

1 **BOARD BILL NO. 53CSAA INTRODUCED BY ALDERMEN SCOTT OGILVIE**
2 **AND ALDERMAN CHRIS CARTER,**
3 **AND ALDERWOMEN CHRISTINE INGRASSIA, CARA SPENCER,**
4 **MEGAN-ELLYIA GREEN, DONNA BARINGER, PRESIDENT LEWIS REED**

5 An ordinance pertaining to campaign contribution limits; containing findings;
6 containing definitions; campaign contribution limitation amounts; adjustments to
7 limitation amounts; determination of maximum contribution; contributions from persons
8 under fourteen; filing campaign finance disclosure reports; establishment of the
9 Municipal Officials and Officers Ethics Commission; duties of the Municipal Officials
10 and Officers Ethics Commission; violations; a penalty clause; and a severability clause.

11 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

12 **SECTION 1: Findings.**

13 The Board of Aldermen for the City of St. Louis finds and declares as follows:

- 14 • That preserving integrity and openness in the political process is a
15 matter of the highest public interest.
- 16 • It is the policy of the City to promote and encourage broad-based
17 citizen involvement in the financing of election campaigns.
- 18 • That regulation of campaign contributions is required because of the
19 public perception that the interests of large contributors may supersede
20 the interests of the general public.
- 21 • That the State of Missouri does not at present specify a maximum limit
22 on campaign contributions.

September 20, 2016

Page 1 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,

Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

1 contribution which will cause the total amount contributed by such person in a City
2 Election to exceed the contribution limit.

3 C. The contribution limits amounts for each City Election, as defined in
4 Section 2 (B) are as follows:

5 a. To elect an individual to the office of Mayor, ten thousand dollars
6 (\$10,000.00).

7 b. To elect an individual to the office of President of the Board of
8 Aldermen, ten thousand dollars (\$10,000.00).

9 c. To elect an individual to the office of Comptroller, ten thousand dollars
10 (\$10,000.00).

11 d. To elect an individual to the office of Treasurer, ten thousand dollars
12 (\$10,000.00).

13 e. To elect an individual to the office of Collector of Revenue, ten
14 thousand dollars (\$10,000.00).

15 f. To elect an individual to the office of License Collector, ten thousand
16 dollars (\$10,000.00).

17 g. To elect an individual to the office of Sheriff, ten thousand dollars
18 (\$10,000.00).

19 h. To elect an individual to the office of Recorder of Deeds, ten thousand
20 dollars (\$10,000.00).

September 20, 2016

Page 3 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,

Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

- 1 i. To elect an individual to the office of member of the Board of
2 Aldermen, ten thousand dollars (\$10,000.00).
- 3 j. To elect an individual to the office of Circuit Attorney, ten thousand
4 dollars (\$10,000.00).
- 5 k. To elect an individual to the office of member of the St. Louis Board of
6 Education, ten thousand dollars (\$10,000.00).

7 **SECTION 4. Adjustments to Contribution Limits.**

8 The base amounts set forth in Section 3 shall be increased on the first Tuesday
9 after the first Monday in April in each odd numbered year in order to coincide with the
10 regular municipal general election. The first adjustment shall be made on April 2, 2019,
11 by multiplying the base year amount by the cumulative consumer price index change
12 between January 1, 2016, and December 31, 2018, as defined in Section 104.010 RSMo,
13 as subsequently amended, and rounded to the nearest one hundred dollar (\$100.00)
14 amount. An adjustment shall be made on the first Tuesday following the first Monday in
15 April in each odd numbered year thereafter reflecting the increase in the price index for
16 the previous two calendar years. The Clerk of the Board of Aldermen shall forward to the
17 Board of Aldermen at the first legislative session of the Board of Aldermen following the
18 April municipal election of the year in which an adjustment is made, the adjusted
19 contribution limits and publish once, in a newspaper of general circulation within the
20 City, during that April, the adjusted contribution limits.

September 20, 2016

Page 4 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,

Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

1 **SECTION 5. Determination of Maximum Contribution.**

2 A. For purposes of computing the contribution limits for a city election, the
3 aggregate amount of contributions made by or accepted from any person for such city
4 election shall be computed by adding all contributions made by or accepted from, as the
5 case may be, such person during the following period:

6 General Election Period: Beginning at 12:00 a.m. on the day after the last general
7 or special election and ending at 11:59 p.m. on the day of the immediately following
8 general or special election.

9 B. If a debt service committee is formed, contributions may be made to and
10 received by such committee as long as the aggregate contribution received from or made
11 by a person does not exceed the limitation amounts for the aggregating period in which
12 the debt was incurred.

13 C. If a candidate changes the office sought during the primary election
14 period, the limitation amounts of the new office sought shall apply to all contributions
15 made to and received by such individual during the election period. All contributions
16 over the limitations of the new office sought shall be returned to the contributor within
17 ten (10) days of the change in the office sought.

