

## **Chapter 100**

### **GENERAL PROVISIONS**

#### **ARTICLE I**

##### **City Incorporation And Seal**

###### **Section 100.010. Municipal Incorporation.**

The inhabitants of the City of Center, as its limits now are or may hereafter be defined by law, shall be and continue a body corporate by the name of "The City of Center" and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatever; may receive and hold property, both real and personal, within such City and may purchase, receive and hold real estate within or without such City for the burial of the dead; and may purchase, hold, lease, sell or otherwise dispose of any property, real or personal, it now owns or may hereafter acquire; may receive bequests, gifts and donations of all kinds of property; and may have and hold one (1) common Seal and may break, change or alter the same at pleasure; and may do any act, exercise any power and render any service which contributes to the general welfare, and all courts of this State shall take judicial notice thereof.

###### **Section 100.020. City Seal.**

- A. That the Seal heretofore procured and used by the City containing the words "CITY OF CENTER, RALLS COUNTY, MISSOURI" and having engraved across its face the word SEAL, be and the same is hereby declared to be the common Seal of the City of Center, and all papers required by law to be authenticated with a Seal shall have an impression of the same stamped upon them. [CC 1992 § 22.010]
- B. The City Clerk shall be the keeper of the common Seal of the City of Center, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City.

#### **ARTICLE II**

##### **General Code Provisions**

###### **Section 100.030. Contents Of Code.**

This Code contains all ordinances of a general and permanent nature of the City of Center, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order and similar subjects.

**Section 100.040. Citation Of Code.**

This Code may be known and cited as the "Municipal Code of the City of Center, Missouri."

**Section 100.050. Official Copies Of Code.**

At least three (3) copies of the published book shall be kept on file in the office of the City Clerk and kept available for inspection by the public at all reasonable business hours.

**Section 100.060. Altering Or Amending Code.**

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

**Section 100.070. Numbering Of Code.**

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter.

**Section 100.080. Definitions And Rules Of Construction.**

- A. In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

BOARD OF ALDERMEN — The Board of Aldermen of the City of Center, Missouri.

CERTIFIED MAIL or CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED — Includes certified mail carried by the United States Postal Service or any parcel or letter carried by an overnight, express or ground delivery service that allows a sender or recipient to electronically track its location and provides a record of the signature of the recipient.

CITY — The words "the City" or "this City" or "City" shall mean the City of Center, Missouri.

COUNTY — The words "the County" or "this County" or "County" shall mean the County of Ralls, Missouri.

DAY — A day of twenty-four (24) hours beginning at 12:00 Midnight.

MAY — Is permissive.

MAYOR — An officer of the City known as the "Mayor of the Board of Aldermen of the City of Center, Missouri."

MONTH — A calendar month.

OATH — Includes an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

OFFENSE — Shall mean and be the same as ordinance violation and is punishable as provided in Section 100.220 of this Code.

OWNER — The word "owner," as applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

PERSON — May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

PERSONAL PROPERTY — Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING or FOLLOWING — When used by way of reference to any Section of this Code, shall mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY — Includes real and personal property.

PUBLIC WAY — Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY — The terms "real property," "premises," "real estate" or "lands" shall be deemed to be coextensive with lands, tenements and hereditaments.

SHALL — Is mandatory.

SIDEWALK — That portion of the street between the curblin and the adjacent property line which is intended for the use of pedestrians.

STATE — The words "the State" or "this State" or "State" shall mean the State of Missouri.

STREET — Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TENANT or OCCUPANT — The words "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

WRITTEN, IN WRITING and WRITING WORD FOR WORD — Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR — A calendar year, unless otherwise expressed, and the word "year" shall be equivalent to the words "year of our Lord."

B. Newspaper. Whenever in this Code or other ordinance of the City it is required that notice

be published in the "official newspaper" or a "newspaper of general circulation published in the City," and if there is no newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.

- C. Delegation Of Authority. Whenever a provision appears in this Code requiring the head of a department or an officer of the City to do some act or make certain inspections, it may be construed to authorize the head of the department or officer to designate, delegate and authorize subordinates to perform the required act or make the required inspections, unless the terms of the provision or Section designate otherwise.

**Section 100.090. Words And Phrases — How Construed.**

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

**Section 100.100. Headings.**

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

**Section 100.110. Continuation Of Prior Ordinances.**

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

**Section 100.120. Effect Of Repeal Of Ordinance.**

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except that all such proceedings shall be conducted according to existing procedural laws.

**Section 100.130. Repealing Ordinance Repealed — Former Ordinance Not Revived — When.**

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.

**Section 100.140. Severability.**

It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections and Chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

**Section 100.150. Tense.**

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition.

**Section 100.160. Notice.**

- A. Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:
1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
  2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
  3. If the person to be served is unknown or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

**Section 100.170. Notice — Exceptions.**

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

**Section 100.180. Computation Of Time.**

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**Section 100.190. Gender.**

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

**Section 100.200. Joint Authority.**

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.

**Section 100.210. Number.**

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

**ARTICLE III  
Penalty**

**Section 100.220. General Penalty.**

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.
- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

## **Chapter 105**

### **ELECTIONS**

#### **ARTICLE I Generally**

##### **Section 105.010. Conformance Of City Elections With State Law.**

All City elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

##### **Section 105.020. Date Of Municipal Election.**

- A. A municipal election for the qualified voters of this City shall be held on the first Tuesday after the first Monday in April of each year.
- B. On the first Tuesday after the first Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Center shall be held for the purpose of electing a Mayor who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- C. On the first Tuesday after the first Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Center shall be held for the purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- D. On the first Tuesday after the first Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Center shall be held for the purpose of electing one Alderman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.

##### **Section 105.030. Declaration Of Candidacy — Dates For Filing.**

Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the 16th Tuesday prior to, nor later than 5:00 P.M., on the 11th Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

##### **Section 105.035. Disqualification As Candidate For Elective Public Office, When — Disqualification From Participation In Election, When — Affidavit To Be Filed, Requirements — Investigation Of Alleged Delinquency.**

- A. No person shall qualify as a candidate for elective public office in the State of Missouri who has been found guilty of or pled guilty to a felony under the Federal laws of the United States of America or to a felony under the laws of this State or an offense committed in another state that would be considered a felony in this State.
- B. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State.
- C. Each potential candidate for election to a public office shall file an affidavit with the Department of Revenue and include a copy of the affidavit with the declaration of candidacy required under Section 115.349, RSMo. Such affidavit shall be in substantially the form as set out in Section 115.306, RSMo.
- D. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State, the Department of Revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the Department of Revenue finds a positive affirmation to be false, the Department shall contact the Secretary of State, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The Department shall notify the candidate of the outstanding tax owed and give the candidate thirty (30) days to remit any such outstanding taxes owed which are not the subject of dispute between the Department and the candidate. If the candidate fails to remit such amounts in full within thirty (30) days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

**Section 105.040. Declaration Of Candidacy — Notice To Public.**

The City Clerk shall, on or before the 16th Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City.

