

RE: AMENDING CHAPTER 2, ARTICLE I, OF THE NIXA CITY CODE BY REPEALING SECTION 2-4 IN ITS ENTIRETY.

Background:

At the City Council's August 22, 2002, regular meeting, the City Council elected to not approve Council Bill 2022-082. Council Bill 2022-082, if approved, would have readopted the City's financial disclosure regulations for another two-year period.

Under State law, City's may elect to adopt their own financial disclosure regulations for certain city employees and officials, or they may choose to follow State law on the issue. The main difference here is those following a local regulation are only required to annually file the so-called short form disclosure document and those which follow state law are required to file the long form disclosure document. The long form document requires the disclosure of more information.

City's which have adopted their own regulations are required by State law to readopt their requirements every two years. The question of whether to renew is what brought Council Bill 2022-082 to the Council for consideration in August. The City's financial disclosure regulations were codified at Section 2-4 of the Nixa City Code.

Analysis:

Since the Council elected to forego the renewal of the City's financial disclosure regulations, the provisions of Section 2-4 of the City Code are no longer enforceable. Since those provisions are no longer enforceable, they should be removed from the Code to avoid confusion regarding whether State law or local ordinance regulates this issue.

Recommendation:

Staff recommends approval of this Bill in order to carry out Council's decision for the City to be governed by State law on the issue of financial disclosure.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 2,**
2 **ARTICLE I, OF THE NIXA CITY CODE BY REPEALING SECTION 2-4 IN ITS**
3 **ENTIRETY.**

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6 **WHEREAS** at the City Council’s August 22, 2022, regular meeting, the Council
7 considered the adoption of Council Bill 2022-082; and

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9 **WHEREAS** said Bill, if approved, would have readopted the City’s financial
10 disclosure regulations, located at Section 2-4 of the City Code; and

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12 **WHEREAS** State law sets out certain financial disclosure requirements for public
13 officials in Chapter 105 RSMo.; and

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15 **WHEREAS** section 105.485 RSMo. authorizes cities to adopt their own financial
16 disclosure requirements and cities which elect this approach must readopt their
17 requirements biennially; and

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19 **WHEREAS** when a city adopts their own financial disclosure requirements, public
20 officials of the city are only required to provide the so-called short form financial disclosure
21 document; and

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23 **WHEREAS** cities which forego the adoption of their own financial disclosure
24 requirements instead must follow state law on the issue of financial disclosure of public
25 officials, which requires the filing of the so-called long form financial disclosure
26 documents; and

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28 **WHEREAS** considering this, the City Council, at the August 22, 2022, regular
29 meeting, elected to decline to adopt Council Bill 2022-082, thereby requiring certain City
30 officials to annually file the long form financial disclosure document; and

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32 **WHEREAS** this Bill, would repeal Sec 2-4 of the Nixa City Code, which contains
33 the no longer effective financial disclosure requirements.

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35 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
36 **NIXA, AS FOLLOWS, THAT:**

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38 **SECTION 1:** Chapter 2, Article I, of the Nixa City Code is hereby amended by
39 repealing Section 2-4, titled as “Conflict of interests and financial disclosure,” in its
40 entirety.

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42 **SECTION 2:** Savings Clause. Nothing in this Ordinance shall be construed to
43 affect any suit or proceeding now pending in any court or any rights acquired, or liability
44 incurred nor any cause or causes of action occurred or existing, under any act or
45 ordinance repealed hereby.

47 **SECTION 3:** Severability Clause. If any section, subsection, sentence, clause, or
48 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
49 the validity of the remaining portions of this Ordinance. The Council hereby declares that
50 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
51 phrase thereof, irrespective of the fact that any one or more sections, subsections,
52 sentences, clauses, or phrases be declared invalid.
53

54 **SECTION 4:** This Ordinance shall be in full force and effect from and after its final
55 passage by the City Council and after its approval by the Mayor, subject to the provisions
56 of section 3.11(g) of the City Charter.
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59 **ADOPTED BY THE COUNCIL THIS 11th DAY OF October 2022.**

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61 ATTEST:
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64 _____
PRESIDING OFFICER CITY CLERK

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67 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2022.**

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69 ATTEST:
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MAYOR CITY CLERK

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75 **APPROVED AS TO FORM:**

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77 _____
CITY ATTORNEY
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