

TITLE I – TABLE OF CONTENTS

	Page
TITLE I. GOVERNMENT CODE	1.1
CHAPTER 101: GENERAL PROVISIONS	1.1
<i>Article I.</i> <i>City Incorporation and Seal.....</i>	<i>1.1</i>
Section 1.1 Municipal Incorporation	1.1
Section 1.2 City Seal.....	1.1
<i>Article II.</i> <i>General Code Provisions.....</i>	<i>1.1</i>
Section 1.3 Contents, Citation and Numbering	1.1
Section 1.4 Official Copy of Code.....	1.2
Section 1.5 Definitions and Rules of Construction.....	1.2
Section 1.6 Construction and Effect	1.3
Section 1.7 Notice.....	1.5
<i>Article III.</i> <i>Penalty</i>	<i>1.5</i>
Section 1.8 General Penalty.....	1.5
CHAPTER 102: ELECTIONS.....	1.6
<i>Article I.</i> <i>General Provisions</i>	<i>1.6</i>
Section 1.9 Conformance of City Elections with State Law	1.6
<i>Article II.</i> <i>Wards</i>	<i>1.6</i>
Section 1.10 Ward Boundaries	1.6
<i>Article III.</i> <i>City Clerk.....</i>	<i>1.6</i>
Section 1.11 City Clerk–Election–Duties	1.6
<i>Article IV.</i> <i>City Collector.....</i>	<i>1.7</i>
Section 1.12 City Collector.....	1.7
Section 1.13 Duties–Generally	1.7
Section 1.14 Collector to Make Annual Report.....	1.7
<i>Article V.</i> <i>City Attorney.....</i>	<i>1.7</i>
Section 1.15 Appointment–Term.....	1.7
<i>Article VI.</i> <i>City Prosecutor</i>	<i>1.7</i>
Section 1.16 City Prosecutor.....	1.7
<i>Article VII.</i> <i>Miscellaneous Provisions</i>	<i>1.8</i>
Section 1.17 Officers to Report Receipts and Expenditures.....	1.8
Section 1.18 Mayor or Board may Inspect Books and Records of Officers	1.8
CHAPTER 103: CONFLICTS OF INTEREST	1.8
Section 1.19 Declaration of Policy	1.8
Section 1.20 Conflicts of Interest.....	1.8
Section 1.21 Disclosure Reports	1.8
Section 1.22 Filing of Reports	1.9
Section 1.23 When Filed.....	1.10
CHAPTER 104: BOARDS, COMMISSIONS AND COMMITTEES	1.10
Section 1.24 Park Board	1.10
CHAPTER 105: SUNSHINE LAW.....	1.11
Section 1.25 Policy	1.11
Section 1.26 Custodian of Records Designated.....	1.11

	Page
Section 1.27	How Records are Requested1.11
Section 1.28	Request for Searches1.11
Section 1.29	Closed Records, Notices and Penalty1.12
CHAPTER 106:	ETHICS1.13
Section 1.30	Ethics – Reports1.13

TITLE I. GOVERNMENT CODE

CHAPTER 101: GENERAL PROVISIONS

ARTICLE I. CITY INCORPORATION AND SEAL

SECTION 1.1 MUNICIPAL INCORPORATION

The inhabitants of the City of Lone Jack, as its limits now are, or may hereafter be defined by law, shall continue to be a body corporate by the name of "The City of Lone Jack" and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatever; may receive and hold property, both real and personal, within such City, and may purchase, receive and hold real estate within or without such City for the burial of the dead; and may purchase, hold, lease, sell or otherwise dispose of any property, real or personal, it now owns or may hereafter acquire; may receive bequests, gifts and donations of all kinds of property, and may have and hold one (1) common Seal, and may break, change or alter the same at pleasure, and may do any act, exercise any power and render any service which contributes to the general welfare, and all courts of this State shall take judicial notice thereof; and may do an act, exercise any power and render any service authorized by law.

