

- **ARTICLE XVI. - CODE OF ETHICS FOR PUBLIC OFFICIALS**

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- **Sec. 2-380. - Declaration of policy.**

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It is the policy of the City of Sunset Hills, Missouri, to uphold, promote and demand ethical conduct from its elected and appointed public officials (hereinafter "public officials"). The citizens and businesses of the city are entitled to have fair, ethical and accountable local government. The city recognizes the importance of codifying and making known to the general public the ethical principles that guide the work of public officials. Public officials of the city are to maintain the highest standards of personal integrity, truthfulness and fairness in carrying out their public duties. In order to fulfill this mission, the city hereby adopts a code of ethics for public officials to assure public confidence in the integrity of local government and its effective and fair operation.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-381. - Responsibility of public office.**

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Stewardship of the public interest shall be the public official's primary concern, working for the common good of the citizens of the city and avoiding actions that are inconsistent with the best interests of the city. All person, claims and transactions coming before the board of aldermen or any city board, commission or committee shall be assured of fair and equal treatment.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-382. - Compliance with law.**

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Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the laws of the nation, state and the city and to carry out impartially these laws in the performance of their public duties to foster respect for all government. These laws include, but are not limited to, the United States and Missouri Constitutions, the laws of the State of Missouri and city ordinances.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-383. - Conduct of officials.**

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The professional and personal conduct of public officials shall be above reproach and shall avoid even the appearance of impropriety. Public officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of the mayor, other members of the board of aldermen, boards, commissions, committees, city staff and the public.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-384. - Performance of duties.**

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(a)

Public officials shall perform their duties in accordance with the processes and rules of order as established by the board of aldermen, boards, commissions and committees governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the board of aldermen by city staff.

(b)

Public officials shall be loyal to the political objectives expressed by the electorate and the programs developed to attain those objectives.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-385. - Public meetings.**

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Public officials shall prepare themselves for the public issues, listening courteously and attentively to all public discussion before the body and focus on the business at hand. Officials shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfere with the orderly conduct of meetings.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-386. - Decision based on merit.**

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Public officials shall base their decisions on the merits and the substance at hand.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-387. - Communication.**

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Public officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the board of aldermen or any boards, commissions and committees of the city which they may have received from sources outside the public decision-making process.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-388. - Conflict of interest.**

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(a)

In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official positions to influence government decisions in which they have a material financial interest or personal relationship, which may give rise to the appearance of a conflict of interest or impropriety. As a result, public officials shall disclose investments, interest in real property, sources of income and gifts and shall abstain from participating in deliberations and decision-making where conflicts may exist.

(b)

Public officials should avoid action, whether or not specifically prohibited, which might result in or create the appearance of:

(1)

Using their public office for private gain;

(2)

Offering preferential treatment to any person;

(3)

Impeding city efficiency and economy;

(4)

Losing complete independence or impartiality;

(5)

Making a city decision outside of official channels; and

(6)

Affecting adversely the confidence of the public and the integrity of the city.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-389. - Gifts, gratuities and favors.**

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Public officials shall comply with the requirements of Missouri law relating to the acceptance and reporting of gifts, gratuities and favors.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-390. - Confidentiality of information.**

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Other than public information or with legal authorization, public officials shall not disclose or furnish to anyone any information concerning city property, personnel, litigation or proceedings of the city that was obtained as a result of their positions with the city. This section shall not be construed to limit, hinder or prevent the divulgence or use of information in the performance of official duties, but shall prohibit the use of or the providing of information that would place the public official or the recipient in a vantage position over the general public and thereby constitute a violation of public trust. Confidential information shall include, but not be limited to, any written information which is not subject to disclosure pursuant to Missouri law or any other statutory exemption regarding public records or any oral information which was not discussed at an open public meeting.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-391. - Use of public resources.**

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(a)

Unless specifically permitted by city policy, the use of city facilities, equipment, vehicles, supplies, on-duty personnel or other goods or services is limited to city business. Public resources may not be used for private gain or personal purposes except on the same basis that they are otherwise normally available to the public. Normal rental or usage fees may not be waived except in accordance with city policy.

(b)

A public official may use the city's name, letterhead, logo or seal only when it would be perceived as representing the city or the body as a whole and only with the prior consent of the board of aldermen. However, this provision will not prohibit individual aldermen members from using city letterhead and resources to write personal congratulatory letters, letters of recommendations, references, endorsements and such may be written on by an alderman on city letterhead with a copy being provided to each member of the board of aldermen.

