other appropriate disciplinary action. As provided by Statute, in the case of a person that is an elected official, the appropriate disciplinary authority is the disinterested members of the Board of Aldermen and in the case of a person that is an appointed official or employee, the appropriate disciplinary authority is the person with immediate supervisory authority over the person. However, the City Administrator and Board of Aldermen retain their respective ultimate supervisory authority in such matters and may determine to act as the disciplinary authority as set forth in the Municipal Code and Chapter 79, RSMo.

D. *Proceedings.*

1. In conjunction with determining whether to follow the recommendations of a report received from the independent investigator or Missouri Ethics Commission or to take any other appropriate disciplinary action, the disciplinary authority shall determine:

- a. If the subject of the report is an employee, then the provisions of the Personnel Policy and related laws and regulations shall apply and not those of Subsection (D) below.
 - b. If the subject of the report is not an employee, then the provisions of this Subsection (D) shall apply.
2. The disciplinary authority, if the matter was referred to the Missouri Ethics Commission, may simply accept the decision of the Commission without a hearing; or in the case of an independent investigation, may determine to take no further action. But, when a hearing is scheduled hereunder either in reference to a report from an independent investigator or in further action on a decision of the Missouri Ethics Commission, the reporting person and respondent shall be given reasonable notice thereof by certified mail. However, if the respondent agrees that he/she has committed a violation as alleged in the complaint, the appropriate disciplinary authority will not hold a hearing, but instead will promptly hold a public meeting to consider the matter and render a decision regarding the appropriate discipline or penalty.
 3. The hearing shall be held within twenty (20) days of the receipt of the investigative report unless:
 - a. The respondent requests a later date not to exceed twenty (20) additional days.
 - b. The disciplinary authority itself determines that more time is required, not to exceed twenty (20) additional days.

On request from the respondent, the disciplinary authority may grant an expedited date for the hearing.

4. The disciplinary authority may meet prior to the hearing to prepare for the hearing. Such a meeting shall be a work meeting and no evidence, testimony, or public comments will be accepted during such a meeting. The respondent shall not participate in the work meeting as doing so will be deemed a conflict of interest in violation of this Chapter and an improper ex parte communication with the disciplinary authority. The work meeting shall be open to the public but portions of the meeting may be closed for the purpose of discussions with legal counsel pursuant to Section 610.021(1), RSMo.
5. The hearing shall be conducted in the manner most conducive to the determination of the truth and the disciplinary authority shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by any informality in the proceedings.
6. Hearings shall be open meetings under the open meetings and records policy of the City (Chapter 112). Notice of the hearing shall be posted in conformance with the above stated policy.
7. All hearings shall be conducted as follows:
 - a. The disciplinary authority shall receive evidence from:
 - (1) The independent investigator or the Missouri State Ethics Commission (in the form of its report or decision);
 - (2) The reporting person;
 - (3) The respondent;
 - (4) Any other witnesses called by the above parties; and

- (5) Any other person the disciplinary authority deems necessary.
- b. Opening statements and closing arguments shall be permitted. The disciplinary authority may request any witnesses to appear at a fixed time and/or the production of any records or material evidence. Failure or inability of the reporting person to appear or produce evidence shall not be grounds for dismissal. The respondent is entitled to present his/her witnesses and evidence in defense. Rebuttal may be permitted.
- c. Parties will be allowed to examine and cross-examine witnesses. The disciplinary authority may also examine witnesses directly or through its counsel.
- d. Both the reporting person and the respondent may be represented by legal counsel at their own expense.
8. The disciplinary authority shall determine the relevancy, weight and credibility of testimony and evidence. The disciplinary authority shall base its findings on the preponderance of evidence.
9. The hearing may be continued by the disciplinary authority to allow for additional information to be presented. The disciplinary authority may set time constraints on the proceedings.
10. The City Attorney shall serve as counsel to the disciplinary authority but to avoid any conflict or appearance of thereof shall not present evidence or conduct the hearing on behalf of the City; the City may use the prosecuting attorney or employ special counsel to put on evidence or conduct the hearing for the City.
11. A transcript of the hearing shall be made unless waived by the reporting person, the respondent and the disciplinary authority.
12. Within three (3) business days of the close of the hearing, the respondent, reporting party and counsel for the City before the disciplinary authority may submit proposed findings of fact and conclusions of law for use and consideration of the disciplinary authority.
- E. *Decisions.* The disciplinary authority, upon completion of a hearing or admission of a violation, shall render a written decision within ten (10) business days after the deadline for receipt of any proposed findings of fact and conclusions of law. The decision shall:
 1. Determine whether or not a violation occurred;
 2. Set forth any necessary requirements for voluntary compliance, if applicable;
 3. Take other actions under Section 125.200 or recommend action by the authorized City Officials as deemed appropriate under the circumstances; and
 4. Recommend any appropriate prosecution under applicable State or local law, if applicable.
- F. *Willful Concealment.* In the event that a City Official or employee willfully conceals a substantial financial interest in violation or otherwise willfully violates the requirements of this Chapter, such person shall be guilty of malfeasance in office or position and shall forfeit all offices and positions with the City.
- G. *Complicity By Private Sector.* In the event that a person or business entity who makes a contract or sale with the City knows or should have known that a City Official or employee has violated this Chapter's provisions regarding such contract or sale, the City Administrator or the Board of Aldermen may declare the contract or sale void within thirty (30) days after the determination that the official or employee violated this Chapter.

- H. *Proceeding Not Exclusive.* The procedures set forth herein are for the disciplinary authority's guidance, edification and use. The disciplinary authority may vary the proceedings where it deems necessary and appropriate under the given circumstances.

Section 125.200. Discipline.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. Employees who are determined to have violated this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand and the maximum discipline is termination of employment.
- B. City elected officials who are determined to have violated this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a public censure and the maximum discipline is removal from office.
- C. Any employee or official found to have knowingly made a false report of possible violation shall be subject to discipline as set forth herein.
- D. Nothing herein shall be deemed to limit the City's right to pursue civil damages or criminal penalties against persons arising out of violations of this policy.

Section 125.210. Other Available Procedures — Administration.

[Ord. No. 2013-3271 §1, 1-16-2013; Ord. No. 3318 §1, 8-14-2013; Ord. No. 3517 §1, 9-9-2015]

- A. The procedures available under this policy do not pre-empt or supersede any legal procedures or remedies otherwise available under State or Federal law.
- B. This policy will be administered through the City Administrator.