18 D. Contributions made or received prior to the effective date of this
19 ordinance shall not be considered when determining whether or not the limitation
20 amounts have been reached.

September 20, 2016

Page 5 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,

Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

1 Permit the member's name to be used, or make contributions, in support of or in
2 opposition to any candidate for city elected office or any city proposition; or participate
3 in any way in any election campaign for any candidate for city elected office or any city
4 proposition; except that a member shall retain the right to register and vote in any
5 election, to express the member's opinion privately on political subjects or candidates and
6 to participate in the activities of a civic, community, social, labor or professional
7 organization.

8 C. The Mayor's two appointees shall each serve a first term ending on
9 January 31, 2019. Subsequent terms of office shall be for a period of four years, ending
10 January 31. The three remaining appointees shall serve a first term ending January 31,
11 2022. Subsequent terms of office for these appointees shall also be for a period of four
12 years, ending January 31.

13 D. All appointees shall be confirmed by a majority vote of the Board of
14 Aldermen.

15 **SECTION 8. Staff and Records.**

16 *Ethics Compliance Officer.* The commission shall appoint an Ethics Compliance
17 Officer to perform the following duties:

- 18 • Provide the Municipal Officials Ethics Commission with an audited report
19 of campaign finance disclosures, pursuant to Section 9 of this ordinance.
20 • Receive and promptly transmit to the members of the commission

September 20, 2016

Page 7 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,
Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

- 1 complaints and responses filed with the commission;
- 2 • Investigate, marshal, and present to the commission the evidence bearing
- 3 upon a complaint;
- 4 • Prepare draft advisory opinions for consideration of the commission about
- 5 the requirements imposed by the ethics laws;
- 6 • Assist when requested in the training and education of officials and
- 7 employees with respect to their ethical responsibilities;
- 8 • Recommend acceptance or rejection of complaint made to the
- 9 commission;
- 10 • Request additional information from complainant as needed;
- 11 • Render informal, nonbinding opinions upon request; and
- 12 • Serve as an advisor on issues of ethics to the mayor and council members.

13 *Counsel.* The City Counselor shall serve as administrator of the provisions of this
14 ordinance. The City Counselor or an assistant City Counselor will serve as legal counsel
15 to the commission. The City Counselor may appoint special counsel under appropriate
16 circumstances. In the absence of the appointment of an Ethics Compliance Officer, the
17 City Counselor will serve in that role, with all powers and duties of the position, until a
18 permanent Ethics Compliance Officer is named.

19 *Access to staff.* The commission and Ethics Compliance Officer may call upon the
20 City Counselor or other appropriate official or employee to assist in an investigation.

September 20, 2016

Page 8 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,
Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

1 *Assistance.* The Commission may call upon the City Counselor, the Board of
2 Election Commissioners of the City of St. Louis, or any other appropriate public officer
3 to assist them in their investigation. Contingent on the availability of funds, the
4 Commission may utilize outside counsel or staff if it is reasonable and necessary to
5 properly complete its work.

6 *Certain records closed.* When permitted by the Missouri law applicable to open
7 meetings and records, and in recognition of the following factors, meetings and records
8 of the Commission in connection with an investigation or advisory opinion shall be
9 closed to the public: The information to be presented or to be discussed at the meeting or
10 the records may involve persons other than the municipal official or officer who are not
11 under investigation, and disclosure of such information may be harmful to such persons.

12 *Review of closed records.* Information closed under this provision shall be
13 reviewed annually to determine if it may be opened to public inspection.

14 *Final report an open record.* If, after an investigation, the Commission makes a
15 determination that a violation of the Charter or ordinance has occurred, a final report on
16 the investigation shall always be an open record.

17 *Removal of members.* Commission members may be removed for cause, for
18 ceasing to hold the qualifications to serve, refusal to serve, or malfeasance in office.
19 Removal shall be by quo warranto.

September 20, 2016

Page 9 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,

Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

1 **SECTION 9. Jurisdiction, Powers, Duties, and Procedures of the Municipal**
2 **Officials and Officers Ethics Commission**

3 A. *Jurisdiction.* The commission shall have jurisdiction to investigate and
4 address questions concerning alleged violations of: campaign finance regulations, ethics
5 and financial disclosure regulations, regulations concerning conflicts of interest, and
6 other local regulations pertaining to elected and appointed officials.

7 B. *Personnel action.* The commission shall have no jurisdiction to administer
8 employee discipline or to take any job action, including the declaration of the forfeiture
9 of a person's employment or office.

10 C. *Time limitations.* The commission shall not commence any investigation
11 or other action to consider any alleged violation that occurred more than one year prior to
12 the date of the complaint.