SECTION 1.2 CITY SEAL

- A. The Seal of the City of Lone Jack shall be circular in form, approximately one and three-fourths ($1\frac{3}{4}$) inches in diameter, and the words "City of Lone Jack Corporate Seal" engraved on the face thereof, and the same is hereby declared to be adopted as the Seal of the City of Lone Jack.
- B. The City Clerk shall be the keeper of the common Seal of the City of Lone Jack, 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.

ARTICLE II. GENERAL CODE PROVISIONS

SECTION 1.3 CONTENTS, CITATION AND NUMBERING

This Code contains all ordinances of a general and permanent nature of the City of Lone Jack, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order and similar object. This Code may be known and cited as either the "City Code of the City of Lone Jack, Missouri" or the "Lone Jack City Code." Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Title number, and the figure after the period referring to the position of the Section in the Title.

SECTION 1.4 OFFICIAL COPY OF CODE

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption, shall be kept on file in the office of the City Clerk. Two (2) additional copies of this Code shall be kept in the City Clerk's office available for public inspection.

SECTION 1.5 DEFINITIONS AND RULES OF CONSTRUCTION

- A. In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

BOARD OF ALDERMEN: The Board of Aldermen of the City of Lone Jack, Missouri.

CITY: The words "*the City*" or "*this City*" or "*City*" shall mean the City of Lone Jack, Missouri.

COUNTY: The words "*the County*" or "*this County*" or "*County*" shall mean the County of Jackson, Missouri.

DAY: A day of twenty-four (24) hours beginning at 12:00 Midnight.

MAY: Is permissive.

MAYOR: An officer of the City known as the Mayor of the Board of Aldermen of the City of Lone Jack, Missouri.

MONTH: A calendar month.

OATH: Includes an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

OWNER: The word "*owner*", as applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

PERSON: May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

PERSONAL PROPERTY: Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING, FOLLOWING: When used by way of reference to any Section of this Code, shall mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY: Includes real and personal property.

PUBLIC WAY: Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY: The terms "*real property*", "*premises*", "*real estate*" or "*lands*" shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL: Is mandatory.

SIDEWALK: That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

STATE: The words "*the State*" or "*this State*" or "*State*" shall mean the State of Missouri.

STREET: Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TENANT, OCCUPANT: The words "*tenant*" or "*occupant*", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

WRITING, WRITTEN, IN WRITING AND WRITING WORD FOR WORD: Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR: A calendar year, unless otherwise expressed, and the word "*year*" shall be equivalent to the words "*year of our Lord*".

- B. *Newspaper.* Whenever in this Code or other ordinance of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City", it shall mean the *Lee's Summit Journal*.

SECTION 1.6 CONSTRUCTION AND EFFECT

- A. Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- B. The headings of the Titles, Articles, Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.
- C. The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.
- D. No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and

punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

1. All such proceedings shall be conducted according to existing procedural laws; and
 2. If the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.
- E. When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.
- F. It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section, Chapter, Article or Title of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections, Chapters, Articles or Titles of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.
- G. Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition.
- H. In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
- I. When any subject matter, party or person is described or referred to by words importing the masculine, females, as well as males, and associations and bodies corporate, as well as individuals, shall be deemed to be included.

- J. Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.
- K. When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

SECTION 1.7 NOTICE

- A. Whenever notice may be required under the provisions of this Code, the same shall be served in the following manner:
 - 1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years; or
 - 2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
 - 3. If the person to be served is unknown, or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City officer, unless permission is given by said officer.
- B. Subsection A shall not apply to those provisions of this Code wherein there is a separate definition of notice.

ARTICLE III. PENALTY

SECTION 1.8 GENERAL PENALTY

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense.

- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.
- D. When a check offered in payment for any fee, tax, fine or cost provided herein is returned without payment, a returned check charge as provided in the City's Fee Schedule may be imposed for the processing and collection of returned, unpaid checks.

CHAPTER 102: ELECTIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 1.9 CONFORMANCE OF CITY ELECTIONS WITH STATE LAW

All City elections shall be conducted and held in conformance with the provisions of State law.