City of Wentzville, MO
Thursday, November 2, 2017

Chapter 150. Anti-Fraud and Corruption Policy

Section 150.010. Purpose and Applicability – Declaration of Policy.

[Ord. No. 2013-3271 §2, 1-16-2013]

The purpose of this policy is to establish a method of reporting fraud or corruption within the City of Wentzville in order to minimize the risk of internal and external fraud, theft of City assets, fraudulent financial reporting, or corruption within the employee ranks or Governing Body. This policy addresses the responsibility of employees, volunteers, elected and appointed officials for detecting and reporting fraud or suspected fraud, corruption, or dishonest activities. The City is determined to protect itself and the public from fraud, corruption, and dishonest activities and is committed to maintaining a strategy for the prevention, detection and eradication of fraud, corruption, and dishonest activities.

Section 150.020. Policy.

[Ord. No. 2013-3271 §2, 1-16-2013]

Management is responsible for the detection and prevention of fraud, misappropriations and other inappropriate conduct. Management also recognizes that a key preventative measure in the fight against fraud and corruption is to employ staff and appoint officials who have high standards in terms of propriety, integrity and fiscal responsibility. Further, all employees and officials of the City Government have a duty to residents of the City of Wentzville to ensure that City resources are prudently used in accordance with Federal, State, and local law, as well as good judgment where the law is silent. Management is further committed to continuously improving the systems for which it is responsible, both through its own assessments and by positive and prompt response to audit recommendations. It is, therefore, the intent of the Mayor, Board of Aldermen of the City of Wentzville and the City Administrator to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls, management of reporting process and facilitation of proper and prudent investigations to aid in the detection and prevention of fraud against the City of Wentzville.

Section 150.030. Fraud and Corruption.

[Ord. No. 2013-3271 §2, 1-16-2013]

- A. *"Fraud"* is defined as an intentional, false representation or concealment of a material fact that leads to a financial advantage to the perpetrator or other upon whose behalf he or she acts. *"Corruption"* is the offering, giving, soliciting, or acceptance of any inducement or reward that may influence the actions taken by an employee or official. Fraud incorporates theft, larceny, embezzlement, fraudulent conversion, false pretenses, forgery, corrupt practices and falsification of accounts. Fraud or other wrongful acts may include:

1. Forgery or alteration of a check, bank draft, or other financial document or account belonging to the City of Wentzville.
2. Falsifying time sheets, expense reports, or other report documents.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in handling or reporting of money or financial transactions.
5. Disclosing confidential or proprietary information to outside parties.
6. Seeking and/or accepting after seeking anything with material value or any gratuity of any amount from anyone other than the City as part of the employee or officials' normal pay for performing one's duties. Employees and officials should never solicit anything of material value for themselves or others in connection with the rendition of public service.
7. Unauthorized destruction, removal, or any other inappropriate use of records, furniture, fixtures, equipment, materials or supplies, and/or any similar or related irregularity.
8. Authorizing or receiving payments for hours not worked.
9. Authorizing or receiving payments for goods not received or services not performed.
10. Making promises, offers, deals on behalf of the City to vendors, potential vendors, contractors, subcontractors, employees, potential employees, or anyone else when not authorized to do so by the proper authority.
11. Any violation of Federal, State or local laws related to dishonest activities or fraud.

Section 150.040. Management Responsibility.

[Ord. No. 2013-3271 §2, 1-16-2013]

- A. Management is responsible for detecting fraud, corruption or related dishonest activities in their areas of responsibility. Each department director, manager, or supervisor should be familiar with the types of improprieties that might occur in their area. Furthermore, they should be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence in his or her area of responsibility. When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be fraud, corruption or dishonest activity.
- B. Management is responsible for taking appropriate corrective actions in accordance with their training to ensure adequate controls exist to prevent recurrence of improper actions.
- C. Great care must be taken in the dealing with suspected dishonest, corrupt or fraudulent activities to avoid incorrect accusations, alerting suspected individuals that an investigation is underway, treating persons unfairly, or making statements that could lead to claims of false accusations or other offenses. Individuals who knowingly make false accusations may be subject to disciplinary action up to and including termination.

Section 150.050. Reporting Suspicious Activities.

[Ord. No. 2013-3271 §2, 1-16-2013]

- A.

Employees, officials and others have an obligation to report criminal conduct and/or suspicious activity and should be able to do so without fear of retaliation or reprisal. When suspected fraud, corruption or dishonest incidents or practices are observed by or made known to any employee, the suspected incident or practices shall be reported. Reports should be made to the employee's supervisor (see the City's Organizational Chart). However, if the employee believes the supervisor may be involved in the inappropriate activity, the employee should make the report directly to the next higher level of supervision, who shall then notify the City Administrator, or Human Resources, if the suspected activity involved the City Administrator. Individuals other than employees of the City who have knowledge of suspicious activities should report the inappropriate activity directly to the City Administrator or to the Mayor if the suspected activity involves the City Administrator.

- B. Reports should be presented with the following information: the date on which the criminal conduct and/or suspicious activity occurred if known, a description of the activity and the name (s) of anyone involved in the activity. These reports will then be immediately submitted to the City's external auditor for documenting and future review.
- C. The reporting individual should refrain from further investigation of the incident, confrontation of the alleged violator, or further discussion of the incident with anyone unless requested to do so by management.
- D. Employees and officials serve as the eyes and ears of the City. Their vigilance serves as a strong deterrent against fraud, corruption or other dishonest practices or behavior. Every employee and official has an obligation to report fraud, corruption or dishonest practices.

Section 150.060. No Reprisal for Reporting Suspicious Activities.

[Ord. No. 2013-3271 §2, 1-16-2013]

It is the policy of the City of Wentzville that no employee or official shall be subject to recrimination or any other form of punishment on the basis that they reported what was reasonably believed to be an act of wrongdoing or a violation of policies of the City. However, an employee may be subject to disciplinary action, up to and including termination, and an official would face Board censure or similar consequences, if the City reasonably concludes that the report of wrongdoing was knowingly fabricated or was knowingly distorted, exaggerated or minimized to either injure or to protect another party or oneself. A person whose report of misconduct contains admissions of personal wrongdoing will not, however, be guaranteed protection from disciplinary or similar action. The weight to be given to the self-confession will depend on all the facts known to the City at the time it makes its decisions. In determining what, if any, action may be taken, the City will review the facts of the case.

