



City of Carthage, Missouri
**COMMITTEE ON
INSURANCE/AUDIT AND CLAIMS**

March 26, 2024 - 5:30 PM
CITY HALL COUNCIL CHAMBERS

AGENDA

- 1. Call to Order**
- 2. Old Business**
 1. Approval of March 12, 2024 Minutes
 2. Review & Approval of the Claims Report
- 3. Citizens Participation**

(Citizens wishing to speak should notify Department Head or Committee Chair in advance)
- 4. New Business**
 1. Consider and Discuss adding the Assistant City Administrator as an officer of the City
 2. Consider and Discuss Code of Ethics Policy Change
 3. Staff Reports
- 5. Adjournment**

PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL 417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS PRIOR TO MEETING



City of Carthage, Missouri

COMMITTEE ON INSURANCE/AUDIT AND CLAIMS

March 12, 2024 - 5:00 PM
CITY HALL COUNCIL CHAMBERS

MINUTES

1. Call to Order

MEMBERS PRESENT: Robin Blair, Tiffany Cossey, Terri Heckmaster, Chris Taylor

STAFF PRESENT: Michael Keith

OTHER MEMBERS PRESENT: Dan Rife and Mark Elliff

Chair Robin Blair called the meeting to order at 5:30 PM.

2. Old Business

1. Approval of February 27, 2024 Minutes

ACTION: Motion to accept/approve item 2.1. by Ms. Heckmaster
Motion passed with a 4:0

AYES: Robin Blair, Tiffany Cossey, Terri Heckmaster, Chris Taylor

2. Review & Approval of the Claims Report

ACTION: Motion to accept/approve item 2.2. by Ms. Cossey
Motion passed with a 4:0

AYES: Robin Blair, Tiffany Cossey, Terri Heckmaster, Chris Taylor

3. Citizens Participation

(Citizens wishing to speak should notify Department Head or Committee Chair in advance)

4. New Business

1. Staff Reports

Ms. Cox reported the City invested \$2,000,000 with Community National Bank. This investment has an APY of 5.25%. Ms. Cox also addressed a letter written by Mr. Dagnan to Mayor Rife. This letter outlines the position, duties, and responsibilities of the Assistant City Administrator (ACA) position. It also details the desire to transition the position from that of a city employee, to that of a city officer. This will offer the City and the ACA more protections than that of a city employee; and, if moved to a City Officer position, the ACA will be overseen by and will report to the Mayor, Council, and the City Administrator. A Council Bill will be forthcoming for a vote to send the request to Council.

5. Adjournment

ACTION: Motion to adjourn at 5:48 PM by Ms. Heckmaster
Motion passed with a 4:0

AYES: Robin Blair, Tiffany Cossey, Terri Heckmaster, Chris Taylor

An Ordinance to amend Chapter 2, Article III, Officers and Employees by adding Division 10 - Assistant City Administrator, in the City of Carthage, Missouri.

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

SECTION I: Chapter 2, Article III is hereby amended to read as follows:

Chapter 2, Article III, Division 10. – Assistant City Administrator.

2-250 - Created; functions generally

The Office of Assistant City Administrator is created as an officer of the City. This officer shall provide leadership support to the City Administrator by performing responsible administrative and managerial duties assisting the City Administrator in the administration of local government; serve as liaison between the City Administrator's Office and the general public, City staff, Council, appointed boards and committees, community organization and other governmental agencies; functions as the City Administrator in their absence.

2-251 – Appointment

The Assistant City Administrator shall be appointed by the mayor with the approval of the Council.

2-252 – Qualifications

Education: Requires any combination of education and experience equivalent to a Bachelor's Degree from an accredited college or university in Public or Business Administration, Government, or a related field and a minimum of two years' directly related work experience including management and supervisory experience.

Experience: The Assistant City Administrator shall have at least two years' leadership or management experience in local government.