(c)

A public official shall not utilize the city's name, letterhead, logo or seal for the purpose of endorsing any political candidate, business, commercial product or service.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-392. - Appearance for private interests.**

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As stewards of the public interest, the mayor and members of the board of aldermen shall not appear on behalf of the private interests of third parties before the board of aldermen or any other board, commission, committee or proceeding in the city. Public officials of boards, commissions and committees shall not appear before their own bodies or before the board of aldermen on behalf of the private interests of third parties on matter related to the areas of service of their bodies.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-393. - Advocacy.**

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Public officials shall represent the official policies or positions of the city to the best of their abilities when designated as delegates for this purpose. When representing their individual opinions and positions, public officials shall explicitly state that they do not represent their body or the city and they shall not give the inference that they do. Public officials of boards, commissions and committees shall not appear before their own bodies or before the board of aldermen on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-394. - Policy role of members.**

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Public officials shall respect and adhere to the city administrator form of government as outlined in the ordinances, policies and procedures with respect to the city administrator's relationship to the board of aldermen. In this structure, the board of aldermen determine the policies of the city with the advice, information and analysis provided by the public, boards, commissions, committees and city staff. Except as provided by city ordinance, board of aldermen members shall not interfere with the administrative functions of the city or the professional duties of city staff or impair the ability of staff to implement city policy decisions.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-395. - Independence of boards, commissions and committees.**

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The value of independent advice and recommendations of boards, commissions and committees to the public decision-making process is of such significance that members of the board of aldermen should refrain from using their positions to influence the deliberations or outcomes of board, commission and committee proceedings.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-396. - Behavior.**

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All city elected and appointed officials shall conduct themselves in a professional business manner and should refrain from the public use of profane or offensive language so as to reflect well on the city. The city strongly disapproves of and does not tolerate harassment of any kind. Public officials shall avoid offensive or inappropriate harassing behavior. Complaints of harassment will be promptly and carefully investigated in accordance with city policy.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-397. - Positive workplace environment.**

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Public officials shall support the maintenance of a positive and constructive workplace environment for the city employees and for citizens and businesses dealing with the city. Public officials shall recognize their roles in dealing with city employees and refrain from creating the perception of inappropriate action to city staff.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-398. - City attorney to render opinions on request.**

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Whenever any public official, subject to this policy, is in doubt as to the proper interpretation or application of this code of ethics policy, that public official may request that city administrator solicit from the city attorney a full written statement of the facts and questions. The city attorney shall then render a written opinion to such public official and the city administrator shall provide the opinion to all members of the board of aldermen without use of name of the public official involved unless such public official permits the use of a name.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-399. - Implementation.**

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(a)

The code of ethics for public officials of the city is intended to be self-enforcing. Therefore, it becomes most effective when public officials are thoroughly familiar with it and embrace its provisions. For this reason, these ethical standards shall be included in the regular orientation of candidates for board of aldermen, newly elected officials and appointed members of all boards, commissions and committees of the city.

(b)

Public officials entering office shall receive a statement certifying that they have read and understand the city's code of ethics. Signing the statement is optional. However, all public officials are subject to the provisions of the code of ethics whether or not the statement is signed.

(c)

The code of ethics shall be reviewed biannually by the board of aldermen. Recommendations received from the review shall be considered by the board of aldermen. The code of ethics shall be updated, as necessary, in May of even-numbered years.

(Ord. No. [2160](#), § 1, 1-14-2020)

- **Sec. 2-400. - Compliance and enforcement.**

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(a)

The city's code of ethics expresses standards of ethical conduct expected for the public officials of the board of aldermen, boards, commissions and committees. Public officials themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the government.

(b)

A person making a complaint against a public official for violation of this policy shall submit the complaint, in writing, to the city administrator for submission to the city attorney who will determine its legal sufficiency. The written complaint must be based substantially upon the personal knowledge of the complainant and must be signed under oath or affirmation by the person filing the complaint.

(c)

If the city attorney determines that the complaint is legally sufficient, the city administrator shall hire and appoint a hearing officer to determine if probable cause of the violation(s) of this policy exists. If the hearing officer determines that probable cause does exist for violation of this policy, the hearing officer shall report the finding to the board of aldermen.

(d)

The board of aldermen shall make a final determination upon a majority vote of all members, except for any member of the board of aldermen which is the subject of a complaint. The hearing by the board of aldermen shall not be subject to the strict rule of evidence and the standard of proof required for a final determination of violation of this policy shall be a preponderance of the evidence. At the discretion of the board of aldermen, sanctions may include private or public reprimand or censure, removal or exclusion from leadership positions, governing board and other official positions or duties that do not conflict with Missouri Statutes.

(Ord. No. [2160](#), § 1, 1-14-2020)