

BILL NO. 18-014

ORDINANCE NO. 4783

FIRST READING 06.19.2018

SECOND READING 07.03.2018

**AN ORDINANCE RATIFYING AND REAFFIRMING THE CITY OF HANNIBAL'S, PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND EMPLOYEES AS REQUIRED, BIENNIALLY, BY MISSOURI STATE STATUES 105.483 & 105.485**

**WHEREAS**, Statutory requirements, RSMo 105.483 & 105.485 relating to personal financial disclosure statements and conflicts of interest, require the adoption of an Ordinance biennially by political subdivisions, and

**WHEREAS**, August 20, 1991, the Hannibal City Council adopted Ordinance Number 3760 establishing a procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials and employees, and

**WHEREAS**, the Missouri Ethics Commission requires the ratification and reaffirmation of the City's intent via Ordinance at an open meeting of the Hannibal City Council no later than September 15, 2018.

**NOW THEREFORE BE IT RETAFIED AND REAFFIRMED BY THE COUNCIL OF THE CITY OF HANNIBAL, MISSOURI AS FOLLOWS:**

**SECTION ONE: Declaration of Policy:** The proper operation of 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 government 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 reaffirmed and ratified a procedure for disclosure by certain officials and employees of private or other interests in matters affecting the City.

**SECTION TWO: Conflicts of Interest:** The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

**SECTION THREE: Disclosure Reports:** Each elected official, the chief administrative officer (City Manager), the chief purchasing officer (City Clerk) and the general counsel (only if employed full-time) shall disclose the following information by May 1<sup>st</sup> if any such transaction were engaged in during the previous calendar year.

- a. For such person, and all persons within the first degree of consanguinity of infinity of such person, the date and the identifies 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; and
- 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 I which such persona 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.
- c. The chief administrative office (City Manager) and the chief purchasing officer (City Clerk) shall also disclose by May 1<sup>st</sup> for the previous calendar year the following information.
  - 1) The name and address of each of the employers of such person from who 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 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 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 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;

- 3) The name and address if each corporation for which such person serves in the capacity of a director, officer or receiver.

**SECTION FOUR: Filing of Reports:** The reports in the attached format, shall be filed with the City Clerk and with the secretary of state prior to January 1, 1993 and thereafter with the ethics commission. The reports shall be available for public inspection and copying during normal business hours.

**SECTION FIVE: When Filed:** The financial interest statements shall be filed at the following times, but no persona is required to file more than one financial interest statement in one calendar year.

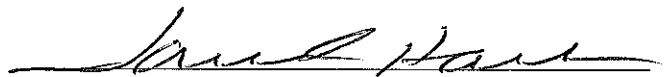
- a. Each person appointed to office shall file the statement within thirty days of such appointment of employment.
- b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1<sup>st</sup> and the statement shall cover the calendar year ending the immediately preceding December 31<sup>st</sup>; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31<sup>st</sup> of the covered year until the date of filing of the financial interest statement.

**SECTION SIX: Filing of Ordinance:** If an Ordinance is originally adopted prior to January 1, 1993, then the City Clerk shall send a certified copy of this Ordinance to the Secretary of State's office within ten days of its adoption. If an Ordinance is adopted on or after January 1, 1993, then the City Clerk shall send a certified copy of the Ordinance to the Missouri Ethics Commission within ten days of its adoption; reaffirmation and ratification.

**SECTION SEVEN:** That this Ordinance shall be in full force and effect from and after its adoption and approval.

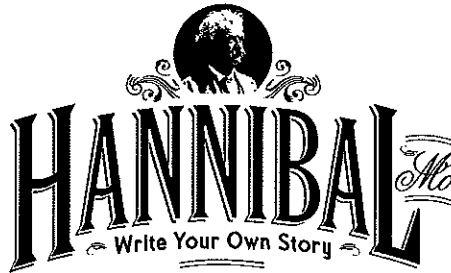
Adopted this 3<sup>rd</sup> day of July, 2018.

Approved this 3<sup>rd</sup> day of July, 2018.

  
James R. Hark, Mayor

ATTEST:

  
Angelica N. Zerbonia, MRCC - City Clerk



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## MEMORANDUM

**TO:** MAYOR HARK AND CITY COUNCIL MEMBERS

**FROM:** ANGELICA N. ZERBONIA, MRCC  
City Clerk

**DATE:** JUNE 12, 2018

**SUBJECT:** CONFLICT OF INTEREST ORDINANCE RATIFICATION &  
REAFFIRMATION

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In order to comply with statutory requirements, RSMo 105.483 & 105.485, the City of Hannibal is required, biennially, to adopt an Ordinance ratifying and reaffirming our procedure to disclose potential conflicts of interest and substantial interest for certain municipal officials and employees. All candidates must file a *Financial Interest Statement for Political Subdivisions* if they have any transactions over \$500 with the City of Hannibal, even if candidates are not listed specifically in the Ordinance. Otherwise filing of the *Statements* only apply to the City Manager and City Clerk.