2-253 – Specific Duties

1. Assist the City Administrator (Budget Officer) in preparing the budget each year.
2. Assist the City Administrator in keeping the Council, each Council Committee, and all City Departments informed as to the financial status of the City.
3. Assist the City Administrator in the establishment of and maintenance of proper purchasing procedures for all departments, including advising of proper purchasing procedures so they comply at all times with State and Federal regulations governing the purchase of equipment, goods, and services.
4. Assist the City Administrator in research and obtaining information for funding projects that would include, but not be limited to, any situation which could not be financed entirely on a local basis where the funds are provided by either State or Federal government.
5. Assist the City Administrator in the administration of any City business that may be assigned to the position.
6. Assist the City Administrator in communicating the Mayor and Council's direction for any City Board, Department, or Officer.
7. Assist the City Administrator in formulation of policy concentrating on overall problems of the City.
8. Assist the City Administrator in coordinating the activity among operating Department Heads in overall implementation and administration of City programs.
9. Attend and meet with assigned Standing and Special Committees assigned by the City Administrator, Mayor and City Council.
10. Serve as project manager for a variety of special projects; facilitate project activities and resolve problems; develop and submit project reports to the City Administrator.
11. Carry out any other duties as are within the scope, spirit, and purpose of the job as directed.

SECTION II: The Current Assistant City Administrator will ascend to the position outlined in Section I.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

Dan Rife, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Mayor

CODE OF ETHICS

Policy declaration.

The citizens and visitors of the City expect public officials and employees to be independent, impartial and accountable. Included is the expectation that public officials and employees conduct themselves in a manner that will preserve public confidence in and respect for the City. To that end public officials and employees shall insure that:

1. Government decisions and policy be made through the appropriate channels of the governmental structure;
2. Public office or employment is not used for personal gain; and
3. Public officers and employee shall avoid actual conflicts of interest at all times and endeavor to avoid even the appearance of conflict of interest when practicable.

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adversary proceedings: any proceedings where a record may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of the personnel review board of the City.

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

Business entity: a corporation, association, firm, partnership, proprietorship, or other business entity of any kind or character.

Business with which he/she is associated: any sole proprietorship owned by himself/herself or his/her spouse, any partnership or joint venture in which he/she or his/her spouse is a partner, any corporation in which he/she is an officer or director or creditor or any trust in which he/she or his/her spouse or dependent child is a beneficiary or holder of a reversionary interest of the corpus of the trust.

City Councilmember: any person elected or appointed from each of the five (5) respective wards of the City as described in the Charter of the City of Carthage.

Confidential information: all information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge.

Elected official: a City Councilmember and the Mayor as further defined herein.

Malfeasance in office: is the commission of an unlawful act, done in an official capacity, which affects the performance of official duties.

Mayor: any person elected by the voters of the City as described in the Charter of the City of Carthage, Missouri.

Official authority or official influence: any use of City resources to coerce, attempt to coerce or otherwise affect the behavior of another or to endorse any person or proposition; in such a way as to give the appearance of governmental sanction.

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

Substantial 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.

Substantial financial interest: ownership by the individual, or his/her spouse, directly or indirectly, of any business entity or interest, either as an owner or creditor, or the receipt by an individual or his/her spouse of a salary, gratuity or other compensation or remuneration from any individual, partnership, organization or association or one (1) who has acted as a guarantor or who has executed any credit instrument on behalf of any such individual, partnership, organization or association.

Substantial personal or private interest in any measure or bill: any interest in a measure or bill which results from a substantial interest or substantial financial interest in a business entity.

Prohibited acts by elected officials, appointed officials, employees, etc.—Generally.

A. No City officer, committee, authority, board or commission member, or employee shall:

1. Use official authority or official influence for the purpose of interfering with or affecting the result of an election to a Carthage city office or any ballot proposition. Except that nothing herein shall be construed to prohibit any elected official from exercising his or her right as a private citizen to express opinions or vote in any municipal election.
2. Directly or indirectly coerce or command a City employee to pay, lend, or contribute anything of value to a committee, organization, agency or person for the political or electoral purposes of any candidate for Carthage city office or any ballot proposition.

B. No elected or appointed official or employee of the City shall:

1. Act or refrain from acting in any capacity in which he/she is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay or receipt of anything of actual pecuniary value other than compensation to be paid by the City.
2. Use confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner with intent to result in financial gain for himself/herself, his/her spouse, his/her dependent child in his/her custody, or any business with which he/she is associated.