**Section 105.050. Notice Of Elections.**

In City elections, the City Clerk shall notify the County Clerk prior to 5:00 P.M. on the 10th Tuesday prior to any City election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Aldermen is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The notice and any other information required by this



Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the 10th Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

**ARTICLE II**  
**Wards**

**Section 105.060. Number Of Wards.** [CC 1992 § 30.010]

The City of Center, Missouri, shall be divided into two (2) wards. Public Street in Center shall be the dividing line between the two (2) wards.

**Section 105.070. Designation Of Wards.** [CC 1992 § 30.020]

- A. First Ward. All that portion of the City lying west of Public Street.
- B. Second Ward. All that portion of the City lying east of Public Street.

## Chapter 110

### MAYOR AND BOARD OF ALDERMEN

#### ARTICLE I

#### Mayor And Board Of Aldermen — Generally

##### **Section 110.010. Aldermen — Qualifications.** <sup>1</sup>

No person shall be an Alderman unless he/she be at least eighteen (18) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the ward from which he/she is elected.<sup>2</sup>

##### **Section 110.020. Mayor — Qualifications.**

No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election.<sup>3</sup>

##### **Section 110.030. Board Of Aldermen To Select An Acting President — Term.**

The Board of Aldermen shall elect one (1) of its own number who shall be styled "Acting President of the Board of Aldermen" and who shall serve for a term of one (1) year.

##### **Section 110.040. Acting President To Perform Duties Of Mayor — When.**

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the Mayor's return.

##### **Section 110.050. Mayor And Board Of Aldermen — Duties.**

The Mayor and Board of Aldermen of each City governed by this Chapter shall have the care, management and control of the City and its finances and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good

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1. State Law Reference: As to when Aldermen may be elected at large, § 79.060, RSMo.

2. Cross Reference: See Section 115.040 for additional qualification requirements.

3. Cross Reference: See Section 115.040 for additional qualification requirements.

order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect and to alter, modify or repeal the same.

**Section 110.060. Mayor May Sit In Board Of Aldermen.**

The Mayor shall have a seat in and preside over the Board of Aldermen but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

**Section 110.070. Ordinances — Procedure To Enact.**

- A. The style of the ordinances of the City shall be "Be it ordained by the Board of Aldermen of the City of Center, as follows: . . . ." No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage; both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided.
- B. The provisions of this Section shall not apply to ordinances proposed or passed under Section 79.135, RSMo.

**Section 110.080. Bills Must Be Signed — Mayor's Veto.**

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds (2/3) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature.

**Section 110.090. Board Of Aldermen To Keep Journal Of Proceedings.**

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

**Section 110.100. Board Of Aldermen Shall Publish Semiannual Statements.**

The Board of Aldermen shall semiannually each year, at times to be set by the Board of Aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City.

**Section 110.110. No Money Of City To Be Disbursed Until Statement Is Published — Penalty.**

In the event the financial statement of the City is not published as required by Section 110.100, the Treasurer of the City shall not pay out any money of the City on any warrant or order of the Board of Aldermen after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of a ordinance violation.

**Section 110.120. Board Of Aldermen May Compel Attendance Of Witnesses — Mayor To Administer Oaths.**

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. The officer making such service shall be allowed to receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses.

**Section 110.130. Mayor To Sign Commissions.**

The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance.

**Section 110.140. (Reserved)**

**Section 110.150. Mayor — Communications To Board Of Aldermen.**

The Mayor shall, from time to time, communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City.

**Section 110.160. Mayor May Remit Fine — Grant Pardon.**

The Mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under the ordinances of the City; but this Section shall not be so construed as to

authorize the Mayor to remit any costs which may have accrued to any officer of said City by reason of any prosecution under the laws or ordinances of such City.

ARTICLE II  
**Board Of Aldermen Meetings**

**Section 110.170. Meetings Of The Board.** [CC 1992 § 26.060; Ord. No. 156 § 1, 8-5-1992; Ord. No. 184 § 1, 8-11-2004]

The regular meeting of the Board of Aldermen of the City of Center shall be held on the first Wednesday of each month at City Hall, with the exception that if the first Wednesday of the month falls on a State or National holiday, then the meeting will be held at the same time and same place on the succeeding Thursday of that month. The Board of Aldermen at any such regular meeting may adjourn said meeting to a later date; provided, however, no regular meeting shall be adjourned for a length of time greater than thirty (30) days from the date of the regular meeting. The hour of the meeting shall be 6:00 P.M.

**Section 110.180. Special Meetings Of The Board.** [CC 1992 § 26.070]

A special meeting for the Board of Aldermen may be called by the Mayor, or in the event of the absence of the Mayor, by the Acting President of the Board of Aldermen, or by two (2) Aldermen of the City as hereinafter provided. The Mayor, Acting President of the Board of Aldermen, or at least two (2) Aldermen desiring to call a special meeting shall file with the City Clerk not less than three (3) days prior to the date of the special meeting a statement in writing, duly signed by such officer or officers calling the meeting. It shall then be the duty of the City Clerk to notify all Aldermen in writing, or in person, of the date, place, time and purpose of such special meeting at least two (2) days prior to the date of said meeting.

**Section 110.190. Special Meetings, Adjourned To A Later Date.** [CC 1992 § 26.080]

The Board of Aldermen may, at any special meeting called and held as hereinbefore provided, adjourn said meeting to a later date; provided, however, no special meeting shall be adjourned to a day more than ten (10) days from the date of the special meeting.

**Section 110.200. Committees.** [CC 1992 § 26.090]

All committees shall consist of two (2) members, to be appointed by the Mayor, unless otherwise provided in the bill or resolution calling for the committee.

**Section 110.210. Order Of Business.** [CC 1992 § 26.100]

A. The order of business at regular meetings shall be as follows:

1. Reading of the minutes of the last meeting.
2. A report of committees.
3. A report of officers.
4. Unfinished business.

5. Introduction of bills and resolutions.
6. New business.
7. Miscellaneous business.

**Section 110.220. Rules And Regulations.** [CC 1992 § 26.130]

The Board of Aldermen, while in session, shall, in all cases where not otherwise provided by ordinance for the general laws of the State of Missouri, be governed by the general rules of parliamentary procedure.

