

**AN ORDINANCE ESTABLISHING A COMPREHENSIVE CODE OF ETHICS  
FOR OFFICERS AND EMPLOYEES;  
REPEALING CONFLICTING ORDINANCES;  
FIXING AN EFFECTIVE DATE**

**WHEREAS**, it is the policy of the City of Waynesville, Missouri to uphold, promote and demand ethical conduct from its elected and appointed public officials (hereinafter "public officials"); and

**WHEREAS**, the citizens and businesses of the City are entitled to have fair, ethical and accountable local government; and

**WHEREAS**, the City Council recognizes the importance of codifying and making known to the general public the ethical principles that guide the work of the City's public officials, and

**WHEREAS**, the City's public officials are to maintain the highest standards of personal integrity, truthfulness and fairness in carrying out their public duties; and

**WHEREAS**, the City Council hereby adopts a Code of Ethics for public officials and employees to assure public confidence in the integrity of local government and its effective and fair operation.

**NOW THEREFOR, BE IT ORDAINED BY THE CITY COUNCIL OF WAYNESVILLE, MISSOURI, AS FOLLOWS:**

**Section 1.** That Title I of the Municipal Code of Ordinances shall be amended to include a new Article 100-III – Code of Ethics, which is attached hereto as "Exhibit A" and made a part of this ordinance.

**Section 2.** This Ordinance shall be in full force and effect from and after the date of its passage.

**PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL ON THIS 16<sup>TH</sup> DAY OF SEPTEMBER, 2021.**

  
Dr. Jerry Brown, Mayor

ATTEST:  
  
Michele Brown, City Clerk



**EXHIBIT A**

## 100.050: CODE OF ETHICS

- A. *Responsibility of Public Office.* 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 persons, claims and transactions coming before City Council or any City Council Committee, Board or Commission shall be assured of fair and equal treatment.
- B. *Compliance with Law.* 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 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.
- C. *Conduct of Officials.* 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 City Council, Council Committees, Boards, Commissions, City staff and the public.
- D. *Performance of Duties.* Public officials shall perform their duties in accordance with the processes and rules of order as established by the City Council, Council Committees, Boards and Commissions governing the deliberation of public policy issues, meaningful involvement of the public and implementation of policy decisions of the City Council by City staff.
- E. *Public Meetings.* 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.
- F. *Decision Based on Merit.* Public officials shall base their decisions on the merits and substance at hand and not personal opinion or preference.
- G. *Communication.* Public Officials shall publicly share with the body substantive information that is relevant to a matter under consideration by the City Council, Council Committees, Boards, and Commissions of the City which they may have received from sources outside the public decision-making process.
- H. *Conflict of Interest.*
  - 1. In order to assure independence and impartiality on behalf of the common good, public officials shall not use their official position 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.
  - 2. Public officials should avoid action, whether or not specifically prohibited, which might result in or create the appearance of:
    - a. Using their public office for private gain;

- b. Offering preferential treatment to any person;
  - c. Impeding City efficiency and economy;
  - d. Losing complete independence or impartiality;
  - e. Making a City decision outside of official channels; and
  - f. Affect adversely the confidence of the public and the integrity of the City.
- I. *Gifts – Gratuities – Favors.* Public officials shall comply with the requirements of Missouri Statute 105.452 relating to the acceptance and reporting of gifts, gratuities and favors.
- J. *Confidentiality of Information.* 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 at the City, per RSMo 105.452. 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 recipient of the information 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. All discussions of closed session City Council, Council Committee, board, or commission meetings of the City shall remain confidential until such time as it is made available in open session.
- K. *Use of Public Resources.*
- 1. 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 only. 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.
  - 2. 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. However, this provision will not prohibit individual Council members from using City letterhead and resources to write personal congratulatory letters, letters of recommendations, reference, endorsement and such may be written on by a Councilman on City letterhead with a copy being provided to the City Clerk.
  - 3. 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.
- L. *Appearance for Private Interests.* As steward of the public interest, the Mayor and City Council shall not appear at proceedings on behalf of the private interests of any third parties that go before the City Council, Council Committees, boards, and/or commissions of the City. Public officials of the City Council, Council Committees, boards, and commissions of the City shall not appear before their own bodies or before the City Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

- M. *Advocacy.* 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 the Council or the City and they shall not give the inference that they do. Public officials of the City Council, Council Committees, boards, and commissions of the City shall not appear before their own bodies or before the City Council on behalf of private interests of third parties on matters related to the areas of service of their bodies.
- N. *Policy Role of Members.* Public officials shall respect and adhere to the City Administrator form of government as outlined in Chapter 116 of the City's Municipal Code with respect to the City Administrator's relationship to the Mayor and City Council. In this structure, the City Council determine the policy of the City with the advice, information and analysis provided by the City Administrator, City staff, Council Committees, Boards, and Commissions of the City. Except as provided by ordinance, the Mayor and/or Councilmen shall not interfere with the administrative functions of the City, the professional duties of City staff, personnel issues concerning hire, promotion or discipline (except upon appeal as provided for by ordinance), or impair the ability of staff to implement City policy and decisions. Public Elected Officials shall not direct or request services from City staff but shall forward all requests or concerns to the City Administrator for review.
- O. *Behavior.* 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 the public, other elected officials or City staff. Public officials shall avoid offensive or inappropriate harassing behavior. Complaints of harassment, targeting of employees or complaints of inappropriate conduct will be promptly and carefully investigated in accordance with City policy.
- P. *Positive Workplace Environment.* Public officials shall support the maintenance of a positive and constructive workplace environment for the City employees and for citizens and businesses who conduct business with the City. Public officials shall recognize their roles in dealing with City employees and refrain from creating the perception of favoritism, confusing staff in regards to daily duties or tasks or any other form of inappropriate action to City staff.
- Q. *City Attorney to Render Opinions on Request.* 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 the 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 City Council without use of the name of the public official involved unless such public official permits the use of a name.
- R. *Implementation.*
1. 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 Mayor and City Council, newly elected officials and appointed members of all boards and commissions.
  2. Public officials entering office shall receive a statement certifying that they have read and understand the City's Code of Ethics and copies of both

Robert's Rule of Order and the Missouri Sunshine Law. 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.

3. The Code of Ethics shall be reviewed annually by the Governmental Affairs Committee. Recommendations from the Committee shall be considered by the City Council.

S. *Compliance and Enforcement.*

1. The City's Code of Ethics expresses standards of ethical conduct expected for the public officials of the City Council, Council Committees, boards, and commissions of the City. 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.
2. A person making a complaint against a public official, appointed official or employee for violation of this policy shall submit the complaint, in writing, to the City Clerk 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.
3. 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 City Council.
4. During the course of the investigation, the City Council has the authority to limit access of the public official named in the complaint to City Hall, Committee meetings and/or City staff.
5. The City Council shall make a final determination upon a majority vote of all members, except for any member of the City Council which may be the subject of a complaint. The hearing by the City Council 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 City Council, sanctions may include:
  - a. private or public reprimand or censure;
  - b. exclusion from leadership positions;
  - c. removal from office any elected, appointed official or employee.