Section 150.070. Investigation.

[Ord. No. 2013-3271 §2, 1-16-2013]

The City Administrator or his or her designee will investigate situations involving possible fraud, corruption, or related dishonest activity. If appropriate, the external auditing firm for the City of Wentzville may be informed of all situations of alleged violations of this policy and the results of the required investigations. The investigation requires the full cooperation of all City personnel and officials. If the alleged fraud involves the City Administrator, the Mayor shall designate a person or persons to conduct the investigation. If this investigation uncovers evidence showing fraud, corruption or dishonest activities by an employee, the City Administrator (if not directly involved in the allegations) will determine what disciplinary or legal actions should be taken. If the City

Administrator is directly involved in the allegations, or if an elected or appointed official is involved, the Mayor and Board of Aldermen will determine what disciplinary or legal actions should be taken regarding such individuals.

Section 150.080. Preventive Measures.

[Ord. No. 2013-3271 §2, 1-16-2013]

- A. Management of the City of Wentzville recognizes that the implementation of preventive and deterrent measures guard against corruption and fraudulent activities occurring within the confines of the City Government.
- B. The City in conjunction with its external auditors shall annually re-evaluate areas of its internal control procedures and modify them as necessary to improve these areas.
- C. The Human Resources Department shall be responsible to provide training to all employees regarding the definitions, detection, proper reporting, and investigation of fraud, corruption and other related activity as well as training on any internal control procedures that are implemented and the time of employment and every three (3) years thereafter. Such training will be conducted with training on Code of Ethics (Chapter 125) and Political Activity (Chapter 155).

[Ord. No. 3556 §2, 12-9-2015]

Section 150.090. Conclusion.

[Ord. No. 2013-3271 §2, 1-16-2013]

The City is consistently working to improve the current systems and procedures to deter, detect, and investigate fraud, corruption and dishonest activities. The City will ensure that these arrangements are fair, widely publicized and available to all employees and officials. The arrangements will be monitored and updated to keep pace with future developments in prevention, deterrence, and detection techniques regarding fraud, corruption and dishonest activity.

City of Wentzville, MO
Thursday, November 2, 2017

Chapter 155. Political Activity

Section 155.010. Purpose and Applicability — Declaration of Policy.

[Ord. No. 2013-3271 §3, 1-16-2013]

The purpose of this policy is to establish guidelines concerning the political activity of employees, elected officials and those seeking to hold elected office in the City of Wentzville to minimize the risk of City employees bringing their political affiliations to bear on their official duties and to attempt to eliminate political favoritism between elected officials and employees. This policy applies to all full-time and part-time employees, volunteers, and elected officials and those seeking to hold an elected office for the City of Wentzville.

Section 155.020. Permitted Political Activities of City Employees.

[Ord. No. 2013-3271 §3, 1-16-2013]

- A. Activities listed in this Section are permitted for City employees on their own time. These activities apply to County, State and national elections and to municipal elections outside the City. These activities are not permitted while the employee is on duty, on any City property or in a uniform normally identified with the City, unless for the sole purpose of casting a vote.
- B. Each employee, including an employee engaged in an activity financed through Federal funds, may:
 1. Register and vote in any election.
 2. As an individual, privately and publicly express an opinion on political subjects and candidates except as modified below.
 3. Be a member of a political party and participate in its activities consistent with this regulation.
 4. Make a financial contribution to a political party, group or candidate.
 5. Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum or issue of a similar character not pertaining to the City.
 6. Display bumper stickers, signs, posters or pamphlets on private property for the endorsement of candidates or issues.
 7. In City municipal elections, register, vote and express privately an opinion on candidates and propositions.

8. Volunteer as an election judge while not on duty or in a uniform normally identified with the City.

Section 155.030. Additional Permitted Activities.

[Ord. No. 2013-3271 §3, 1-16-2013]

- A. In addition, an employee who is not engaged in an activity supported by Federal funds may:
 1. Take an active part in the management of political campaigns, except for elective offices and propositions within the City.
 2. Directly or indirectly solicit, receive or account for funds for a partisan political purpose except as prohibited by this regulation.
 3. Solicit votes in support of, or in opposition to, a partisan or party office.
 4. Initiate or circulate partisan nominating or recall petitions.
 5. Serve as a delegate, alternate or proxy to a political party convention.
 6. Drive voters to the polls on behalf of a political party or partisan candidate except for City municipal elections.
 7. Endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature or similar material.

Section 155.040. Prohibited Activities.

[Ord. No. 2013-3271 §3, 1-16-2013; Ord. No. 3559 §1, 12-9-2015]

- A. No employee, elected official or candidate for elected office may use any official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office or directly or indirectly coerce, attempt to coerce, command or advise another official or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.
- B. No employee shall engage in political activities involving City municipal elections except as expressly permitted in above.
- C. While under most circumstances bumper stickers, signs and posters may be displayed on private vehicles parked in a City employee parking area, such materials, as well as pamphlets and buttons, may not be otherwise displayed on City vehicles, City property or by an employee on a City work site. To the extent an entity leases or is granted permission to use premises within a City-owned building or upon City-owned property for the entity's private business, such as homeowners' association meetings, the above prohibitions on display or distribution of political stickers, signs, posters, pamphlets and pins shall not apply to materials that such entity may display or distribute.
- D. Activities prohibited for an individual employee are also prohibited for groups or organizations of employees, even though the specific activities are being performed by a non-employee as a representative of the employee group.
- E.

Activities permitted above are prohibited when an employee is on duty, including break periods. They are also prohibited on City property, except as expressly permitted in Subsection (C) above, and when an employee is in uniform normally identified with the City.