## **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.

## Chapter 120

### OPEN MEETINGS AND RECORDS POLICY

#### ARTICLE I In General

##### Section 120.010. Definitions.

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

**CLOSED MEETING, CLOSED RECORD or CLOSED VOTE** — Any meeting, record or vote closed to the public.

**COPYING** — If requested by a member of the public, copies provided as detailed in Section 120.100 of this Chapter, if duplication equipment is available.

**PUBLIC BUSINESS** — All matters which relate in any way to performance of the City's functions or the conduct of its business.

**PUBLIC GOVERNMENTAL BODY** — Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity or by executive order, including:

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
2. Any department or division of the City.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rule-making or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:
  - a. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

- b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity, to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record or vote relates to such appropriation.

**PUBLIC MEETING** — Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, Internet chat or Internet message board. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

**PUBLIC RECORD** — Any record, whether written or electronically stored, retained by or of any public governmental body, including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any documents or study prepared for a public governmental body by a consultant or other professional service as described in this Section shall be retained by the public governmental body in the same manner as any other public record.

**PUBLIC VOTE** — Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

**Section 120.020. Meetings, Records And Votes To Be Public — Exceptions.**

- A. All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:
  1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a

- public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo.; however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.
  3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this Subsection, the term "personal information" means information relating to the performance or merit of individual employees.
  4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
  5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
  6. Welfare cases of identifiable individuals.
  7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
  8. Software codes for electronic data processing and documentation thereof.
  9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
  10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
  11. Individually identifiable personnel records, performance ratings or records pertaining



- to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
  13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
  14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
  15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.
  16. Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
  17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.
    - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.
    - b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
    - c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed.
  18. The portion of a record that identifies security systems or access codes or

authorization codes for security systems of real property.

19. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.
20. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

**Section 120.030. Electronic Transmissions — Public Record — When.**

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exception of Section 610.021, RSMo.

**Section 120.040. Notices Of Meetings.**

- A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. The City shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The City may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 120.020 shall be permitted without permission of the City; any person who violates this provision shall be guilty of an ordinance violation.
- D. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- E. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

**Section 120.045. Notice Required For Public Meeting On Tax Increases, Eminent Domain, Creation Of Certain Districts, And Certain Redevelopment Plans.**

For any public meeting where a vote of the Board of Aldermen is required to implement a tax increase, or with respect to a retail development project when the Board of Aldermen votes to utilize the power of eminent domain, create a transportation development district or a community improvement district, or approve a redevelopment plan that pledges public funds as financing for the project or plan, the Board of Aldermen or any entity created by the City shall give notice conforming with all the requirements of Subsection (1) of Section 610.020, RSMo., at least four (4) days before such entity may vote on such issues, exclusive of weekends and holidays when the facility is closed; provided that this Section shall not apply to any votes or discussion related to proposed ordinances which require a minimum of two (2) separate readings on different days for their passage. The provisions of Subsection (4) of Section 610.020, RSMo., shall not apply to any matters that are subject to the provisions of this Section. No vote shall occur until after a public meeting on the matter at which parties in interest and citizens shall have an opportunity to be heard. If the notice required under this Section is not properly given, no vote on such issues shall be held until proper notice has been provided under this Section. Any legal action challenging the notice requirements provided herein shall be filed within thirty (30) days of the subject meeting, or such meeting shall be deemed to have been properly noticed and held. For the purpose of this Section, a tax increase shall not include the setting of the annual tax rates provided for under Sections 67.110 and 137.055, RSMo.

**Section 120.050. Closed Meetings — How Held.**

- A. Except as set forth in Subsection (D) of Section 120.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

**Section 120.060. Journals Of Meetings And Records Of Voting.**

- A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected shall be cast by members of the public governmental body who are physically present and in attendance at the meeting or who are participating via videoconferencing. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
- B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

**Section 120.070. Accessibility Of Meetings.**

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time

reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

**Section 120.080. Segregation Of Exempt Material.**

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

**Section 120.090. Custodian Designated — Response To Request For Access To Records.**

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- D. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is

received.

**Section 120.100. Fees For Copying Public Records — Limitations.**

- A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$0.10) per page for a paper copy not larger than nine (9) inches by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.
  2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices and for paper copies larger than nine (9) inches by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual cost of such programming.
- B. Payment of such copying fees may be requested prior to the making of copies.

**ARTICLE II**

**Law Enforcement Arrest Reports And Records, Incident Reports, Etc.**

**Section 120.110. Definitions.**

As used in this Article, the following terms shall have the following definitions:

**ARREST** — An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

**ARREST REPORT** — A record of a law enforcement agency of an arrest and of any detention

or confinement incident thereto together with the charge therefor.

**INACTIVE** — An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations or ten (10) years after the commission of the offense, whichever date earliest occurs.
3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

**INCIDENT REPORT** — A record of a law enforcement agency consisting of the date, time, specific location, name of the victim, and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

**INVESTIGATIVE REPORT** — A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency inquiring into a crime or suspected crime either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

**MOBILE VIDEO RECORDER** — Any system or device that captures visual signals that is capable of installation and being installed in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities.

**MOBILE VIDEO RECORDING** — Any data captured by a mobile video recorder, including audio, video, and any metadata.

**NON-PUBLIC LOCATION** — A place where one would have a reasonable expectation of privacy, including but not limited to a dwelling, school, or medical facility.

#### **Section 120.120. Police Department Records.**

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records.
  1. Notwithstanding any other provision of law other than the provisions of Subsections 4, 5 and 6 of Section 610.100, RSMo., or Section 320.083, RSMo., mobile video recordings and investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive.
  2. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 120.140 of this Chapter.
  3. Except as provided in Subsections 3 and 5 of Section 610.100, RSMo., a mobile

video recording that is recorded in a non-public location is authorized to be closed, except that any person who is depicted in the recording or whose voice is in the recording, a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity if he or she is deceased or incompetent, an attorney for such person, or insurer of such person, upon written request, may obtain a complete, unaltered, and unedited copy of a recording under and pursuant to Section 610.100, RSMo.

- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, including a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity of such person if deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 120.140 for purposes of investigation of any civil claim or defense as provided by this Subsection. Any individual, legal guardian or parent of such person if he or she is a minor, his/her attorney or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.
- D. Any person may apply pursuant to this Subsection to the Circuit Court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to the Section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars (\$1,000.00). If the court finds that there is a knowing violation of this Section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by Section 610.027, RSMo. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars (\$5,000.00) and the court shall order payment by such officer or agency of all costs and



attorney fees, as provided in Section 610.027, RSMo. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this Section previously.