ARTICLE II. WARDS

SECTION 1.10 WARD BOUNDARIES

The ward boundaries of the City are as follows:

1. *Ward 1.* All the land within the corporate limits of Lone Jack north of Lone Jack-Lee's Summit Road.
 2. *Ward 2.* All the land within the corporate limits of Lone Jack south of Lone Jack-Lee's Summit Road.
- B. The following officers shall be elected by the qualified voters of the City and shall hold office for the term of two (2) years, and until their successors are elected and qualified, to wit: Mayor and Board of Aldermen.

ARTICLE III. CITY CLERK

SECTION 1.11 CITY CLERK-ELECTION-DUTIES

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk", whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

ARTICLE IV. CITY COLLECTOR

SECTION 1.12 CITY COLLECTOR

- A. *Compensation.* The City Collector shall receive as compensation for his/her services a fee or percentage, as may be fixed by ordinance.
- B. The City Collector shall turn over to his/her successor in office all uncollected delinquent lists, receiving credit therefor, and his/her successor shall be charged therewith; provided, that the Board of Aldermen may declare worthless any and all personal delinquent taxes, and any and all licenses and other duties, which they may deem uncollectible.

SECTION 1.13 DUTIES—GENERALLY

The Collector shall perform all the duties specified in this Code and shall perform such other duties as may be directed by the City Clerk and/or Mayor.

SECTION 1.14 COLLECTOR TO MAKE ANNUAL REPORT

The Collector shall, annually, at such times as may be designated by ordinance, make a detailed report to the Board of Aldermen stating the various monies collected by him/her during the year, and the amounts uncollected, and the names of the persons from which he/she failed to collect, and the causes therefor.

ARTICLE V. CITY ATTORNEY

SECTION 1.15 APPOINTMENT—TERM

- A. The Mayor, with the advice and consent of the Board of Aldermen, shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.
- B. *Qualifications.* No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

ARTICLE VI. CITY PROSECUTOR

SECTION 1.16 CITY PROSECUTOR

- A. Pursuant to Section 479.120, RSMo., it is hereby provided for and declared that the Mayor, with the consent of the Board of Aldermen of the City, shall appoint a person as City Prosecutor.
- B. It is required that any person so appointed shall be licensed to practice as an attorney in the State of Missouri; that such person need not be a resident of the City; that the office of the City Prosecutor shall be a part-time position; and that the City Prosecutor may serve as City Prosecutor in more than one (1) municipality.

- C. The compensation of any City Prosecutor shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached, or the amount of fines imposed or collected.
- D. The City Prosecutor shall be at least twenty-one (21) years of age.

ARTICLE VII. MISCELLANEOUS PROVISIONS

SECTION 1.17 OFFICERS TO REPORT RECEIPTS AND EXPENDITURES

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen such reports to embrace a full statement of the receipts and expenditures of their respective offices and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise.

SECTION 1.18 MAYOR OR BOARD MAY INSPECT BOOKS AND RECORDS OF OFFICERS

The Mayor or Board of Aldermen shall have power, as often as he/she or they may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers or records and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office.

CHAPTER 103: CONFLICTS OF INTEREST

SECTION 1.19 DECLARATION OF POLICY

The proper operation of the municipal 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 procedure for disclosure by certain officials and employees of private financial or other interest in manners affecting the City.

SECTION 1.20 CONFLICTS OF INTEREST

The Mayor or any member of the Board of Aldermen who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the records of the Board of Aldermen the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

SECTION 1.21 DISCLOSURE REPORTS

Each elected official, the Chief Administrative Officer, the Chief Purchasing Officer and the general counsel (if employed full-time) shall disclose in writing the following information by May first (1st) if any such transactions were engaged in during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and
2. The date and 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 Chief Administrative Officer and the Chief Purchasing Officer also shall disclose in writing by May first (1st) for the previous calendar year the following information:
 - (a) The name and address of each of the employers of such person from who 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/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she 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.

SECTION 1.22 FILING OF REPORTS

The reports 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.

