

## **Chapter 115**

### **CITY OFFICIALS**

#### **ARTICLE I**

#### **General Provisions**

##### **Section 115.010. Elective Officers — Terms.**

The elective officers of the City and their terms shall be those set out in Section 105.020 of this Code.

##### **Section 115.020. Appointive Officers.**

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a City Treasurer, City Attorney, Fire Commissioner, Police Commissioner, Wastewater Commissioner, and Street Commissioner and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor.

##### **Section 115.030. Removal Of Officers.**

- A. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals.
- B. Nothing in this Section shall be construed to authorize the Mayor, with the consent of the majority of all the members elected to the Board of Aldermen, or the Board of Aldermen by a two-thirds vote of all its members, to remove or discharge any chief, as that term is defined in Section 106.273, RSMo.

##### **Section 115.040. Officers To Be Voters And Residents — Exceptions.**

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes or forfeiture or defalcation in office. All officers, except appointed officers, shall be residents of the City.

**Section 115.050. Officers' Oath — Bond.**

Every officer of the City and his/her assistants and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the County, or the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City, and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City, to the use of such person. The bond provisions of this Section may be satisfied by the securing of a blanket bond or blanket bonds, approved by the Board of Aldermen, covering such officers by name or position.

**Section 115.060. Salaries Fixed By Ordinance.**

The Board of Aldermen shall fix the compensation of all the officers and employees of the City by ordinance.

**Section 115.070. Vacancies In Certain Offices — How Filled.**

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

**Section 115.080. Powers And Duties Of Officers To Be Prescribed By Ordinance.**

The duties, powers and privileges of officers of every character in any way connected with the City Government, not herein defined, shall be prescribed by ordinance. Bonds may be required of any such officers for faithfulness in office in all respects.

**Section 115.090. Duties Upon Leaving Office.** [CC 1992 § 23.060]

Every officer shall, upon going out of office, deliver to his/her successor or to the Board of Aldermen all books, papers, money, furniture and other things pertaining to his/her office, and such shall at all times be open to the inspection of any member of the Board or Mayor, the City Attorney, or anyone lawfully authorized to inspect same.

**Section 115.100. Refusal To Perform Duty.** [CC 1992 § 23.070]

Any officer of this City who shall refuse, willfully fail or neglect to perform any duty imposed upon him/her by law shall, upon conviction thereof, be deemed guilty of an ordinance violation and subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), and upon conviction thereof may be removed from office by the Board of Aldermen.

**Section 115.110. Reports.** [CC 1992 § 23.080]

All reports which officers are required to make to the Board of Aldermen and all other official communications shall be filed in writing with the City Clerk.

**Section 115.120. Deputies.** [CC 1992 § 23.090]

Any officer of the City, the Mayor excepted, may, with the approval of the Board of Aldermen, appoint one (1) or more deputies. Such appointment shall be in writing and shall have the approval of the commissioner who has jurisdiction over that department endorsed thereon and shall be filed with the Clerk, and may be revoked by writing of the principal filed with the Clerk and the principal shall be liable for such acts of the deputy in the same manner as he/she may be liable for his/her own acts.

**Section 115.130. Resignations.** [CC 1992 § 23.100]

All resignations of officers shall be addressed to the Mayor and shall be by him/her laid before the Board of Aldermen for action thereon.

**Section 115.140. Appointments.** [CC 1992 § 26.120]

- A. At the first meeting of the Board of Aldermen after the annual City election in April, the Mayor shall appoint one (1) Alderman to each of the following positions, to-wit:
  - 1. Commissioner of Streets.
  - 2. Commissioner of Public Works.
  - 3. Commissioner of Police.
  - 4. Commissioner of the Fire Department and Building Inspection.
- B. It shall be the duty of each commissioner to supervise the activities of the department or

departments under his/her jurisdiction. If any dispute shall arise as to jurisdiction over any department, the Mayor shall decide which commissioner shall have jurisdiction thereof. Each commissioner shall report at every regular meeting of the Board of Aldermen as to the activities of the departments under his/her control. All of the departments of the City shall be assigned to a commissioner by the Mayor, and the distribution of departments will be as equal as possible.

