

COUNCIL BILL NO. 97-82ORDINANCE NO. 97-75

An Ordinance adopting a Code of Ethics for the Mayor and Council of the City of Carthage.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI as follows:

SECTION I: The following shall be known as the Code of Ethics for the Mayor and the Council of the City of Carthage and shall be made a part of the Code of the City of Carthage.

CODE OF ETHICS

Declaration of Policy

The public judges its government by the way the members of the City Council, the Mayor and its appointed officials conduct themselves in the post to which they are elected. The public has a right to expect that each such officer's conduct will tend to preserve public confidence in and respect for the government of the City of Carthage. To obtain these goals, it is important that the Mayor, each member of the City Council and the appointed officials of the City of Carthage will uniformly:

Treat all citizens with courtesy, impartiality, fairness and equality under the law; and

Avoid both actual and potential conflict between their private self-interest and the public interest.

Definitions

Public body. Any board, agency, body, commission, committee, department or office of the City of Carthage, Missouri.

Financial interest. Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the public official.

Personal interest. Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.

Person. Any person, firm, association, group, partnership or corporation, or any combination thereof.

Appointed official. Any person appointed to the position of department head of any department of the government of the City of Carthage and any person appointed to any of the governing boards of the City of Carthage.

Fair and equal treatment

Impartiality - Neither the Mayor nor any member of the Council nor any appointed official of the City shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the policy of the City of Carthage to grant or make available to the public at large.

Use of public property - Neither the Mayor nor any member of the Council nor any appointed official of the City shall request, use or permit the use of, any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the personal advantage of that person or any other person. This rule shall not be deemed to prohibit the Mayor or any member of the Council or any appointed official of the City from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service, which are provided as a matter of public policy for the use of officials and employees in the conduct of official business.

Conflict of interest

Neither the Mayor nor any member of the Council nor any appointed official of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services, except on behalf of the City as an officer or employee. Any violation of the provision renders the contract or sale void, and any person violating this section shall thereby forfeit their office. Provided, however, that nothing contained herein shall be construed to apply to any contract, sale or lease not initiated, proposed, instituted, introduced by the public officer who may be involved or interested in such undertaking. Neither the Mayor nor any member of the Council shall hold any other office, or employment with the City of Carthage during their term of office. The Mayor, the members of the Council and the appointed officials of the City are prohibited from either directly or indirectly bidding on or purchasing property owned by the City or under the direction and control of the City unless the property is being sold at a public sale or auction or by sealed bids.

Disclosure of interest in legislation

The Mayor or any member of the Council who has a financial or other personal interest in any legislation shall disclose on the records of the City Council the nature and extent of such interest and may vote on such legislation provided that said official is not prohibited from voting by some other provision of the City of Carthage or the State of Missouri. This provision shall not apply if the person so effected abstains from voting.

Gifts and favors

Neither the Mayor nor any member of the Council nor any appointed official of the City shall accept any valuable item or promise, from any person, firm or corporation which to the officials' knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City. The prohibition against gifts or favors shall not apply to any occasional nonpecuniary gift, insignificant in value, or an award publicly presented in recognition of public service or any gift which would have been offered or given if he were not a member of the Council, the Mayor of the City of Carthage or an appointed official of the City of Carthage.

Confidential information

Neither the Mayor nor any member of the Council nor any appointed official of the City shall, without prior formal authorization of the Council, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the City of Carthage. Said person shall also be prohibited from the use of any confidential information to advance the financial or personal interest of said person or any other person.

Prohibition of interference

No member of the Council of the City of Carthage shall direct or request the employment or removal of persons from employment by the city administrator or the Mayor or by any department head of the City of Carthage, or in any way interfere with the appointment or removal of officers any employees of the various departments of the City. Except for the purpose of inquire, all members of the Council shall deal with the administrative officers and services of the city solely through the Mayor and the city administrator of the City of Carthage, and no member of the Council shall give orders to any employee of the City of Carthage either publicly or privately.

Political activity

Neither the Mayor nor any member of the council nor any appointed official of the City shall use the prestige of their office on behalf any political party or candidate for elected office and to this end shall refrain fro using their official title in support of or in opposition to candidates for political office or a political party. Nor shall the Mayor or any member of the Council or any appointed official of the City use their official title in support of or opposition to legislation or other matters pending before governmental bodies other than the City of Carthage, Missouri unless the Council of the City of Carthage has officially taken a position with respect to said legislation.

No candidate for Mayor or candidate for the City Council of the City of Carthage shall ask or direct any employee or salaried officer of the City of Carthage to perform any act or service for said candidate which relates to the candidates' election campaign other than as a part of the employee's or officer's official duties.

Immoral conduct

If the Mayor or any member of the Council or appointed official of the City is convicted of a crime involving moral turpitude, said office shall immediately become vacant. The Mayor and members of the Council and appointed officials of the City shall refrain from engaging in conduct which is improper and from using their position to obtain a favor or advantage not available to the public at large.

Sanctions

Violations of any provisions of this code of ethics should raise significant questions for the Mayor or Council person or appointed official concerned as to whether their voluntary resignation or other course of action is indicated to promote the best interest of the City of Carthage. Violations may constitute cause for censure, suspension, or removal from office.

SECTION II: This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED THIS 23rd DAY OF December, 1997.

/s/ Donald A. Riley
MAYOR

ATTEST:

/s/ Barbara Welch
CITY CLERK