3. Disclose confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner with intent to result in financial gain for himself/herself or any other person.
4. Disclose confidential information obtained in the course of or by reason of his/her employment or official capacity in any manner for a personal interest.
5. With respect to any contract or transaction which is or may be the subject of an official act or action of the City, without proper legal authorization or official authority, disclose confidential information concerning the property, real estate, personnel affairs, or legal affairs of the City to any individual or entity outside of the City Council or City staff, or use such information to advance the financial or other private interest of himself or others.
6. Use his/her decision making authority for the purpose of obtaining a financial gain which materially enriches himself/herself, his/her spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.
7. Offer, promote, or advocate for a political appointment in exchange for anything of value to the City, to himself/herself, or to any other person.

Prohibitions—Generally.

A. No elected or appointed official or employee of the City shall:

1. Perform any service for the City for receipt or payment of any compensation, other than of the compensation provided for the performance of his/her official duties, in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received.
2. Sell, rent or lease any property to the City and receive consideration therefore in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
3. Participate in any matter, directly or indirectly, in which he attempts to influence any decision of the City when he/she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to the City for consideration in excess of five hundred dollars (\$500.00) value per transaction or five thousand dollars (\$5,000.00) value per annum to him/her, to his/her spouse, to a dependent child in his/her custody or to any business with which he/she is associated unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
4. Perform any services or actions during the time of his/her office or employment for any consideration from the City or from any person, to him/her, to his/her spouse, to a dependent child in his/her custody, or to any business with which he/she is associated, other

than the compensation provided for the performance of his/her official duties, by which service or action he/she attempts to influence a decision of the City.

5. Perform any service for consideration, during one (1) year after termination of his/her office or employment, by which performance he/she attempts to influence a decision of the City, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document.
 6. Perform any service for any consideration for any person after termination of his/her office or employment in relation to any case, decision, proceeding or application with respect to which he/she was directly concerned or in which he/she personally participated during the period of his service or employment.
 7. Use the prestige of their office on behalf any political party or candidate for elected office and shall refrain from 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.
- B. In addition to the other requirements of this article, no member of the City Council or the Mayor shall:
1. Perform any service for the City or any agency of the City for any consideration other than the compensation provided for the performance of his/her official duties.
 2. Sell, rent or lease any property to the City for consideration in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
 3. Attempt, for any compensation other than the compensation provided for the performance of his/her official duties, to influence the decision of the City on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in the preparation or filing of any public document or conference thereon.
 4. No sole proprietorship, partnership, joint venture or corporation in which any member of the City Council is the sole proprietor, partner, co-participant or owner of in excess of ten (10) percent of the outstanding shares of any class of stock, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00), or more, per year from any individual, partnership, organization, or association within any calendar year or more shall:

- a. Perform any service for the City for any consideration in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received.
 - b. Sell, rent or lease any property to the City where the consideration is in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.
5. 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 anyway interfere with the appointment or removal of officers or employees of the various departments of the City. Except for the purpose of inquiry, 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. No member of the Council shall give orders to any employee of the City of Carthage either publicly or privately.

State law reference(s)—See RSMo. 105.458.

Procedures.

If any employee or appointed official violates any provision of Sections _____ through _____ inclusive, or provisions of the City of Carthage Charter whether willfully or unintentionally, he/she shall be subject to discipline or other action as allowed by the employment policies of the City or otherwise provided by law. If any elected official violates any provision of sections _____ through _____ inclusive, or provisions of the Charter of the City of Carthage whether willfully or unintentionally, that official is subject to the procedures and penalties provided by Section _____, City of Carthage Charter and set out in the section, below:

By a motion at a City Council meeting, any Councilmember may request the initiation of an investigation of the facts and circumstances regarding an alleged violation of any provision of Sections _____, by any elected official. Such motion shall include details as to the identity of the elected official in question and the facts and circumstances supporting the movant's allegation of such violation.

- A. If such motion is adopted by a two-thirds ($\frac{2}{3}$) majority of those elected to the council, then the Mayor shall initiate the investigation with an appropriate internal or external investigator after such investigator is approved by the City Council. However, if the Mayor is the subject of the matter of the investigation then the Mayor Pro Tempore shall initiate the investigation with an internal or external investigator as described above.