13 D. *Powers.* The Commission shall have the power:

- 14 • To establish, amend, and rescind rules and procedures governing its
15 own internal organization and operations, consistent with ordinances
16 pertaining to municipal ethics, disclosure, conflict of interest, and
17 municipal campaign finance;
- 18 • To request from the Budget Director and City Counselor the
19 assignment of staff necessary to carry out its duties;
- 20 • To review, index, maintain on file, and dispose of sworn complaints;

September 20, 2016

Page 10 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,

Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

- 1 • To make notifications and conduct investigations, both on referral or
- 2 complaint;
- 3 • To compel the production of sworn testimony, witnesses and evidence;
- 4 • To recommend cases for consideration of prosecution or other action
- 5 by appropriate authorities and agencies;
- 6 • To request the City Counselor to provide an independent counsel to
- 7 advise and represent the board, when appropriate or necessary to avoid
- 8 a conflict of interest;
- 9 • To provide assistance in the training and education of city officials and
- 10 employees with respect to their ethical responsibilities;
- 11 • To exercise such other powers and duties as may be established by
- 12 ordinance.

13 E. *Authority.* The commission may render advisory opinions. The
14 commission may authorize the Ethics Compliance Officer to issue advisory opinions in
15 the name of the commission under rules established by the commission.

16 F. *Requesting advisory opinions.* Any official may request in writing an
17 opinion from the commission on a matter that may impact the official. The commission
18 shall timely consider all requests and upon the concurrence of at least three members of
19 the commission and without the request of any third party, the commission may issue
20 advisory opinions on any matter within its jurisdiction.

September 20, 2016

Page 11 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,
Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

1 candidate, or officer may provide the Commission with such information
2 as the official deems appropriate to explain or justify the circumstances.

3 6. *Investigations.* Within thirty (30) business days of receipt
4 of a response from the respondent to a complaint or inquiry, the
5 Commission may, by an affirmative vote of at least three members,
6 proceed to commence an investigation for the purpose of producing a final
7 report and recommendations on the matter. Notice will be given to the
8 respondent within four (4) business days of the result of a vote by the
9 Commission to decide whether to commence an investigation.

10 7. *Hearings.* If an investigation commences, at the request of
11 the municipal official, candidate, or officer, the Commission shall hold a
12 hearing where the municipal official or officer can provide evidence and
13 testimony and examine any other witnesses called to testify. The
14 Commission shall have the power to examine witnesses under oath or
15 affirmation and the power to subpoena all documents and persons
16 necessary for their investigation.

17 8. *Disclosure Required.* The Commission shall disclose to the
18 subject of the investigation any matter known to the Commission or its
19 staff tending to negate guilt or mitigate the seriousness of the violation.

20 9. *No Ex Parte Communications.* No member of the

September 20, 2016

Page 14 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,

Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

1 Commission shall have an ex parte communication with any person about
2 a complaint that is before the Commission.

3 10. *Findings, Final Report and Recommendations.* Prior to the
4 issuance of its final report and recommendations, the Commission shall
5 provide an opportunity for the municipal official, candidate, or officer to
6 respond to the report and recommendations, and such response shall be
7 released with the final report and recommendations. When, either as a
8 result of investigation of a complaint or an inquiry issued upon the
9 Commission's own review of campaign finance disclosure reports, the
10 Commission determines that there are reasonable grounds to believe that a
11 violation of this ordinance has occurred, the Commission shall forward the
12 complaint or inquiry and its final report and recommendations, with any
13 response, to the person against whom the findings were made and to the
14 City Counselor, who shall prosecute the violation upon his or her
15 determination that probable cause exists. Before prosecuting the violation,
16 the City Counselor shall confer with the Circuit Attorney to consider
17 whether there is violation of state law. If the Circuit Attorney opts to
18 prosecute the matter, then the City Counselor is not required to prosecute
19 the matter in Municipal Court.

20 11. *Publication.* The Commission shall at quarterly intervals

1 and every day or portion thereof during which any violation of this
2 provision is committed or continued shall be a separate offense;

3 E. for any person to make a contribution in the name of another person, or to
4 knowingly permit his or her name to be used to effect such a contribution,
5 or to knowingly accept a contribution made by one person in the name of
6 another person;

7 F. for any person to knowingly fail to report contributions, with the intent to
8 mislead or deceive.

9 **SECTION 11. Severability Clause.**

10 If any provision, clause, sentence, paragraph or word of this ordinance or the
11 application thereof to any person, entity or circumstances shall be held invalid, such
12 invalidity shall not affect the other provisions of this ordinance which can be given effect
13 without the invalid provisions or application, and to this end the provisions of this
14 ordinance are declared severable.

15 **SECTION 12. Penalty.**

16 Any person who violates the provisions of this chapter shall be subject to of a fine
17 of not less than one hundred dollars (\$100.00) per violation nor more than five hundred
18 dollars (\$500.00) per violation or a term of imprisonment not more than ninety (90) days
19 per violation or both a fine and term of imprisonment per violation

September 20, 2016

Page 17 of 18

Board Bill No. 53CSAA

Sponsors: Aldermen Scott Ogilvie and Chris Carter,
and Alderwomen Christine Ingrassia,

Cara Spencer, Megan-Ellyia Green, Donna Baringer, President Lewis Reed