For your consideration and first reading; is Bill No.18-014 that will meet the requirements set forth by the Missouri Ethics Commission, adhering to the policy, as adopted originally by City Council August 20, 1991 through Ordinance No. 3760. Slight modifications to the original Ordinance, have been made to incorporate the City Manager form of government, versus the original Mayoral form, in which is attached.

Furthermore, the Missouri Ethics Commission requires this process to be completed, biennially, no later than September 15<sup>th</sup>.

Your continued support in this process is greatly appreciated.

BILL NO. 91-334

ORDINANCE NO. 3761

FIRST READING 8-6-91

SECOND READING 8-20-91

AN ORDINANCE OF THE CITY OF HANNIBAL, MISSOURI, ESTABLISHING A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS

Now Therefore be it Ordained by the City Council of the City of Hannibal,

*OK*  
SECTION ONE: Declaration of Policy. The proper operation of 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 of private financial or other interests in matters affecting the City.

SECTION TWO: Conflicts of Interest The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his or her interest and shall disqualify himself from voting on any matters relating to this interest.

SECTION THREE: Disclosure Reports Each elected official, and the chief purchasing officer shall disclose the following information by May 1 if any such transaction were engaged in during the previous 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; and

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 services to the political subdivision, and other than transfers for no consideration to the political subdivision.

c. The Mayor and the chief purchasing officer shall also disclose by May 1 for the previous calendar year the following information:

1. The name and address of each 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 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 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 of 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;

3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

SECTION FOUR: Filing of Reports The reports, in the attached format, shall be filed with the City Clerk and with the secretary of state prior to January 1, 1993, and thereafter with the ethics commission. The reports shall be available for public inspection and copying during normal business hours.

SECTION FIVE: When Filed 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.

a. Each person appointed to office shall file the statement within thirty days of such appointment of employment

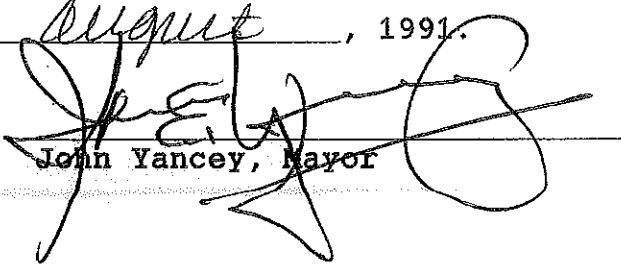
b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year immediately preceding December, 31; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing the financial interest statement.

SECTION SIX: Filing of Ordinance If this ordinance is adopted prior to January 1 1993, then the city clerk shall send a certified copy of this ordinance to the Secretary of State's office within ten days of its adoption.

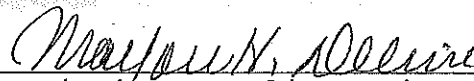
SECTION SEVEN: Effective Date This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council of the City of Hannibal.

Adopted this 20 day of August, 1991.

Approved this 20 day of August, 1991.

  
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John Yancey, Mayor

ATTEST:

  
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Marjorie H. Deline, City Clerk

THOMAS PETER DANIELSONS  
ATTORNEY AT LAW  
500 BROADWAY  
HANNIBAL, MISSOURI 63401

Phone (314) 221-6146

July 18, 1991

Marge Deline  
Mayor Yancey  
Councilmembers

Re: Ethics Ordinance

Ladies and Gentlemen:

Attached you will find an ordinance which I have drafted with the cooperation of the Missouri Municipal League.

As you are no doubt aware, the State Legislature has enacted a rather burdensome ethics and financial interest reporting statute. In order to avoid the stringent requirements of the state bill and in order to prevent requiring unpaid commission members to file financial statements, the City must adopt the attached ordinance and have it on file with the Secretary of State by September 15, 1991.

While the ordinance may seem to require a great deal of paperwork, the only major reporting requirements will fall on the Mayor and the City Clerk. Other elected officials will only be required to file financial statements in the event that they, or a business they own, does business with the City of Hannibal.

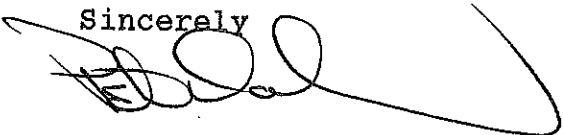
Perhaps the most important item, members of the various boards and commissions will not be required to file reports.

I hope that this has answered the major questions in regard to this bill. If not, I will be happy to answer any questions that you may have. Please give me a call at my office at your convenience.

I will not be in the office the first two weeks of August as I will be taking my family on vacation. Please call before or after this time.

Thank you for your cooperation in this regard.

Sincerely



Peter Danielsons  
City Attorney