

## **Chapter 14 - Officer and Employee Public Disclosure Enforcement**

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- A. PURPOSE. The purpose of this Chapter is to establish a procedure for the enforcement of the provisions of Section 6.4 and 6.12(f) of the Charter.
- B. APPLICATION. This Chapter shall be specifically applicable to the City Attorney, the City Manager, all department heads and inspectors employed by the City; the above-named parties shall for purposes of this Chapter be referred to as "officers or employees" of the City of Troy; the provisions of this Chapter are intended to be construed so as to be consistent with Section 6.4 and 6.12 of the Charter.

(Amended 10-25-2021; Effective 11-04-2021)

C. **FAILURE TO FILE FULL DISCLOSURE STATEMENT, DISQUALIFICATION.**

1. Any candidate and/or applicant whose name is under consideration for appointment to the City Plan Commission, the Board of Zoning Appeals and the Liquor Committee, the City Attorney, the City Manager, all department head positions and inspector positions who shall fail to file a full disclosure statement containing the information set forth in Section 6.12(f), subparagraphs 1 through 4, inclusive, shall be ineligible for consideration for such positions by the City Council and/or those delegated with such appointive power.

(Amended 10-25-2021; Effective 11-04-2021)

D. **OFFICERS FAILURE TO FILE FULL DISCLOSURE STATEMENT, REMOVAL FROM OFFICE.**

1. Definition. The term officer shall apply to the following positions: City Manager and City Attorney.

(Amended 10-25-2021; Effective 11-04-2021)

2. Any officer of the City of Troy to whom the Full Disclosure Statement is deemed to apply who shall fail to comply with the requirements of Section 6.12(f) of the Charter, shall be subject to removal from office for misconduct.
3. The City Clerk shall send a notice by receipted mail to the last known address of any officer so failing to file the required Full Disclosure Statement, which notice shall advise said person of such failure and shall further provide not less than ten (10) days notice to said person of the charge levied against said person and the date, time, and place of hearing before the City Council for determination of his removal from office for misconduct.
4. The Mayor shall preside over the administration of the hearing; a quorum shall be necessary for the conducting of a hearing; the officer may appear in person and may be represented by legal counsel at such hearing and shall be afforded an opportunity to present all material factual evidence and testimony and cross-examine witnesses in his defense; for purposes of said hearing, the failure to file the Full Disclosure Statement as set forth in Section 6.12(f) of the Charter shall be prima facie evidence of the requisite misconduct in office; a sworn statement of the City Clerk that such Full Disclosure Statement is not on file within his records shall

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raise a presumption that said statement has not been filed by the officer as required.

5. Upon the close of the hearing by the presiding officer, a vote shall be taken by all members of the Council attending such hearing, exclusive of any member whose removal may be being considered, and a simple majority of those voting shall constitute a decision of removal.

### E. EMPLOYEES FAILURE TO FILE FULL DISCLOSURE STATEMENT. REMOVAL FROM EMPLOYMENT.

1. Definition. The term Employee shall apply to the following positions:
  - (a) Those positions set forth in Chapter 11 as the exempt service, excluding the position of City Manager and City Attorney.
  - (b) All employment positions with the City which require inspection of the work or property of third parties.
2. Any employee of the City as defined above to whom the Full Disclosure Statement is deemed to apply who shall fail to comply with the requirements of Section 6.12(f) of the Charter, shall be subject to removal from employment for misconduct.  
  
(Amended 09-25-78)
3. The City Clerk on April 1 of each year shall notify the City Manager of the employee(s), as defined herein, in writing of the failure of said employee(s) to have filed a Full Disclosure Statement pursuant to Section 6.12(f) of the Charter.
4. The City Manager shall thereafter notify the named employee in writing of his failure to comply with Section 6.12(f) of the Charter. Said notice shall further advise the named employee that upon his failure to file the Full Disclosure Statement by the 15h of April, the named employee's employment will be terminated upon that date.
5. The failure of any employee, as defined herein, to file the required Full Disclosure Statement as set forth in Section 6.12(f) of the Charter shall constitute prima facie evidence of misconduct in the course of employment; further, a sworn statement of the City Manager or City Clerk that such Full Disclosure Statement is not on file with the records of the City shall raise a presumption that said statement has not been filed by the employee as required.