## ARTICLE II City Clerk

### **Section 115.150. City Clerk — Election — Duties.**

The Board of Aldermen shall elect a Clerk for such Board of Aldermen, to be known as "the City Clerk," whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

### **Section 115.155. City Clerk, Duties [CC 1992 § 23.120]**

The City Clerk shall, in person or by deputy, attend all meetings of the Board of Aldermen and forthwith make and preserve a full record of the proceedings of said Board. The Clerk shall have the custody of and safely keep the City Seal, records, original roll of ordinances and resolutions of the Board, and such other documents and papers as shall be delivered unto his/her custody, and shall sign all papers, prepare and issue all licenses to the Collector and affix the corporate seal to such documents as may be required by the laws of the State or the ordinances of this City to be authenticated with a seal. The City Clerk shall keep an abstract of all commissions, licenses and other papers issued from the office and shall keep a record of ordinances as required in this Code, together with a record of their date of passage. The Clerk shall keep an account of all licenses, taxes and fines levied or delivered to the Collector for collection. The Clerk shall keep a record of all claims allowed against the City by the Board, and shall number and date each claim as the same is allowed and file the same away for future reference. He/she shall draw and sign all warrants or orders on the Treasurer which shall be allowed or ordered by the Board of Aldermen or by any committee duly authorized for that purpose, and shall keep a record of the same with the number, name, date and amount, and on what fund the same shall be drawn. The Clerk shall take all actions required by the laws of the State of Missouri for the conduct of City elections. The Clerk shall cause the ordinances of the Board of Aldermen to be published as may be required from time to time by said Board. The Clerk shall procure books, stationery and other necessary articles for the City Board, and shall keep an account of the same, which account shall be presented to the Board. The Clerk shall administer official oaths and be the general accountant of the City. The Clerk shall be allowed for his/her services such compensation as the Board of Aldermen shall deem just and reasonable.

## ARTICLE III City Treasurer

### **Section 115.160. Treasurer — Duties — Bond.**

The Treasurer shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his/her care and shall pay over all monies, bonds or other obligations of the City on warrants or orders duly drawn, passed or ordered by the Board of Aldermen and signed by the Mayor and attested by the City Clerk and having the Seal of the City affixed thereto and not otherwise and shall perform such other duties as may be required of him/her by ordinance. Before entering upon the duties of his/her office, he/she shall give bond in an amount to be set by the Board of Aldermen from time to time.

**Section 115.165. City Treasurer, Duties.** [CC 1992 § 23.150]

It shall be the duty of the City Treasurer, among other things, to receive and safely keep all monies, warrants, books and obligations entrusted to his/her care. He/she shall receive all money payable into the City Treasury and disperse the same on warrants drawn by the Mayor and attested by the City Clerk and Collector with the Seal of the City affixed thereto, by the order of the Board of Aldermen, and not otherwise, said warrants to be paid in the order in which they are presented for payment. He/she shall keep a just account of all money received and dispersed, and regular abstracts of all warrants drawn on the Treasury and paid. He/she shall report at each regular meeting of the Board of Aldermen the amount of money received and from what source and what account and the amount of money on hand at the time of making the report. He/she shall file all warrants on the Treasury, make a register of the number and the date thereof, and the name of the person in whose favor drawn, and the amount of each. He/she shall make duplicate receipts in favor of the proper person for all monies paid into the City Treasury, one (1) of which shall be delivered to the person paying the money and the other to be filed with the City Clerk. He/she shall keep the books, papers and money pertaining to his/her office and at all times open same for inspection by the Mayor or members of the Board of Aldermen. As often and in such manner as may be prescribed by the Board of Aldermen, he/she shall furnish an account of the receipts and expenditures of the City. He/she shall settle his/her accounts with the Board of Aldermen on the first regular meeting of the Board of Aldermen in March and October of each and every year, and if he/she resigns or is removed from office, he/she, or his/her executor or administrator in case of his/her death, shall immediately make settlement, and deliver to his/her successor in office all things pertaining thereto, together with all monies belonging to the City. At the close of every term for which such City Treasurer shall have been appointed, from whatever cause it shall occur, the Board of Aldermen shall immediately proceed to ascertain, by actual examination and account, the amount of balances and funds in the hands of such Treasurer and books and papers or other property in his/her custody to be accounted for. The City Treasurer shall be allowed for his/her services such compensation as the Board of Aldermen shall deem just and reasonable.