Upon conclusion of the investigation, the investigator shall present the findings at a public meeting.

- B. After hearing the report, any Councilmember may, by motion, request that a public hearing be held on the matter. If such motion is adopted by a two-thirds ($\frac{2}{3}$) majority of the entire council including the Mayor, a public hearing shall be held as provided by RSMo Ch. 536 and the matter shall be considered a contested case.
- C. If, upon hearing or following a waiver of hearing, the Council determines that a violation has occurred, the Council may, by resolution take such disciplinary action as provided by Section_____below. Additionally, the Council may refer such matter to appropriate law enforcement agencies as it may deem appropriate upon the affirmative vote of two-thirds of the entire Council including the Mayor.

Penalties.

- A. Generally. Violation of the Charter or this Code of Ethics may be grounds for censure or removal of office. The Council shall not impose any discipline upon a member or the Mayor unless such sanctions receive an affirmative vote of two-thirds ($\frac{2}{3}$) of the members of the entire Council.
- B. Forfeiture. Notwithstanding subsection A. above, any City Officer or employee who willfully conceals a substantial financial interest or interest in any party transacting business with the City, or in the subject matter of any City transaction shall be guilty of malfeasance in office or position and shall forfeit the office or position. Any Councilmember or the Mayor found, by a two-thirds ($\frac{2}{3}$) vote of the entire Council, to have willfully concealed a substantial financial interest or interest in any party transacting business with the City, or in the subject matter of any City transaction or who otherwise is found to have willfully violated the requirements of the City Charter shall be guilty of malfeasance in office and shall immediately forfeit the office.

Malicious complaints.

If, in the opinion of a City Councilmember or the Mayor, the complaining party was motivated by malice or reason contrary to the spirit of any law on which such complaint was based, in filing the complaint without just cause, he/she may, by motion, request that the same be reported to the appropriate law enforcement authorities. Any person who knowingly files a complaint without just cause, or with malice, having been found guilty or having pleaded guilty in a Court of competent jurisdiction shall be guilty of a misdemeanor punishable under this Code or as otherwise provided by law.

SUBDIVISION 11. FINANCIAL REPORTING

Disclosure of potential conflicts of interest.

- A. 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 private financial or other interests in matters affecting the City.

- B. Conflicts of interest. The Mayor or any Councilmember who has any direct or indirect substantial personal or private interest, as defined by RSMo 105.450(11): (12), in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on or participating in any matters relating to this interest. Any elected or appointed officer, employee, or member of any committee, authority board or commission of the City who has a direct or indirect substantial interest or who has any direct or indirect substantial financial interest, as defined by RSMo 105.450(11), (12), in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on or participating in any matters relating to this interest.
- C. Disclosure statements. Each elected official, the City Administrator, the Assistant City Administrator, the City Attorney, the City Prosecutor, the Director of Finance, and the City Clerk shall disclose the following information by May 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 City of Carthage, other than compensation received as an elected official or as an employee or payment of any tax, fee or penalty due to the City of Carthage, and other than transfers for no consideration to the City of Carthage; 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, as defined by RSMo 105.450(11), had with the City of Carthage, other than payment of any tax, fee or penalty due to the City of Carthage or transactions involving payment for providing utility service to the City of Carthage, and other than transfers for no consideration to the City of Carthage.
 - 3. The City Administrator, the Assistant City Administrator(s), the City Attorney, the City Prosecutor, the Director of Finance, and the City Clerk also shall disclose by May 1st 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 (\$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 j 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 or 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 statements. The statements shall be filed with the City Clerk and the Ethics Commission. The statements shall be available for public inspection and copying during normal business hours.
- E. When filed. The financial disclosure statements shall be filed at the following times, but no person is required to file more than one financial disclosure statement in any calendar year.
 1. Each person who is subject to this ordinance shall file the statement within thirty (30) . days of such appointment or employment.
 2. Every other person required to file a financial disclosure 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 City Council may supplement the financial disclosure statement to report additional interests acquired after December 31st of the covered year until the date of filing of the financial disclosure statement.