- E. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.
- F. Any person who requests and receives a mobile video recording that was recorded in a non-public location under and pursuant to Section 610.100, RSMo., is prohibited from displaying or disclosing the mobile video recording, including any description or account of any or all of the mobile video recording, without first providing direct third-party notice to each person not affiliated with a law enforcement agency or each non-law enforcement agency individual whose image or sound is contained in the recording, and affording, upon receiving such notice, each person appearing and whose image or sound is contained in the mobile video recording no less than ten (10) days to file and serve an action seeking an order from a court of competent jurisdiction to enjoin all or some of the intended display, disclosure, description, or account of the recording. Any person who fails to comply with the provisions of this Subsection is subject to damages in a civil action proceeding.

**Section 120.130. Effect Of Nolle Pros, Dismissal And Suspended Imposition Of Sentence On Records.**

- A. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Subsection (B) of this Section and Section 120.140 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 192.2400, RSMo., in the manner established by Section 120.140.
- B. If the person arrested is charged with an offense found in Chapter 566, RSMo., Section 568.045, 568.050, 568.060, 568.065, 573.200, 573.205 or 568.175, RSMo., and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his/her own judicial proceeding or if the victim is a minor to the victim's parents or guardian, upon request.

**Section 120.140. Public Access Of Closed Arrest Records.**

- A. Except as otherwise provided under Section 610.124, RSMo., records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. The

closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to Section 43.500, RSMo., criminal justice employment, screening persons with access to criminal justice facilities, procedures and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including, but not limited to, watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by Section 43.543, RSMo., to submit and when submitting fingerprints to the central repository; the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices in accordance with Section 43.507, RSMo.; to qualified entities for the purpose of screening providers defined in Section 43.540, RSMo.; the Department of Revenue for driver license administration; the Department of Public Safety for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo.; Department of Health and Senior Services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and Federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

- B. These records shall be made available only for the purposes and to the entities listed in this Section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with Section 43.509, RSMo. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

**Section 120.150. "911" Telephone Reports.**

Except as provided by this Section, any information acquired by the Police Department or a first responder agency by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 120.120. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

**Section 120.160. Daily Log Or Record Maintained By Police Department Of Crimes, Accidents Or Complaints — Public Access To Certain Information.**

- A. The City of Center Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information

for inspection and copying by the public:

1. The time, substance and location of all complaints or requests for assistance received by the Police Department;
2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
3. If the incident involves an alleged offense or infraction:
  - a. The time, date and location of occurrence;
  - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
  - c. The factual circumstances surrounding the incident; and
  - d. A general description of any injuries, property or weapons involved.

ARTICLE III  
**Destruction Of Records**

**Section 120.170. Destruction Of Records And Non-Record Materials.** [CC 1992 § 24.110]

- A. All records made or received by or under the authority of or coming into the custody, control or possession of local officials in the course of their public duties are the property of the City and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.
  1. No records shall be destroyed or otherwise disposed of unless it is determined that the records have no further administrative, legal, fiscal, research or historical value.
  2. Non-record materials or materials not included within the definition of records may, if not otherwise prohibited by law, be destroyed at any time, if same has the approval of the Missouri Local Records Board.
  3. Records of the City may be disposed of or destroyed without the approval of the Missouri Local Records Board if the same is permitted by the State Municipal Records Manual. Records may be retained for a period of time longer than the minimum retention period required by the State Municipal Records Manual, at the discretion of the City Clerk.

## Chapter 125

### MUNICIPAL COURT

#### ARTICLE I

#### General Provisions <sup>1</sup>

##### **Section 125.010. Violations — To Be Heard By Associate Circuit Judge.**

The City of Center hereby elects to have all violations of its municipal ordinances heard and determined by an Associate Circuit Judge of the Circuit Court of Ralls County, Missouri, the County in which the City of Center is located.

##### **Section 125.020. Municipal Division — Circuit Court.**

The Division of the Circuit Court of Ralls County, Missouri, which hears and determines violations of the ordinances of the City of Center shall be known as the "Municipal Division of the Circuit Court of Ralls County, Missouri."

##### **Section 125.025. Rules Governing Procedure And Practice In The Municipal Court.**

The rules governing the procedure and practice in the Municipal Court shall be those established and promulgated by the Supreme Court of Missouri on July 1, 1959, and such subsequent rules as the Supreme Court shall from time to time establish and promulgate; and any provision in these ordinances which shall be in conflict with such rules is hereby repealed.

##### **Section 125.030. Violations Bureau — Duties — Court Costs.**

The Associate Circuit Judge may establish a Violations Bureau in the City of Center, and shall establish such a Bureau when a request therefor is made by the Board of Aldermen of the City of Center. The Violations Bureau shall operate under the supervision of the Circuit Court, and the Associate Circuit Judge hearing and determining violations of the ordinances of the City of Center, and shall be operated in accordance with the rules of the Supreme Court and the rules of the Circuit Court. All expenses incident to the operation of the Violations Bureau, including salaries of clerical personnel, shall be paid by the City of Center. The City shall provide suitable quarters for the Violations Bureau. The Violations Bureau shall accept pleas of guilty to certain violations of traffic ordinances designated by the Associate Circuit Judge and shall accept payments of fines established by the Associate Circuit Judge and Court costs assessed on said pleas of guilty.

##### **Section 125.040. Prosecutions — On Information.**

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1. State Law Reference: As to certain violations concerning an accused with special needs, § 479.040, RSMo.

All prosecutions for the violation of City ordinances shall be instituted by information and may be based upon a complaint. Proceedings shall be in accordance with the Supreme Court Rule governing practices and procedures in proceedings before Municipal Judges.

**Section 125.050. City Ordinances — Evidence — Judicial Notice Of.**

In the trial of violations of the ordinances of the City, a copy of a City ordinance which is certified by the Clerk of the City shall constitute prima facie evidence of such ordinance. If such certified copy is on file with the Clerk of the Municipal Division and readily available for inspection by the parties, the Judge may take judicial notice of such ordinance without further proof.

**ARTICLE II  
Fines And Court Costs**

**Section 125.060. Installment Payment Of Fine.**

When a fine is assessed for violation of an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate.

