

ARTICLE VIII. - FINANCIAL DISCLOSURE

Sec. 2-900. - Definitions.

As used in this chapter:

Child includes a biological child, an adoptive child, and a stepchild.

Domestic partner means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage.

Mother or father includes a biological parent, an adoptive parent, and a step-parent.

Municipal public official includes the mayor, council members, and candidates for any elective municipal office.

Source of income means the entity for which service is performed or that is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; but if the person is self-employed by means of a sole proprietorship, partnership, limited liability company, professional corporation, or a corporation in which the person, the person's spouse or domestic partner, or the person's dependent children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership, limited liability company, or corporation, but, if the entity that is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

(Ord. No. 5788, § 1, 1-1-2010)

Sec. 2-901. - Report of financial and business interests.

- (a) The mayor and councilmembers shall file a statement, under oath, with the city clerk within 30 days after appointment to office specifying their business interests and income sources, and shall file a similar statement of income sources and business interests with the city clerk not later than March 15 of each year that they hold office.
- (b) A candidate for elective municipal office shall file a statement, under oath, with the city clerk at the time of filing a nominating petition and declaration of candidacy, specifying the candidate's business interest and income sources.

(Ord. No. 5788, § 1, 1-1-2010)

Sec. 2-902. - Contents of statement.

- (a) The statement filed under section 2-901 of this article shall be an accurate representation of the financial affairs of the person and shall also reflect the business interests and sources of income for the person's spouse, domestic partner, and dependent children, to the extent that it is ascertainable by the person filing.
- (b) Each statement filed under this article must include the following:
 - (1) The source of all income over \$1,000.00 during the preceding calendar year, including taxable capital gains, received by the person, the person's spouse or domestic partner or the person's dependent child, except that a source of income that is a gift must be included if the value of the gift exceeds \$250.00.
 - (2) The identity, by name and address, of each business in which the person, the person's spouse or domestic partner, or the person's dependent child has an interest or was a stockholder,

owner, officer, director, partner, proprietor, or employee during the preceding calendar year, except that an interest of less than \$1,000.00 in the stock of a publicly traded corporation need not be included.

- (3) The identity and nature of each interest in real property, including an option to buy, owned at any time during the preceding calendar year by the person, the person's spouse or domestic partner, or the person's dependent child.
- (4) The identity of each trust or other fiduciary relationship in which the person, the person's spouse or domestic partner, or the person's dependent child held a beneficial interest exceeding \$1,000.00 during the preceding calendar year, a description and identification of the property contained in each trust or relationship, and the nature and extent of the beneficial interest in it.
- (5) Any loan or loan guarantee of more than \$1,000.00 made to the person, the person's spouse or domestic partner, or the person's dependent child, and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the person, the person's spouse or domestic partner, or the person's dependent child owed more than \$1,000.00; this paragraph requires disclosure of a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, or indebtedness was more than \$1,000.00 at any time during the preceding calendar year.
- (6) A list of all contracts and offers to contract with the city during the preceding calendar year held, bid, or offered by the person, the person's spouse or domestic partner, or the person's dependent child, a partnership, limited liability company, or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse, domestic partner, or dependent child, or a combination of them, hold a controlling interest.
- (7) A list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar year by the person, the person's spouse or domestic partner, or the person's dependent child, a partnership, limited liability company, or professional corporation of which the person is a member, or a corporation in which the person or the person's spouse, domestic partner, or dependent child, or a combination of them, holds a controlling interest.

(Ord. No. 5788, § 1, 1-1-2010)

Sec. 2-903. - Administration and inspection.

The city clerk shall administer the provisions of this chapter. The clerk shall prepare and keep available for distribution standardized forms on which the reports required by this article shall be filed.

(Ord. No. 5788, § 1, 1-1-2010)

Sec. 2-904. - Penalty for willful violation of disclosure requirements.

- (a) A person required to file a report of financial or business interests under this article, who refuses or knowingly fails to disclose required information within the time required in this article or who provides false or misleading information, knowing it to be false or misleading, is guilty of a misdemeanor and subject to the penalty specified in section 1-15(a).
- (b) Any person failing or refusing to comply with the requirements of this article, in addition to the penalties prescribed, shall forfeit nomination to office and may not be seated or installed in office if the person has not complied. In the case of elected officials, a person may not be certified for office or the person's election to office if compliance was not made within the time required. The nomination to office or election to office shall be certified to the highest vote getter for that nomination for that office or election to that office who has complied within the times required and

who shall be declared nominated or elected. For purposes of this subsection, a person is considered to have complied within the time required if the person complies within 30 days after the due date established by this article.

(Ord. No. 5788, § 1, 1-1-2010)

Sec. 2-905. - Prohibited acts.

- (a) A person subject to the requirements of this article may not:
- (1) Use the official position or office for the primary purpose of obtaining personal financial gain or financial gain for a spouse, domestic partner, dependent child, mother, father, or business with which the person is associated or in which the person owns stock.
 - (2) Solicit or receive money for legislative advice or assistance, or for advice or assistance given in the course of the person's public employment or relating to the public employment.
 - (3) Represent a client for a fee before the municipal body the person serves.
- (b) Violation of this section is a misdemeanor, punishable upon conviction by the penalty specified in section 1-15(a).

(Ord. No. 5788, § 1, 1-1-2010)