



MEMORANDUM

TO: Board of Aldermen

CC: Bola Akande, City Administrator
Kevin O'Keefe, City Attorney
Citizens of Brentwood

FROM: Chris Thornton, Mayor

DATE: May 3, 2016

SUBJECT: Open Memorandum re Transparency Ordinance

I am writing to encourage the Board of Aldermen to adopt an ordinance requiring elected officials to disclose real property interests located in the City of Brentwood and interests in businesses located in, or doing business with, the City of Brentwood.

I believe that transparency is essential to the proper and effective function of government. Governments, particularly local governments, exist to serve the public interest and the best way to ensure that government is serving the public is to make the operation of government as transparent as possible so that any citizen can determine for his or herself how well the government is meeting this obligation. The [Missouri Sunshine Law](#), the obligations imposed on elected officials by the [Missouri Ethics Commission](#), and the Missouri Conflict of Interest statute (RSMo 105.450 et. seq.) are shining examples of the benefits of transparency in government and our State's commitment to open government.

In the last year, Brentwood has taken great steps to increase the transparency of City government. The [Brentwood Transparency Portal](#), located on the City's website, allows complete public access to the salaries and benefits of city employees and elected officials, monthly financial reports, city expenditures, court fines and costs, and easy to read explanations of City taxes. All of this information is available in one convenient location and more is being added.

The Missouri Conflicts of Interest statute prohibits elected officials from taking part in decisions that may provide them, their spouses or dependent children a special monetary benefit and using their decision making authority for the purpose of obtaining a material financial gain. In such cases, elected officials are required to recuse themselves if they are under consideration by the legislative body. This is as it should be; however, the statute does not address far more common situations in which an elected official may have an indirect interest in matters being considered by the legislative body. It is these cases where I believe transparency is essential, particularly at the local level. Indeed, the Conflicts of Interests statute specifically allows local governments to establish requirements more stringent than those imposed by the Statue itself (RSMo 105.476).

I believe there is a wide gap between having a direct financial interest that would require an elected official to recuse his or herself from voting and having an indirect interest that would not require recusal. I believe that a transparency ordinance would go a long way to bridging this gap and allow constituents to evaluate for themselves an elected official's interests and possible motivations when considering matters that may impact these indirect interests. An ordinance requiring elected officials to disclose interests in real property located in the City and business interests located in or doing business with the City would allow constituents to see and evaluate for themselves the nature and extent of an elected official's indirect interest in matters pending before the Board. Such an ordinance would not affect the elected official's ability to vote on such matters in any way they choose, but would allow the public to clearly see how the elected official's vote might impact him or her personally. This increased transparency would allow the public to better evaluate how well the elected official is representing their interests and the interests of the community.

I will use a personal example to demonstrate the benefits of a transparency ordinance. Several years ago my wife and I purchased the property at 2301 S. Brentwood Blvd. Actually, the property was purchased by a limited liability company owned by my wife. Suppose that the Board of Alderman took up an ordinance to re-zone several properties along Brentwood Blvd., including my wife's property, and that the re-zoning, if passed, would likely increase the value of the property. The Conflicts of Interest statute would not require me to recuse myself from consideration of the re-zoning because the re-zoning would not confer a special benefit on me or my family. More troubling, in my opinion, is the fact that under current law, I would not even be required to disclose my wife's interest in one of the properties! Unless someone happened to know that my wife is the sole owner of Three Monkeys, LLC (a fact that is not at all easy to discover from public records), they would never know of my indirect interest in the re-zoning. I don't think this is right. I believe the public is entitled to know of my indirect interest in the re-zoning so that they can evaluate for themselves the nature and extent of my interest; judge for themselves my actions (or lack thereof) in the consideration of the re-zoning and ultimately determine for themselves whether I am acting in the public interest.

I believe that a transparency ordinance requiring the Mayor and Aldermen to disclose real property interests located in the City of Brentwood and business interests located in or doing business with the City will benefit everyone without imposing an undue burden on elected officials. I do not believe that passing such an ordinance would harm any elected official or cause anyone seeking elected office to reconsider and the potential benefits to the public and to the proper function of our city government would be considerable. As with all such measures, a transparency ordinance would increase the amount of information available to the public and allow them to determine for themselves how well their elected officials are representing the public interest. This can only be good for our government and our City. I encourage you to support a transparency ordinance for the City of Brentwood.