**Section 125.070. Court Costs.**

- A. In addition to any fine that may be imposed by the Judge in any case filed in the City of Center Municipal Division of the Circuit Court of Ralls County, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:
1. Costs of Court in the amount of fifteen dollars (\$15.00).
  2. Police Officer Training Fee. A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
    - a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City or other official collecting monies due the City, and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Police Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
    - b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.
  3. Crime Victims' Compensation Fund. An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (A)(1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:

- a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.
  - b. Five percent (5%) shall be paid to the City Treasury.
4. There may also be assessed a cost of up to four dollars (\$4.00) per case for each criminal case, including violations of any County or municipal ordinance, for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, RSMo.
5. There shall be assessed a surcharge of seven dollars (\$7.00) for the Statewide Court Automation Fund.
6. Other costs, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
7. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail or costs assessed against the City by any other detention facility.
8. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.
9. Any other reasonable cost as may be otherwise provided by ordinance, including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Section 125.070(A)(10) hereof.
10. Reimbursement Of Certain Costs Of Arrest.
  - a. Upon a plea or a finding of guilty of violating the provisions of Section 577.010 or 577.012, RSMo., or any ordinance of the City of Center involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
  - b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
  - c. The Chief of Police may establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
11. Sheriffs' Retirement Fund. A surcharge of three dollars (\$3.00) shall be assessed and collected payable to the Sheriffs' Retirement Fund created in Section 57.955, RSMo.

## Chapter 130

### TAXATION AND FINANCE

#### ARTICLE I

##### **Fiscal Year**

#### **Section 130.010. Fiscal Year Established.** [CC 1992 § 24.010]

The fiscal year for the City of Center shall begin January 1 through December 31 of each year.

#### ARTICLE II

##### **Budget**

#### **Section 130.020. Budget Required — Contents — Expenditures Not To Exceed Revenues.**

- A. Prior to the commencement of each fiscal year, a budget for the City shall be prepared and the same will be presented to and approved by the Board of Aldermen.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:
  1. A budget message describing the important features of the budget and major changes from the preceding year;
  2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;
  3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;
  4. The amount required for the payment of interest, amortization and redemption charges on the debt of the City; and
  5. A general budget summary.
- C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year, provided that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

#### **Section 130.030. Budget Officer.**

- A. The budget shall be prepared under the direction of a Budget Officer. Except as otherwise provided by law or ordinance, the Budget Officer shall be designated by the Board of Aldermen of the City. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein.
- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the Board of Aldermen. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.

**Section 130.040. Board Of Aldermen May Revise Budget, Limits — Approval.**

The Board of Aldermen may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law, provided that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law, the Board of Aldermen shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget.

**Section 130.050. Increase Of Expenditure Over Budgeted Amount To Be Made Only On Formal Resolution.**

After the City has approved the budget for any year and has approved or adopted the orders, motions, resolutions or ordinances required to authorize the expenditures proposed in the budget, the City shall not increase the total amount authorized for expenditure from any fund, unless the Board of Aldermen adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures.

**Section 130.060. Debt Limited.** [CC 1992 § 24.070]

The City shall not incur any debts which aggregate an amount greater than the anticipated revenues for the budget year without the approval of the voters of the City, as required by law.

**Section 130.070. Budget Calendar.** [CC 1992 § 24.080; Ord. No. 171 § 1, 10-3-2001]

- A. The Budget Officer shall prepare the City budget in accordance with the following calendar:
  - 1. July of each year, the Budget Officer will collect the data necessary and make preliminary revenue estimates for the coming fiscal year. He/she will estimate expenditures for the present year, and note expenditures and revenues for the previous two (2) fiscal years.



2. August of each year, the Budget Officer will request from each City Officer a statement of expenditures requested for the coming year.
3. September of each year, the Budget Officer will review the departmental requests and make his/her final revenue estimates for the coming fiscal year, and will confer with department heads to discuss these requests.
4. October of each year, the Budget Officer will begin assembling the City budget.
5. November of each year, the Budget Officer will confer with the Mayor, and any such other officers as the Mayor may designate, for the preparation of the City budget for the next fiscal year to be submitted to the Board of Alderman.
6. The budget shall be submitted to the Board of Aldermen at the regular meeting in December of each year.

**Section 130.080. Budget Procedures.** [CC 1992 § 24.090]

To the maximum extent practical, and to the extent it does not conflict with State law, this Code, or other ordinances, the budget shall be prepared in accordance with "A Guide to Budgeting for Missouri Municipalities," published by the Missouri Municipal League.

ARTICLE III  
**Levy Of Taxes**<sup>1</sup>

**Section 130.090. Board Of Aldermen To Provide For Levy And Collection Of Taxes — Fix Penalties.**

The Board of Aldermen shall, from time to time, provide by ordinance for the levy and collection of all taxes, licenses, wharfage and other duties not herein enumerated and, for neglect or refusal to pay the same, shall fix such penalties as are now or may hereafter be authorized by law or ordinance.

**Section 130.100. Fixing Ad Valorem Property Tax Rates, Procedure.**

The Board of Aldermen shall hold at least one (1) public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The Board of Aldermen shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one (1) newspaper qualified under the laws of the State of Missouri of general circulation in the County within which all or the largest portion of the City is situated, or such notice shall be posted in at least three (3) public places within the City; except that, in any County of the First Class having a Charter form of government, such notice may be published in a newspaper of general circulation within the City even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven (7) days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the City for the fiscal year for which the tax is to be levied as provided by Subsection (3) of Section 137.245, RSMo., the

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1. Cross Reference: As to notice required for public meeting on tax increases, eminent domain, creation of certain districts, and certain redevelopment plans, § 120.045.

assessed valuation by category of real, personal and other tangible property in the City for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by Chapter 67, RSMo., and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this Chapter. Following the hearing the Board of Aldermen shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this Section absolves the City of responsibilities under Section 137.073, RSMo., nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

**Section 130.110. Assessment — Method Of.**

In the absence of a City Assessor, and until such City Assessor is duly appointed and qualified, it shall be the duty of the Mayor of the City to procure from the County Clerk of Ralls County, Missouri, on or before the first day of October of each year a certified abstract from his/her assessment books of all property within the corporate limits of the City made taxable by law for State purposes and the assessed valuation thereof as agreed upon by the Board of Equalization, which abstract shall be immediately transmitted to the Board of Aldermen, and it shall be the duty of the Board of Aldermen to establish by ordinance the rate of taxes for the year.