SECTION 1.23 WHEN FILED

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

1. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;
2. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

CHAPTER 104: BOARDS, COMMISSIONS AND COMMITTEES

SECTION 1.24 PARK BOARD

- A. A Park Board, an advisory board only, is hereby created for the City of Lone Jack.
- B. The Park Board shall consist of seven (7) members selected by the Mayor with approval of a majority of all of the members of the Board of Aldermen. At least five (5) of the seven (7) members of the Park Board shall be residents of the City of Lone Jack. A member of the Board of Aldermen may serve as a non-voting liaison to the Park Board, and , if does so serve, shall not be included for purposes of establishing a quorum. Members shall serve without compensation. A person (resident or non-resident) may be appointed as an alternate to serve in the absence or vacancy of a member.
- C. The members shall serve for a term of three years each, or until their successors are appointed and qualified; provided, that the first incumbents shall be appointed and hold office for staggered terms as may be determined by the Board of Aldermen. The members shall annually elect from its membership a chairperson and such other officers it deems necessary.
- D. All vacancies on the Park Board shall be reported to the Mayor and Board of Aldermen and thereafter the Mayor, with the approval of a majority of all of the members of the Board of Aldermen, shall appoint a qualified person to fulfill any unexpired term.
- E. The Park Board shall:
 1. Recommend a budget based upon monies received pursuant to the City's sales tax for park purposes and submit it to the Board of Aldermen on an annual basis.
 2. Make recommendations to the Board of Aldermen on the improvement, care, maintenance, and operation of the City's parks.

3. Develop a long-term plan for the City's parks and submit it to the Board of Aldermen for its approval.

CHAPTER 105: SUNSHINE LAW

SECTION 1.25 POLICY

It is the public policy of the City of Lone Jack that meetings, records, votes, actions and deliberations of the body shall be open to public unless otherwise prohibited by law or this ordinance and that the City shall comply with the Missouri Sunshine Law, Chapter 610, RSMo.

SECTION 1.26 CUSTODIAN OF RECORDS DESIGNATED

The City Clerk is hereby designated as the "custodian of records" for the City of Lone Jack. Such designation does not mean that the City Clerk will necessarily have all the records in her possession, but simply is an indication to whom requests for copies of records and information regarding the City government shall be directed. Requests for records made to persons other than the City Clerk shall not be considered to be requests that are made pursuant to the Missouri Sunshine Law, Chapter 610, RSMo. Nonetheless, any official or employee of the City who receives a request is directed to inform the City Clerk of the request in a timely fashion, so that a response may be made to the request.

SECTION 1.27 HOW RECORDS ARE REQUESTED

- A. *In writing.* All requests for records, notices, or information shall be in writing, and shall be accompanied by a deposit of the estimated cost of reproducing the requested information. Oral requests, if received by the City Clerk, shall be immediately recorded in written form to document the same. Any request received by the City Clerk shall be initialed by the clerk, with the date and time of receipt noted.
- B. *Response to be noted on request.* The requesting party shall indicate on the request the manner in which a response is desired. In absence of instructions to the contrary, it will be assumed that the requesting party wants to receive a response in the same form as the original request. (Example, if someone stops by City hall and requests copies of documents, it will be assumed that the requesting party will stop by City hall later to pick up the documents. But if someone mails a request to the City hall, it will be assumed that a mailed response is desired).
- C. *Documentation of response.* The custodian of records shall document the response provided either by (1) making an extra copy of the response and attaching it to the original request, (2) noting on the request what documents were provided, or (3) keeping a copy of any letter or note requesting additional information in order to process the request.

SECTION 1.28 REQUEST FOR SEARCHES

- A. *Generally.* A request for copies of "all documents" or "every document" of a particular sort involves a request to search through every record of the City in order for the City to

certify that it has provided “all” or “every” document. Such searches are expensive. Similarly, a request for records compiled in a format differing from the format in which the records are customarily retained is a request for a search and compilation, and can be expensive. As a general rule, the Custodian of Records is not expected to engage in extensive searches or compilations. Any search request that will require more than 15 minutes of the Custodian’s time will be refused without a substantial advance deposit for the estimated time required to search for the records.