- F. An employee shall not use an official City title or make reference to employment with the City in political advertisements, endorsements or speeches. This provision does not bar an elected official from using his or her official title in political advertisements, endorsements or speeches, but elected officials and candidates shall not make references to City employees' titles or employment status during campaigns.
- G. No elected official or candidate for elected office shall take any action that would lead an employee to violate this policy.
- H. In order to maintain an efficient work environment dedicated to official City business, campaigning for elected office shall never be conducted during an employee's working hours, by an employee on City property during normal office hours even if the employee is not working, or by an elected official or candidate for elected office in City offices and buildings during normal City office hours. This shall not preclude the official or candidate from contacting employees outside City property and when employees are not on duty or preclude the official or candidate appearing for campaign purposes upon City-owned property when the premises have been leased or permission has otherwise been granted for an entity to use premises within a City-owned building or upon City-owned property for the entity's private business.
- I. Elected officials or candidates for elected office shall not attempt to force an employee to voice an opinion or solicit any information on any ballot issue or matter before the Board of Aldermen, unless the employee's position requires a professional opinion and/or recommendation. If professional opinion or recommendation is sought or given, the request and reply will be given in a public forum and/or to all members of the Board of Aldermen, City Clerk, and the City Administrator.
- J. Notwithstanding the above prohibitions, those employees of the City who are deemed first responders, as defined in Section 192.800 RSMo., shall be permitted to engage in political activities to the extent expressly permitted by Section 67.145 RSMo., which States, in part, "No political subdivision of this State shall prohibit any first responder, as the term "first responder" is defined in Section 192.800, RSMo., from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by State or Federal law." - in accordance with this Statute, the City sets forth the following guidelines for its employees who are deemed first responders with regard to political activity:
 - 1. Unless expressly authorized by the City, employees shall not be permitted to engage in political activity while on duty or in an official capacity as emissaries of the City;
 - 2. For the purpose of this Section, the term "uniform" shall be defined as any garment provided to the employee by the City, either directly or with funds from a uniform allowance, which can be worn on duty and whose intent is to officially represent the employee as a member of the Wentzville Police Department.

Section 155.050. Candidate for Elective Office.

[Ord. No. 2013-3271 §3, 1-16-2013]

As further described in Section 135.470, no employee of the City shall hold any elected City office. Immediate resignation shall be required, should an employee of the City file for elective municipal office in Wentzville.

Section 155.060. Training.

[Ord. No. 2013-3271 §3, 1-16-2013; Ord. No. 3556 §3, 12-9-2015]

The City Administrator shall arrange for training sessions via the Human Resources Department for all elected and appointed officials, employees of the City, and volunteers regarding the provisions of this code of conduct and related provisions of law. All officials and employees shall attend a training session within one (1) month of appointment, election or hire and shall attend at least one (1) training session every three (3) years thereafter. Such training will be conducted in concert with training regarding Code of Ethics (Chapter 125) and Anti-Fraud and Corruption (Chapter 150). In conjunction with such training, reference materials shall be developed for distribution to officials, candidates for office upon filing for election, employees and the public.

Section 155.070. Advisory Opinions.

[Ord. No. 3560 §1, 12-9-2015]

- A. Where an employee has a doubt as to the applicability of any provision of this Chapter to a particular situation regarding that employee or an elected official, the employee may apply by signed writing to the City Administrator for an advisory opinion. Elected officials shall have the right to apply to the City Attorney for an advisory opinion regarding particular situations in which they are personally involved. The individual shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of provisions of the Code before such advisory opinion is made. The application shall at a minimum provide sufficient detail to fully and accurately describe the situation and shall be certified as true to the best knowledge, information and belief of the applicant. The City Administrator shall freely seek the advice and assistance of the City Attorney where interpretation of the law is required.
- B. No person who relies upon an advisory opinion rendered pursuant to this Chapter may be found in violation of this Chapter except where such opinion has been fraudulently obtained or where the person so relying failed to provide or omitted material facts in the request for the advisory opinion.
- C. Such opinion until amended, distinguished or revoked shall be binding on the City, the Board of Aldermen and the City Administrator and City Attorney in any subsequent actions concerning the elected official or employee who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.
- D. Any advisory opinion prepared by the City Administrator or City Attorney shall be in writing and a copy shall be sent to the City Clerk to be retained and made available to the public upon request.

Section 155.080. Resolution Procedures.

[Ord. No. 3560 §1, 12-9-2015]

- A. Incidents of possible violations of this Chapter should be reported using the following procedures:
 1. To assist the City in its investigation into an alleged violation of this policy, employees or elected officials will often be asked to provide a written report of possible violation. Any report of possible violation should be submitted as soon as possible after an incident of

- alleged violation. The Director of Human Resources may assist the person reporting the incident in completing a report of possible violation form.
2. To ensure the prompt and thorough investigation of a complaint, the reporting person should provide as much of the following information as is possible:
 - a. The name, department and position of the person or persons allegedly engaging in improper political activity (respondent(s)).
 - b. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
 - c. Any other information the reporting person believes to be relevant to the complaint of violation.
- B. While all employee and elected official inquiries and reports of possible violations are treated as confidentially as possible, employees and elected officials understand that the City, as a public governmental body, strives to comply to the fullest with Missouri's open records and meetings laws, and has a duty to make public certain records of public concern. To that end, the following is a general statement of the City's policies on handling records relating to reports of possible violations.
1. *Reports of possible violations by employees.* In keeping with the Personnel Policy and Chapter 112, information contained in a report of possible violation regarding an employee is kept as confidential as possible. However, the identity of the reporting person usually is revealed to the respondent and witnesses. Retaliation against the reporting person will not be tolerated. All information pertaining to a report of possible violation or investigation is maintained by the Director of Human Resources in secure files.
 2. *Reports of possible violations by elected officials.* A report of a potential violation by an elected official will generally be reported promptly to said respondent public official unless there is a legitimate reason to not disclose the alleged violation to the respondent public official based on the safety of the reporting individual, the integrity of the investigation or direction from the Missouri Ethics Commission or a Law Enforcement Agency. Except where it has been decided to proceed pursuant to a criminal investigation by law enforcement, information contained in a report of possible violation regarding an elected official shall be made available to the public except that in the case of a report of possible violation filed by an employee, the name of the employee shall be kept as confidential as possible. However, the identity of the reporting person usually is revealed to the respondent official and witnesses. Retaliation against the reporting person will not be tolerated. The report of possible violation may be made available to the public by the Board of Aldermen. An investigation of the report of possible violation shall be kept confidential until it is concluded.
 3. The Director of Human Resources can answer any questions relating to the procedures for handling information related to reports of possible violations and investigations to reporting persons and respondents.
- C. *Investigation Of Reports Of Possible Violations.*
1. In the case of the report of possible violation involving an employee, the provisions of the Personnel Policy shall apply.
 2. Except where the report of possible violation involves an employee, any report of possible violation of the provisions of this Chapter, believed by the disciplinary authority to have merit shall be presented to either:

- a. An independent investigator, or
 - b. The Missouri Ethics Commission established under Section 105.955, RSMo., or its successor, or
 - c. May be referred to the appropriate Law Enforcement Agency if criminal conduct is suspected.
- D. *Proceedings.*
1. In the case of a person that is an elected official, the appropriate disciplinary authority is the disinterested members of the Board of Aldermen and in the case of a person that is an employee, the appropriate disciplinary authority is the person with immediate supervisory authority over the person. However, the City Administrator and Board of Aldermen retain their respective ultimate supervisory authority in such matters and may determine to act as the disciplinary authority as set forth in the Municipal Code and Chapter 79, RSMo.
 2. Upon receipt of any investigative report from either an independent investigator or the Missouri Ethics Commission under Section 105.961, RSMo., as amended or revised, that indicates that there is probable cause that a violation has occurred, the appropriate disciplinary authority shall determine whether to follow the recommendations contained in the report within the time allowed by Statute (including any stay resulting from an appeal) and whether to take any other appropriate disciplinary action.
 3. The disciplinary authority, if the matter was referred to the Missouri Ethics Commission, may simply accept the decision of the Commission without a hearing; or in the case of an independent investigation, may determine to take no further action. But, when a hearing is scheduled hereunder either in reference to a report from an independent investigator or in further action on a decision of the Missouri Ethics Commission, the reporting person and respondent shall be given reasonable notice thereof by certified mail. However, if the respondent agrees that he/she has committed a violation as alleged in the complaint, the appropriate disciplinary authority will not hold a hearing, but instead will promptly hold a public meeting to consider the matter and render a decision regarding the appropriate discipline or penalty.
 4. The hearing shall be held within twenty (20) days of the receipt of the investigative report unless:
 - a. The respondent requests a later date not to exceed twenty (20) additional days.
 - b. The disciplinary authority itself determines that more time is required, not to exceed twenty (20) additional days.
 - c. On request from the respondent, the disciplinary authority may grant an expedited date for the hearing.
 5. The disciplinary authority may meet prior to the hearing to prepare for the hearing. Such a meeting shall be a work meeting and no evidence, testimony, or public comments will be accepted during such a meeting. The respondent shall not participate in the work meeting as doing so will be deemed a conflict of interest in violation of this Chapter and an improper ex parte communication with the disciplinary authority. The work meeting shall be open to the public but portions of the meeting may be closed for the purpose of discussions with legal counsel pursuant to Section 610.021(1), RSMo.
 6. The hearing shall be conducted in the manner most conducive to the determination of the truth and the disciplinary authority shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by any informality in the proceedings.

7. Hearings shall be open meetings under the open meetings and records policy of the City (Chapter 112). Notice of the hearing shall be posted in conformance with the above stated policy.
 8. All hearings shall be conducted as follows:
 - a. The disciplinary authority shall receive evidence from:
 - (1) The independent investigator or the Missouri State Ethics Commission (in the form of its report or decision);
 - (2) The reporting person;
 - (3) The respondent;
 - (4) Any other witnesses called by the above parties; and
 - (5) Any other person the disciplinary authority deems necessary.
 - b. Opening statements and closing arguments shall be permitted. The disciplinary authority may request any witnesses to appear at a fixed time and/or the production of any records or material evidence. Failure or inability of the reporting person to appear or produce evidence shall not be grounds for dismissal. The respondent is entitled to present his/her witnesses and evidence in defense. Rebuttal may be permitted.
 - c. Parties will be allowed to examine and cross-examine witnesses. The disciplinary authority may also examine witnesses directly or through its counsel.
 - d. Both the reporting person and the respondent may be represented by legal counsel at their own expense.
 9. The disciplinary authority shall determine the relevancy, weight and credibility of testimony and evidence. The disciplinary authority shall base its findings on the preponderance of evidence.
 10. The hearing may be continued by the disciplinary authority to allow for additional information to be presented. The disciplinary authority may set time constraints on the proceedings.
 11. The City Attorney shall serve as counsel to the disciplinary authority but to avoid any conflict or appearance thereof shall not present evidence or conduct the hearing on behalf of the City; the City may use the prosecuting attorney or employ special counsel to put on evidence or conduct the hearing for the City.
 12. A transcript of the hearing shall be made unless waived by the reporting person, the respondent and the disciplinary authority.
 13. Within three (3) business days of the close of the hearing, the respondent, reporting party and counsel for the City before the disciplinary authority may submit proposed findings of fact and conclusions of law for use and consideration of the disciplinary authority.
- E. *Decisions.* The disciplinary authority, upon completion of a hearing or admission of a violation, shall render a written decision within ten (10) business days after the deadline for receipt of any proposed findings of fact and conclusions of law. Any decision finding a violation of this Chapter by an elected official must be based on an affirmative vote of at least two-thirds (2/3) of those persons elected to the office of Alderman, excluding any Alderman who is the subject of the hearing. The decision shall:

1. Determine whether or not a violation occurred;
 2. Set forth any necessary requirements for voluntary compliance, if applicable;
 3. Take other actions under Section 155.090 or recommend action by the authorized City officials as deemed appropriate under the circumstances; and
 4. Recommend any appropriate prosecution under applicable State or local law, if applicable.
- F. *Willful Violation.* In the event that a City official or employee willfully violates the requirements of this Chapter, such person shall be guilty of malfeasance in office or position and shall forfeit all offices and positions with the City.
- G. *Proceeding Not Exclusive.* The procedures set forth herein are for the disciplinary authority's guidance, edification and use. The disciplinary authority may vary the proceedings where it deems necessary and appropriate under the given circumstances.

Section 155.090. Discipline.