ARTICLE IV  
**City Collector**

**Section 115.170. Appointment (If Not Elected).**

The Mayor with the approval of a majority of the members of the Board of Aldermen shall appoint a City Collector.

**Section 115.180. Duties Generally.**

The Collector shall perform all the duties specified in this Code and shall perform such other duties as may be directed by the City Clerk and/or Mayor.

**Section 115.190. Collector To Make Annual Report.**

The Collector shall annually, at such times as may be designated by ordinance, make a detailed report to the Board of Aldermen stating the various monies collected by him/her during the year, and the amounts uncollected, and the names of the persons from which he/she failed to collect, and the causes therefor.

**Section 115.200. Deputy Collector.**

The Mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector shall have taken and subscribed to the oath provided by this Code, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector.

**Section 115.205. City Collector And City Assessor, Duties [CC 1992 § 23.160]**

- A. It shall be the duty of the Collector to collect all accounts or taxes placed in his/her hands for collection as provided by law and the ordinances of this City; to receive from the City Clerk, issue and deliver all licenses which are required to be taken for any business, exhibition or other thing, when the duty of issuing such license is not imposed upon another officer, and collect all taxes for such licenses in a suitable book with the name and business of the license; to keep in a book for that purpose receipts and accounts of all money collected by him/her on behalf of the City, the date of the receipt, the name of the persons paying the same and the purpose and the object for which the same was paid, and to perform all the duties required of him/her by the law or any ordinance of the City. The City Collector shall annually report to the Board of Aldermen the various moneys collected and the amounts uncollected, and the names of persons from which he/she failed to collect and the causes thereof. The collector shall pay to the Treasurer, monthly, all moneys received by him/her from all sources.
- B. The City Assessor shall, jointly with the County Assessor, assess all property in the City made taxable by law and of proper form and in a book to be known as "The City Assessor Book," and as soon as the same shall have been passed on by the Board of Equalization of the County of Ralls, the same shall be submitted to the Board of Aldermen when properly corrected in red ink, so as to confirm to the changes made by the said Board of Equalization as provided by law.
- C. Both the City Collector and Assessor shall be allowed for services such compensation as the Board of Aldermen shall deem just and reasonable.

ARTICLE V  
**City Attorney**

**Section 115.210. Appointment — Term.**

- A. The Mayor, with the advice and consent of the Board of Aldermen, at the first meeting

after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.

- B. Qualifications. No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

**Section 115.215. City Attorney, Duties** [CC 1992 § 23.130]

The City Attorney shall be a person learned in the law, and who shall have been licensed to practice as an attorney in the courts of record of this State. The attorney shall represent the City in person or by substitute in all suits, civil or criminal, in which the City shall be interested, shall represent the City in all matters of law, draw all contracts in writing relating to the business of the City, and shall give his/her opinion on matters of law in which the City is interested to any City Officer and to the Board of Aldermen in writing when requested, and shall upon request attend any meeting of the Board of Aldermen, whether regular or special.

ARTICLE VI  
**Street Commissioner**

**Section 115.220. Street Commissioner, Duties.** [CC 1992 § 23.140]

The Street Commissioner or his/her deputy shall personally superintend the opening, working and repairing of all streets and alleys of the City, repairing and reconstructing sidewalks, street crossing, bridges, and culverts of the City unless otherwise directed by ordinance, and when required to do so, he/she shall oversee and inspect all work done by contractors on the streets, highways, alleys, sidewalks, bridges, culverts and street crossings of the City, and he/she shall keep correct time of all men and their work working under him/her, when not done under contract, and he/she shall generally perform all duties required of him/her by law and ordinances of this City. He/she shall not have the power to incur any indebtedness on the part of the City. He/she shall make a written report at each regular meeting of the Board of Aldermen, reporting in detail all work and labor performed by him/her on the streets and alleys, and otherwise in the City, designating where such work has been done.

ARTICLE VII  
**Miscellaneous Provisions**

**Section 115.230. Officers To Report Receipts And Expenditures.**

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective offices and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise.

**Section 115.240. Mayor Or Board Of Aldermen May Inspect Books And Records Of Officers.**

The Mayor or Board of Aldermen shall have power, as often as he/she or they may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers or records and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office.