- B. *Fees.* Fees for search, retrieval, accompanying, and returning to their proper storage all City documents shall be as provided in the City’s Fee Schedule.
- C. *Inspection of Records.* To reduce the cost to both the requesting party and the City, the Custodian of Records may permit a physical inspection of the records by the requesting party to help specify what documents are needed. The Custodian may impose such security as is deemed appropriate to guarantee that no record is removed from the City files. The requesting party shall pay the cost of that security at the rate provided in Section 7.
- D. *Waiver of Fees.* The Custodian of Records is authorized to waive the collection of any of the fees totaling less than \$5 to any citizen of the City requesting documents from the City, or to any representative of news media that frequently sends a reporter to cover meetings of the City Board of Aldermen.

SECTION 1.29 CLOSED RECORDS, NOTICES AND PENALTY

- A. *Records closed.* All records of the City which are permitted to be closed records by reason of the Sunshine Law, or by any other statute of Missouri, or by any statute or regulation of the United States government shall be maintained as closed records. No such closed record shall be released to any person who is not a part of the City government, except that the City’s auditor may see such records as are reasonably necessary to prepare an audit report as requested by the City and the City’s attorney may see such records as are reasonably necessary to represent the City. Requests that closed records be opened to public inspection will be considered on a case-by-case basis by the Board of Alderman.
- B. *Subpoenas for Closed Records.* All subpoenas for a closed record shall be referred to the City Attorney for a response.
- C. *Public Notice Board.* The Custodian of Records shall establish a fixed place where all public notices and agenda will be posted. This notice board should be in a place that is accessible to members of the public at times when the City hall is open and (if possible) should be lighted and available for public inspection even at times when the City hall is closed. This notice board shall have the notion “PUBLIC NOTICES” printed in letters at least two inches in height at the top of said board. A window or glass door near the entrance to the City hall may be used as the notice board, provided such notices are placed in such a fashion that they can be read by persons on the outside of the City hall.

- D. *Penalty for Disclosure of Closed Records.* Any person employed or working for the City, or who has been entrusted with a record that is marked to indicate that it is “confidential” or a “closed record”, or who has been invited to participate in a closed meeting who nonetheless discloses any closed record, or any information about the contents of any closed meeting to any person shall be guilty of an offense under the ordinances of the City, and upon conviction therefore may be punished by a fine of not more than \$500.00, 90 days in jail, or both. Any such person who is employed or working for the City may also be subject to the termination of their employment as a result of such disclosure. Any such person who is an elected official may also be subject to impeachment from their office as a result of such disclosure.

CHAPTER 106: ETHICS

SECTION 1.30 ETHICS – REPORTS

- A. **Declaration of Policy.** The proper operation of 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 procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.
- B. **Conflicts of Interest.**
1. All elected and appointed officials as well as employees of a political subdivision must comply with section 105.454 of Missouri Revised Statutes on conflicts of interest as well as any other state law governing official conduct.
 2. Any member of the governing body of a political subdivision who has a “substantial or private interest” in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the secretary or clerk of such body and such disclosure shall be recorded in the appropriate journal of the governing body. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of: (1) 10% or more of any business entity; or (2) an interest having a value of \$10,000 or more; or (3) the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.
- C. **Disclosure Reports.** Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer, and the full-time general counsel shall disclose the following information by May 1, 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, 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, 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 chief administrative officer, chief purchasing officer, and candidates for either of these positions also shall disclose by May 1, 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 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 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 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.

D. Filing of Reports.

1. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year;

2. Every person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the (council/board) may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
 3. Each person appointed to office shall file the statement within thirty days of such appointment or employment covering the calendar year ending the previous December 31;
 4. Every candidate required to file a personal financial disclosure statement shall file no later than fourteen days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve months prior to the closing date of filing for candidacy.
- E. Financial disclosure reports giving the financial information required shall be filed with the local political subdivision and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.