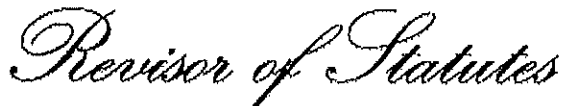
[Ord. No. 3560 §1, 12-9-2015]

- A. Employees who are determined to have violated this Chapter are subject to appropriate discipline. If an investigation results in a finding that this Chapter has been violated, the mandatory minimum discipline is a written reprimand and the maximum discipline is termination of employment.
- B. City elected officials who are determined to have violated this Chapter are subject to appropriate discipline. If an investigation results in a finding that this Chapter has been violated, the mandatory minimum discipline is a public censure and the maximum discipline is removal from office.
- C. Any employee or official found to have knowingly made a false report of possible violation shall be subject to discipline as set forth herein.
- D. Nothing herein shall be deemed to limit the City's right to pursue civil damages or criminal penalties against persons arising out of violations of this policy.

Section 155.100. Other Available Procedures — Administration.

[Ord. No. 3560 §1, 12-9-2015]

- A. The procedures available under this Chapter do not pre-empt or supersede any legal procedures or remedies otherwise available under State or Federal law.
- B. This policy will be administered through the City Administrator.



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Effective 28 Aug 2017, highlighted 1

Chapter 115

Title IX SUFFRAGE AND ELECTIONS

115.306. Disqualification as candidate for elective public office, when — filing of affidavit, contents — tax delinquency, effect of. — 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state.

2. (1) Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

(2) Each potential candidate for election to a public office, except candidates for a county or city committee of a political party, shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING
REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the


state, other than those taxes which may be in dispute. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

Candidate's
Signature

Printed Name of Candidate

(3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

(L. 2015 S.B. 104, A.L. 2016 H.B. 1477 merged with S.B. 786, A.L. 2017 S.B. 111)

< end of effective 28 Aug 2017 > 

use this link to bookmark section 115.306

	Effective	End
115.306	8/28/2017	
115.306	7/7/2016	8/28/2017

115.306

8/28/2015

7/7/2016



In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.

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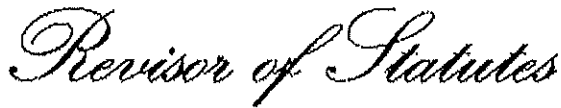
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Effective 28 Aug 2010 Chapter 130

Title IX SUFFRAGE AND ELECTIONS

***130.071. Candidate not to take office or file for subsequent elections until disclosure reports are filed.** — 1. If a successful candidate, or the treasurer of his candidate committee, or the successful candidate who also has served as a treasurer or deputy treasurer of any committee defined by section 130.011 fails to file the reports which are required by this chapter, the candidate shall not take office until such reports are filed and all fees assessed by the commission are paid.

2. In addition to any other penalties provided by law, no person may file for any office in a subsequent election until he or the treasurer of his existing candidate or any committee defined by section 130.011 in which he is a treasurer or deputy treasurer has filed all required campaign disclosure reports for all prior elections and paid all fees assessed by the commission.

(L. 1978 S.B. 839, A.L. 1988 H.B. 933, et al., A.L. 2010 S.B. 844)

*Revisor's Note: This section was declared unconstitutional in *Legends Bank v. State*, see annotation below.

(2012) Senate Bill 844 provision declared unconstitutional as a violation of the original purpose requirement of Art. III, Sec. 21, Constitution of Missouri. *Legends Bank v. State*, 361 S.W.3d 383 (Mo. banc).

< end of effective 28 Aug 2010 >

use this link to bookmark section 130.071

- All entries

	Effective	End
130.071	8/28/2010	

130.071

8/28/1988



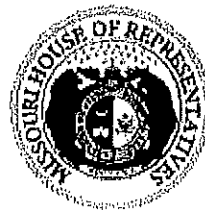
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Office of the City Clerk
City of Wentzville
1001 Schroeder Creek Blvd.
Wentzville, Missouri 63385
636.327.5101
www.wentzvillemo.org

December 12, 2017

Re: Personal Financial Disclosure Statement

Dear Candidate:

By State Statutes a candidate filing for office in a city with an operating budget of one million dollars, is required to file a personal financial disclosure statement. This statement must be filed within fourteen days of the closing date of filing for candidacy.

You have 2 options for completing the Financial Disclosure form. A form is included in the packet that you may fill out and return to my office. I will make a copy and attach it to your Declaration of Candidacy form and mail the original to the Missouri Ethics Commission. If you prefer, you can file this form online instead of paper by going to the Missouri Ethics Commission website at www.mec.mo.gov and following the link as described on the attached flyer. After you have completed the form, please print a copy and return it to this office.

If you have any questions concerning the filing of this form or completing the form, please contact me at 636.639.2010.

Although you have until January 30, 2018 to file this report, I suggest it be filed as soon as possible.

Yours truly,

A handwritten signature in blue ink that reads "Vitula Skillman".

Vitula Skillman, MPCC, MMC
City Clerk

**Did you
know?**

***You can file this form online
instead of on paper***

If you already have a MEC Online ID (ex: F#####) and Password from a previous PFD filing, simply log-in using that information.

If you are a new e-filer follow the steps below to create your filer account:

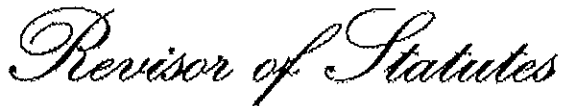
1. Go to our website at www.mec.mo.gov
2. Select *LOGIN* on the top right.
3. Select *PFD E-Filer Account Request* from the drop down menu.
4. Complete the required information
5. Submit by selecting *Submit Account Information*
6. Upon staff processing the request, a MEC Online ID and Password will be sent to the email address provided. You will then be able to file your PFD online.

If you have questions, call 800-392-8660

or

email pfdonline@mec.mo.gov

08/2017



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Effective 28 Aug 2010, highlighted 1



Chapter 105

Title VIII PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS

*105.485. Financial interest statements — form — contents — political subdivisions, compliance. — 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself, his spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he does not know and his spouse will not divulge any information required to be reported by this section concerning the financial interest of his spouse, shall state on his financial interest statement that he has disclosed that information known to him and that his spouse has refused or failed to provide other information upon his bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which 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 percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his services to the state or political

subdivision other than reimbursement for his actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

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

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the organization;

(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a "gift" shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a "gift" shall include gifts to or by creditors of the individual for the purpose of cancelling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130; or

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political party committee, candidate committee, or political action committee for which such person or any corporation listed on such person's financial interest statement received payment; and

(13) For members of the general assembly or any statewide elected public official, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his employer or income from any source at the time when he shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his employer or the terms of an agreement he has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term "income" as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) 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, 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;

(b) 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, 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;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;


(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours.