**Section 130.120. Clerk To Prepare Tax Books.**

When the Board of Aldermen shall have fixed the rate of taxation for any given year, it shall be the duty of the City Clerk to cause to be prepared appropriate and accurate tax books and shall therein set out in suitable columns, opposite the name of each person and the item of taxable property, as returned by the Assessor and Board of Equalization, the amount of taxes, whether general or special, due thereon and shall charge the City Collector with the full amount of taxes levied and to be collected.

**Section 130.130. Taxes Delinquent — When.**

- A. On the first day of January of each year, all unpaid City taxes shall become delinquent and the taxes on real estate are hereby made a lien thereon.
- B. Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent (18%) of each year's delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent (2%) per month or fractional part thereof.

**ARTICLE IV  
Sales Taxes**

**Section 130.140. Imposition Of Sales Tax.** [CC 1992 § 83.010]

Pursuant to authority granted by and subject to the provisions of Sections 94.500 to 94.570, RSMo., a tax for general purposes is imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent

and in the manner provided in Sections 144.010 to 144.510, RSMo., and the Rules and Regulations of the Director of Revenue of the State of Missouri issued pursuant thereto. The rate of the tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Center, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under provisions of Sections 144.010 to 144.510, RSMo. The rate shall be collected pursuant to the provisions of Sections 94.500 to 94.570, RSMo. This Section is in accordance with Ordinance No. 107, passed by the Board of Aldermen of the City of Center on April 8, 1975, and approved by the voters of the City of Center.

**Section 130.150. Transportation Sales Tax.** [Ord. No. 209 § 1, 3-2-2011<sup>2</sup>]

A transportation sales tax at the rate of one-half of one percent (1/2 of 1%) on the receipts from all retail sales or taxable services at retail within the City is hereby imposed upon all sellers within the City for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided by Sections 144.010 to 144.525, inclusive, RSMo., and the rules and regulations of the Director of Revenue of the State of Missouri issued pursuant thereto. Such tax may be used for the purpose of maintaining, improving and repairing public streets and roadways. The tax authorized by this Section shall not be effective until there has been compliance with the terms and provisions of the underlying ordinance.

ARTICLE V  
**Expenditures Of City Funds**

**Section 130.160. Appropriations.** [CC 1992 § 27.010; Ord. No. 187, 10-6-2004]

In all cases where the City shall be indebted to any person, company or corporation on any account whatever, when the said account has been duly approved for payment by the Board of Alderman, a check for the amount of such indebtedness found to be due and owing shall be issued and shall be drawn upon the proper fund of the City in the proper bank, and shall be signed by the City Treasurer, Mayor, or person authorized to execute such check, provided that no such check shall be issued without authorization by ordinance duly passed and approved by the Mayor and Board of Alderman.

**Section 130.170. No Check Drawn Unless Sufficient Funds.** [CC 1992 § 27.030]

No check shall be drawn upon the City Treasury, nor shall any ordinance appropriating money be passed, unless there is an unexpended balance to the credit of the City in the fund and the Treasury upon which such check is drawn, or a sufficient sum of unappropriated money in the fund in the Treasury upon which such ordinance shall draw.

**Section 130.180. Ordinance For Payment Of Money, Refer To Treasurer.** [CC 1992 § 27.040]

Every bill for an ordinance that contemplates the payment of money shall, upon its second reading, be referred to the City Treasurer, or the person acting as Treasurer and having the

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2. Editor's Note: This ordinance passed at the election held 4-5-2011.

custody of the City's funds, for the endorsement of that individual to the effect that if sufficient sums stand to the credit of the City unappropriated in the fund covered by such ordinance to meet the requirements of such bill.

**Section 130.190. Checks; Form.** [CC 1992 § 27.050]

All checks drawn on any account of the City shall be drawn in favor of the person, company, or corporation to whom the amount shall be allowed, and no other person, company, or corporation; and shall be in the regular and customary form required by this Article and accepted in general business practices.

## Chapter 135

### PERSONNEL

**Section 135.010. Probationary Period.** [CC 1992 § 25.010; Ord. No. 182 § 1, 6-2-2004]

Each employee receiving an appointment or a promotion to a position in the service of the City must serve a probationary period of ninety (90) days before his/her appointment or promotion shall be considered permanent. During the employee's ninety-day probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by his/her supervisor, department head or other appropriate City Officials. If the probationary employee fails to meet required standards of performance, he/she is to be dismissed, or if he/she is a promoted regular employee, he/she may be restored to the position from which he/she was promoted or to a comparable position. During the probationary period, the employee is not eligible for any offered employee fringe benefits, such as sick leave and vacation, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the probationary period will be paid to probationary employees.

**Section 135.020. Discharge During Probationary Period.** [CC 1992 § 25.020]

If at any time during the probationary period the supervisor determines that the services of a City employee have been unsatisfactory, the employee may be separated from his/her position without the right of appeal or a hearing. The Board shall notify the employee in writing at least seven (7) calendar days before the effective date of separation of the reasons for the separation.

**Section 135.030. Termination Of Probationary Period.** [CC 1992 § 25.030]

At the end of each employee's ninety-day probationary period or extension granted thereto, the supervisor of the employee shall complete a probationary report and notify the Mayor in writing that either the employee has successfully completed his/her probationary period and is capable of performing the duties of the position satisfactorily, and is henceforth to be considered a regular employee with all rights and privileges due him/her; or the employee has not demonstrated the ability to satisfactorily perform the duties of the position and is to be separated from City Government, or if promoted from another position, returned to the previous or a similar position.

**Section 135.040. Appointment And Promotion.** [CC 1992 § 25.040]

- A. Appointments and promotions to all classified positions shall be solely on the basis of merit, which shall be determined by evaluation of the applicant's:
1. Training, education, experience and physical fitness;
  2. Oral interview; and

3. Whenever practical, an examination or demonstration test.

**Section 135.050. Age.** [CC 1992 § 25.050]

The minimum age for employment as a probationary employee shall be eighteen (18) years of age, unless the Board shall in writing waive the requirement. The minimum age for employment of seasonal employees shall be sixteen (16) years of age.

**Section 135.060. Residence.** [CC 1992 § 25.060]

Employees of the City need not reside within the City. However, any provisions of this Code specifically requiring a particular employee or class of employees to live within the City limits shall prevail over this provision.

**Section 135.070. Promotion Policies.** [CC 1992 § 25.070]

All vacancies occurring in the service of the City shall, whenever possible, be filled by promotion of a qualified employee within the City service. However, the Board may authorize the recruitment of applicants from outside the City service whenever he/she has reason to believe that better qualified applicants are available than within the City service. Promotion within the City service shall be based on the qualifications and seniority of the person being appointed. Usually, the first consideration in filling vacancies will be given to the most qualified senior applicant in the department in which the vacancy exists. Next, consideration will be given to the most qualified senior applicant from outside the department. If no acceptable applicant is found within the City service, the vacancy will be filled from outside the City service. The criteria used in the selection of the most qualified senior applicant shall be based upon experience, performance, evaluation and, where feasible, examination.