(L. 1990 H.B. 1650 & 1565 § 2, A.L. 1991 S.B. 262, A.L. 1994 S.B. 650, A.L. 2006 H.B. 1900, A.L. 2008 H.B. 2058, A.L. 2010 S.B. 844)

*Revisor's Note: This section was declared unconstitutional in *Legends Bank v. State*, see annotation below.

(2012) Senate Bill 844 provision declared unconstitutional as a violation of the original purpose requirement of Art. III, Sec. 21, Constitution of Missouri. *Legends Bank v. State*, 361 S.W.3d 383 (Mo. banc).

< end of effective 28 Aug 2010 > 

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- All entries

Effective End

105.485 8/28/2010

105.485 8/28/2008

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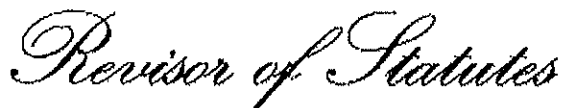
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Effective 01 Jan 1992, see footnote, highlighted 1



Chapter 105

Title VIII PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS

105.489. Financial interest statements — to be kept with filing officer. — The financial interest statements required to be filed pursuant to the provisions of sections 105.483 to 105.492, other than pursuant to subsection 4 of section 105.485, shall be filed with the appropriate filing officer or officers. For the purpose of sections 105.483 to 105.492, the term "filing officer" is defined as:

(1) In the case of state elected officials and candidates for such office, and all other state officials and employees, the filing officer is the commission;

(2) In the case of judges of courts of law, the filing officer shall be the clerk of the supreme court. Financial interest statements filed by judges shall be made available for public inspection unless otherwise provided by supreme court rule;

(3) In the case of persons holding elective office in any political subdivision and candidates for such offices, and in the case of all other officers or employees of a political subdivision, the filing officer shall be the commission.

(L. 1990 H.B. 1650 & 1565 § 4, A.L. 1991 S.B. 262)

Effective 1-01-92

< end of effective 01 Jan 1992 >

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CITY OF WENTZVILLE, MISSOURI

POLITICAL SIGNS – TEMPORARY

Guidelines by which temporary signs announcing political candidates or issues can be displayed are as follows:

1. Signs must not be placed in a manner so as to obstruct free egress to or from a passageway, or any exit way required by the Building or Fire Codes.
2. Signs cannot be located in public right of way and cannot be attached to a utility pole, fire hydrant, curb, sidewalk, or any other surface located on, or located within public property.
3. Signs cannot be placed in a manner that will obstruct the vision of traffic or traffic control devices.
4. Signs must be located at least ten (10') feet from the curb of any street. If a street does not have a curb, the sign must be at least ten feet from the edge of pavement. Signs shall not be located between the sidewalk and the street, if the street has a sidewalk.
5. Signs shall comply with the thirty (30') feet sight triangle at any intersecting public or private street or primary access to developed property. See the attached diagram to assist with this guideline.
6. The City's zoning regulations provide an allowed number of signs whereby more than 2 signs containing the same message per street frontage shall be deemed unnecessarily duplicative. For lots with greater than 200 feet of street frontage, no more than one (1) of such signs shall be allowed to be displayed for every fifty (50) feet of frontage of any lot.
7. Candidate signs are deemed temporary non-commercial signs and are subject to the definition of "Sign - Temporary" within the City Code. Temporary signs are intended for a limited/intermittent period of use, and should be posted only for three (3) months or less. Candidate signs may not be posted on City property or City right-of-way.
8. No permit is necessary.

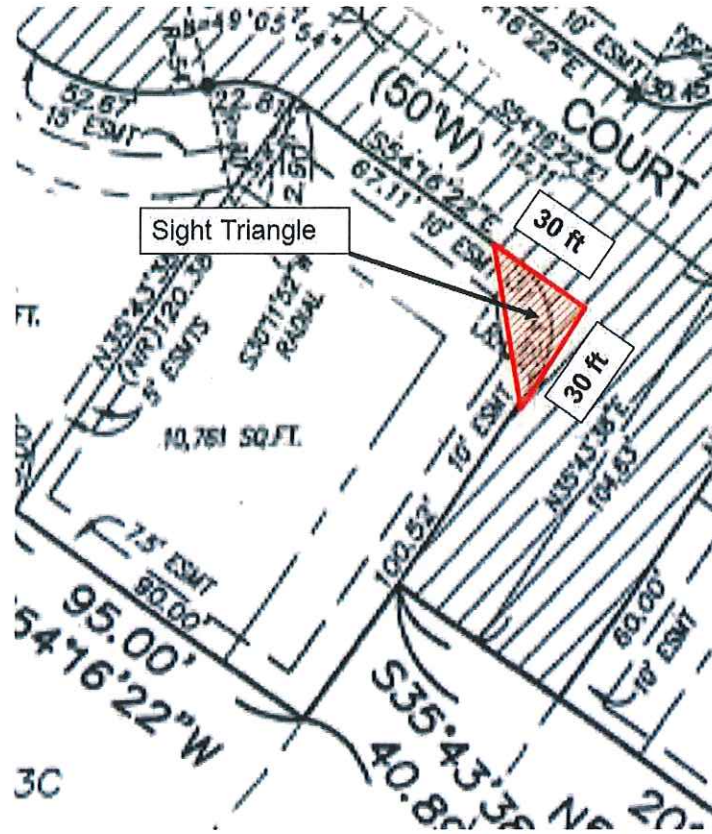
GUIDELINES FOR ENFORCEMENT

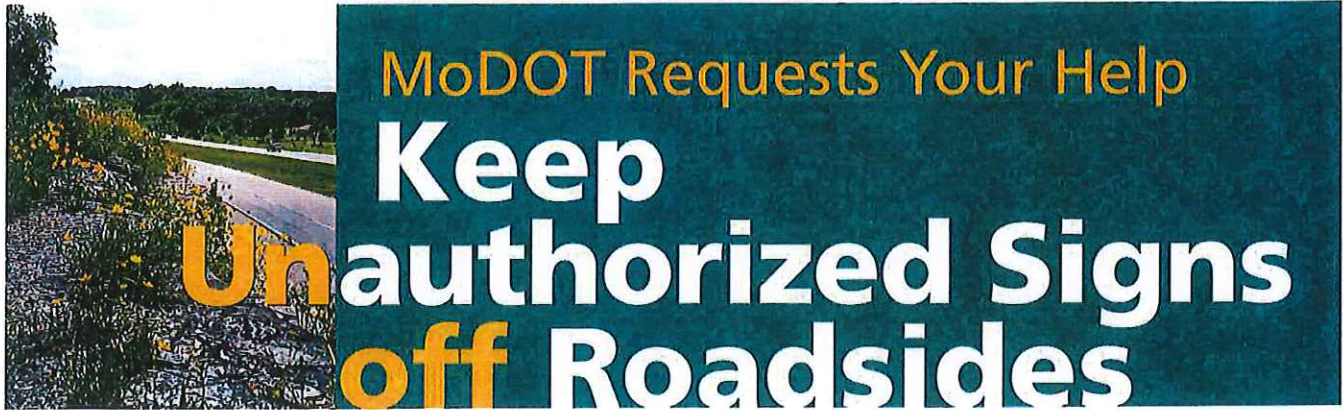
The City has no intention of affecting anyone's political sign(s). However, the City **MUST** enforce its Sign Ordinances in equitable fashion, to assure a level playing field for all candidates for public office, and to assure uniform enforcement.

If a sign is placed contrary to the above provisions, the City will:

1. Notify the owner by phone and/or e-mail if an e-mail address is provided/available and allow twenty-four (24) hours for correction.
2. If after twenty-four (24) hours, the sign remains in violation, the City will have no choice but to remove the sign from the public right of way.
3. The City may contact the owner and request retrieval of the sign.

Please cooperate with us so that no political sign need be removed. If you have any questions with regards to a particular location/installation, please contact the Community Development Director during regular business hours at 636-327-5102 or 636-332-5102.





MoDOT has a mandate to provide quality, safe traveling conditions for the public and safe working conditions for its employees. It must do whatever it takes to make those conditions a reality. This includes placing restrictions on unauthorized roadside signs.

- Missouri State Statute 227.220 and Missouri Department of Transportation policy prohibit installation or maintenance of non-approved items on state right of way.
- Non-approved advertising signs or display materials include streamers, garage-sale signs, political signs, banners and balloons.
- Installation and maintenance of these items is unsafe for the people doing so. They also can be dangerous distractions to motorists and obstacles to department roadside operations.
- Because safety is MoDOT's top priority, the department prohibits installation or maintenance of any non-approved items on state right of way.
- MoDOT staff will remove these items wherever they are found.
- Removed signs will be held at the nearest MoDOT maintenance facility.

Thank you for your cooperation. For more information, call 1-888 ASK MODOT.



Missouri Department of Transportation



2017-2018 Personal Financial Disclosure Filing Deadlines

Non-candidate filers: Newly appointed or employed individuals are required to file a Personal Financial Disclosure (PFD) within 30 days of appointment or employment. All other annual filers are required to file a PFD by May 1.

Statutory Election Dates	Closing Date of Filing for Candidacy	Personal Financial Disclosure Statement Filing Deadline* (14 Days from the Closing Date of Filing for Candidacy)	Personal Financial Disclosure Statement Filing Deadline** (21 Days from the Closing Date of Filing for Candidacy)
February 6, 2018	November 21, 2017	December 5, 2017	December 12, 2017
March 6, 2018 (see local charter)	December 19, 2017	January 2, 2018	January 9, 2018
April 3, 2018	January 16, 2018	January 30, 2018	February 6, 2018
August 7, 2018	March 27, 2018	April 10, 2018	April 17, 2018
November 6, 2018	August 21, 2018***	September 4, 2018	September 11, 2018

***Failure to file by fourteen day deadline shall result in a late filing fee of \$10 per day**
****Failure to file by twenty-one day deadline shall result in removal from the ballot**

Personal Financial Disclosure statements may be obtained from your local election authority or by visiting the Missouri Ethics Commission website at www.mec.mo.gov. Personal Financial Disclosure Statements filed by mail **MUST** be postmarked no later than midnight of the day prior to the report deadline to be considered timely filed. Reports hand delivered on the deadline must be received by 5:00 p.m. to be considered timely. Section 105.487 (4) RSMo.

***Close of filing for jurisdictions authorized to elect directors in November, such as 911 & Emergency Services directors.

Register for Candidate Training

As a candidate, there are many requirements you need to know for your campaign. The Missouri Ethics Commission is offering training to help you understand these requirements. Topics include campaign finance disclosure, personal financial disclosure (PFD), and campaign material identification (paid for by) requirements. Both candidates and treasurers are encouraged to attend.

MEC Candidate Training provides answers to common questions, such as:

Campaign Finance:

- How much cash can I receive from a person?
- What is an in-kind contribution?
- How much of my own money can I spend?

Personal Financial Disclosure:

- When must I file this form?
- What if I don't file?
- Whose information do I include?

Campaign Materials:

- What must I put on my signs and printed materials?
- What about campaign t-shirts?

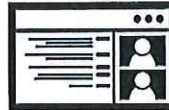
Types of Training Provided

In Person



Regional and BOEC/county-hosted training presentations address proper campaign finance record-keeping and reporting compliance.

Webinars



Convenient online training that covers campaign finance record-keeping, reporting, and personal financial disclosure for candidates.*

How to Register

Access the **MEC Training Schedule** from the **Educational Resources** link (located at the top of the MEC homepage [mec.mo.gov]). From the schedule, choose from the available webinars, in-person events, or browse the [Guide to Training & Resources](#).

Additional Information

- MEC training information and resources can be found at: www.mec.mo.gov/training.
- A committee checklist, committee registration packet, deadline calendar, and printed material brochure can be accessed on the [Candidate Central](#) page; found via the Campaign Finance link at the top of the MEC homepage.
- Web Tutorials—Includes "*Campaign Material Identification Requirements*", & many more. No registration needed, click the link and the tutorial will begin running in your browser window.

*Attendees register online and must have a valid email address and Internet access. Prior to the session, a confirmation email will be sent with a link to access the session as well as instructions for testing your Internet connection. We do not recommend attending webinars through a dial-up connection.



Missouri Ethics Commission

3411 A. Knipp Dr.

Jefferson City MO 65109

Phone (800) 392-8660 or (573) 751-2020

www.mec.mo.gov