**Section 135.080. Relatives In The City Service.** [CC 1992 § 25.080]

Members of an immediate family shall not be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of his/her immediate family. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle, aunt.

**Section 135.090. Political Activities.** [CC 1992 § 25.090]

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any municipal office.

**Section 135.100. Individual Political Activities.** [CC 1992 § 25.100]

No City employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect his/her performance as a City employee. Employees are expected to exercise their right to vote in

municipal elections, but shall not engage in or participate in any other way in any municipal election.

**Section 135.110. Political Activities Violations and Penalties.** [CC 1992 § 25.110]

Failure to comply with the requirements of Sections 135.090 and 135.100 shall be grounds for immediate dismissal. Any person who attempts to coerce or does coerce any City employee to take part in activity prohibited by Sections 135.090 and 135.100 may be punished as provided in Chapter 100, Article III, of this Code.

**Section 135.115. Records.** [CC 1992 § 25.115]

Employees who create records of the City are required to place the records in the custody of the City. Any employee who fails to turn over such records to the City Clerk upon demand may be subject to immediate discharge. An employee, upon leaving the service of the City, who retains such records is guilty of an ordinance violation and may be prosecuted by a court with jurisdiction to hear such matters.

**Section 135.120. Outside Employment.** [CC 1992 § 25.120]

No full-time employee of the City shall accept outside employment, whether part-time, temporary or permanent, without prior approval from the Board. Each change in outside employment shall require separate approval. Approval shall not be granted when such outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's municipal service. Such approval, however, shall not be arbitrarily withheld. Employees may not engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his/her official duties.

**Section 135.130. Conduct, Work Habits, Attitude.** [CC 1992 § 25.130]

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline.

**Section 135.140. Discipline Policy.** [CC 1992 § 25.140]

- A. It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.
  - 1. Employee's and supervisor's responsibilities.
    - a. It is the duty of every employee to attempt to correct any faults in his/her performance when called to his/her attention and to make every effort to avoid

conflict with the City's rules and regulations.

- b. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being (i) warning, (ii) demotion, (iii) suspension, and (iv) removal; however, it is not necessary to follow this progression prior to removal of an employee.
2. Grounds for action. The following are declared to be grounds for demotion, suspension, or removal of any permanent employee:
  - a. Conviction of a felony or other crime involving moral turpitude.
  - b. Acts of incompetency.
  - c. Absence without leave.
  - d. Intentional failure or refusal to carry out instructions.
  - e. Misappropriation, destruction, theft, or conversion of City property.
  - f. Acts of misconduct while on duty.
  - g. Willful disregard of orders.
  - h. Habitual tardiness and/or absenteeism.
  - i. Falsification of any information required by the City.
  - j. Failure to properly report accidents or personal injuries.
  - k. Neglect or carelessness resulting in damage to City property or equipment.
  - l. Repeated convictions during employment on misdemeanor and/or traffic charges.
  - m. Introduction, possession, or use on City property or in City equipment of intoxicating substances, or proceeding to work, or performing work for the City, under the influence of an intoxicating substance.
3. Right of appeal. All permanent employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the Mayor. The disciplinary action against the employee shall be stayed during the course of this appeal, unless the Mayor orders its imposition in writing giving his/her reasons therefor.
4. Investigation. The Mayor shall hear appeals submitted by any permanent employee in the City relative to any suspension, demotion, or dismissal and shall submit a written statement of facts, findings, and recommendations to the Board of Aldermen, whose actions shall be final and conclusive.
5. Appeal hearing open to public. The appeal hearing shall be open to the public at the discretion of the Mayor, subject to all requirements of law.



6. Informal nature. The hearing shall be conducted in an informal nature and the Mayor shall make every effort to avoid the appearance of conduction of a trial in a court of law.
7. Scheduling of appeal. No later than ten (10) working days after receipt of the written appeal, the Mayor shall fix a time and place for convening of a hearing. Within forty-eight (48) hours after the completion of the hearing, the Mayor shall report his/her findings and recommendations to the Board of Aldermen.
8. If the Mayor shall have ordered that disciplinary action against an employee shall not be stayed during an appeal, then the Mayor shall appoint a member of the Board of Aldermen to hear the appeal. In such case the provisions of Section 135.140(A)(7) shall not apply, and the hearing shall be scheduled within forty eight (48) hours of the Mayor's order imposing immediate disciplinary action. Should the hearing officer recommend to the Board of Aldermen that the disciplinary action not be imposed, and should this recommendation be accepted by the Board of Aldermen, then the City shall pay said employee the same as if he/she had been employed in the service of the City during the time in which the Mayor's discipline order was in effect.
9. Right to representation. The appellant shall have the right to appear and be heard in person or by counsel.
10. Appellant fails to appear. Appellant's failure to attend or notify the hearing officer of his/her inability to attend the hearing will constitute just cause of dismissal of the appeal and imposition of the disciplinary action.

**Section 135.150. Grievance Policy.** [CC 1992 § 25.150]

- A. The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of employee grievances. It is the desire of the City to adjust the causes of grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise.
  1. An employee may present his/her grievance, or have an employee committee selected by the employee present his/her grievance, to his/her supervisor or department head.
  2. All grievances shall be submitted in writing to the City Clerk, who shall forward a copy thereof to the employee's supervisor for action.
  3. If satisfaction is not achieved by the above procedure within ten (10) working days, the grievance shall then be presented to the Mayor.
  4. The Mayor shall convene a hearing within ten (10) days to consider the grievance. The employee, the supervisor, the department head and any other interested party shall have the right to be heard. All City employees shall be considered in the service of the City during the course of the grievance hearing, and each employee shall be paid at his/her regular hourly rate for that time spent in the hearing.
  5. Following the hearing, the Mayor shall within ten (10) days take whatever action is necessary, including, but not limited to, a recommendation to change the personnel rules and regulations or the work practices of the City, a finding that the grievance is

unjustified, or any other appropriate recommendation. A report of the Mayor's finding shall be presented to the Board of Aldermen.

6. No employee shall be disciplined or discriminated against in any way because of his/her proper use of the grievance procedure.
7. To the extent the provisions of this Section conflict with Section 135.140 of this Chapter, the requirements of Section 135.140 shall apply. The procedure outlined in Section 135.140 shall be used if the alleged grievance is a disciplinary matter, although the Mayor may treat a hearing under this Section as a hearing for the purposes of Section 135.140(A)(3), provided that all employee rights have been respected.

**Section 135.160. Holidays.** [CC 1992 § 25.160]

- A. All regular employees of the City shall receive normal compensation for the twelve (12) legal holidays listed below and any other days or part of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the Board. All regular part-time employees shall receive compensation in proportion to the average number of hours normally scheduled to work. Probationary employees shall be considered for purposes of this Section to be regular employees. Legal holidays to be observed are as follows:

<b>Holiday</b>	<b>Date</b>
New Year's Day	January 1
Martin Luther King Day	January 20
Lincoln's Birthday	February 12
Washington's Birthday	Third Monday in February
Truman Day	May 8
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	October 12
Veterans Day	November 11
Thanksgiving Day	Last Thursday in November
Christmas Day	December 25

- B. It shall be the policy of the City to insure that all regular employees enjoy the same number of holidays each year. The standard shall be the number of holidays in a particular year which will be celebrated by employees working a forty-hour week, Monday through Friday.

1. An employee absent without authorized leave in the day preceding and/or the day following a holiday shall not receive regular compensation for the holiday.
2. Any regular employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall receive a day off at his/her regular pay rate in lieu of the holiday missed, or at the option of the City he/she may be compensated at the City's approved overtime rate for his/her service on the regularly scheduled holiday.
3. For Police Officers and other employees required to work on the holiday, the department supervisor shall designate the day to be taken in lieu of the holiday. Such substitute shall be within thirty (30) days after the scheduled holiday.

**Section 135.170. Vacation.** [CC 1992 § 25.170]

- A. Every employee in the City service holding a permanent status position and having occupied such position for a period of twelve (12) consecutive calendar months shall be allowed annual vacation leave with pay. Vacation leave shall be granted on the basis of the number of regularly scheduled hours in the standard work or duty week to which the employee is assigned at the time of his/her vacation. Employees shall receive two (2) weeks' vacation after one (1) year of service. After ten (10) years of service, employees shall receive three (3) weeks' vacation. After fifteen (15) years of service, employees shall receive four (4) weeks' vacation.
  1. Vacation leave shall be taken during the year following its accumulation. The Board of Aldermen may approve a vacation being taken prior to the conclusion of a year of service, with the exception of the first year.
  2. Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance.
  3. Records of vacation leave allowance and use shall be kept by the person responsible for the employee's payroll payment. Vacation leave scheduled shall be in regard to the seniority of employees, to accord with operating requirements and, insofar as possible, with the requests of the employees.
  4. When a regularly scheduled holiday occurs during the period of an employee's vacation, an additional day of vacation shall be granted.
  5. All vacations must be scheduled at least two (2) weeks in advance of the first day of vacation leave.

**Section 135.180. Sick Leave.** [CC 1992 § 25.180]

- A. All full-time City employees shall earn sick leave with full pay at the rate of twelve (12) workdays for each calendar year of service. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of six (6) months probationary period, except with written permission of the Mayor. Sick leave may never be taken in advance of earning the time. Sick leave may be accumulated up to forty (40) days.

1. An employee may be eligible for sick leave for the following reasons:
  - a. Personal illness or physical incapacity.
  - b. Quarantine of an employee by a physician.
2. An employee who is unable to report for work because of one of the above reasons shall report the reason for his/her absence to his/her supervisor within ten (10) minutes after the time he/she is expected to report to work. Sick leave with pay shall not be granted unless such report has been timely made. Documentation may be required of the employee before any sick leave will be granted or payment made.
3. An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee.
4. Abuse of the sick leave privilege can result in dismissal.

**Section 135.190. Leave Of Absence To Perform Military Duties Mandatory — Discrimination Against Militia Members An Ordinance Violation — Hours Of Leave, How Computed.**

- A. All officers and employees who are or may become members of the National Guard or of any reserve component of the Armed Forces of the United States shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits, to which otherwise entitled, for all periods of military services during which they are engaged in the performance of duty or training in the service of the State at the call of the Governor and as ordered by the adjutant general without regard to length of time, and for all periods of military services during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of one hundred twenty (120) hours in any Federal fiscal year.
- B. Before any payment of salary is made covering the period of the leave, the officer or the employee shall file with the City an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted, which order shall contain the certification of the officer or employee's commanding officer of performance of duty in accordance with the terms of such order.
- C. Compensation for this period of military leave shall be limited to the amount by which the normal City pay exceeds the military pay received. [CC 1992 § 25.190(A)]
- D. No member of the organized militia shall be discharged from employment because of being a member of the organized militia, nor shall he/she be hindered or prevented from performing any militia service he/she may be called upon to perform by proper authority, nor otherwise be discriminated against or dissuaded from enlisting or continuing his/her service in the militia by threat or injury to him/her in respect to his/her employment. Any officer or agent of the City violating any of the provisions of this Section is guilty of an ordinance violation.
- E. Any permanent employee who is drafted into the military service shall, upon termination of his/her active service, be entitled to return to the City service at a level equivalent to the

position held on his/her departure. This leave of absence shall not exceed the period of time necessary to complete the period of active duty that he/she has been involuntarily ordered to perform. [CC 1992 § 25.190(B)]

- F. Notwithstanding the provisions of any other administrative rule or law to the contrary, any person entitled to military leave pursuant to the provisions of Subsection (A) of this Section shall only be charged military leave for any hours which that person would otherwise have been required to work had it not been for such military leave. The minimum charge for military leave shall be one (1) hour, and additional charges for military leave shall be in multiples of the minimum charge.

**Section 135.200. Volunteer Firemen.** [CC 1992 § 25.200]

All employees of the City are encouraged to participate as members of the Volunteer Fire Department. Employees called away from the City service to duty as Volunteer Firemen shall be paid at the regular rate of compensation for such absence.

**Section 135.210. Funeral Leave.** [CC 1992 § 25.210]

An employee may be granted three (3) working days' leave as needed in the event of the death of his/her spouse, child, mother, father, mother-in-law, father-in-law, brother or sister. Such leave shall not be deducted from either sick leave or vacation leave. An employee shall be compensated for the funeral leave.

**Section 135.220. Exceptions To This Chapter.** [CC 1992 § 25.220]

The provisions of this Chapter shall not apply to uniformed employees to the extent that the personnel policies of the Police and Fire Departments conflict with this Chapter.