

Chapter 21 – City Organization

Ordinance No. 1929 3-9-2009

Subchapter A -- General

21.010. Incorporation and Classification The City of Holts Summit, Missouri is incorporated and classified as a Fourth Class City. In accordance with State law, providing for optional forms of government, the City of Holts Summit has adopted the City Administrator form of government. This means most administrative officers are elected, and appointments are made with consent of the Board of Aldermen, and consequently the Mayor has little administrative power. This form of structure approximates the federal government in that it includes the concept of separation of powers (executive, legislative, and judicial) and checks and balances. The Board of Aldermen is the basic governing unit because it levies taxes, appropriates monies, makes decisions on policy matters, and in some instances supervises the administration. The Board is the legislative body of the City of Holts Summit. It adopts local resolutions and ordinances within the framework of latitude given it by State law. The laws of the City of Holts Summit are the ordinances, and these may be divided into three categories:

1. Administrative, dealing with the organization of government (i.e., the division of powers between administrative departments, the salary scale for employees);
2. Contractual, such as the granting of franchises to private utility firms; and
3. Penal ordinances, which regulate the conduct of persons and are based on the general policy powers of the municipality to protect the health, welfare, and safety of the citizens of the City of Holts Summit. Many ordinances cover fields where State laws already operate. State laws may also be adopted by reference and incorporated into local ordinances. The City shall have power to enact all ordinances not repugnant to the Constitution and laws of this State.

21.020. Indemnification of Officer and Employees.

1. Each member of the Board of Aldermen, and every other elected or appointed official, officer and employee of the City of Holts Summit, including members of any boards or commissions, and his or her legal representatives, shall be indemnified by the City against liabilities, expenses, counsel fees, and costs reasonably incurred by them or their estate in connection with or arising out of any action, suit, proceeding or claim in which he or she is made a party by reason of his or her having served the City in any such capacity; provided that such indemnity shall not apply with respect to any such matter, claim, suit, or proceeding where the person to be indemnified hereunder has valid, collectible insurance coverage for such liability, loss, cost, or expense; and, provided further, that the City shall not indemnify any such person with respect to any matters as to which he or she shall be finally adjudged in any such action, suit or proceeding to have been liable for negligence or misconduct in the performance of his or her duties as such member, officer, official, or employee, nor shall such indemnity apply in any such suit action or proceeding where said person or persons shall be found to have acted illegally or

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acted so as to attempt to circumvent a legally required or mandated action. Indemnification of Officers and Employees shall be provided through an insurance provider.

2. Indemnification of Officers and Employees shall become effective upon the passage of an ordinance or resolution, certifying an election or appointment, and the administration of the oath of office.

21.030. City Officers and Staff. The officers and staff of the City shall consist of:

1. Elective Officers
 - A. Mayor
 - B. Aldermen (two from each ward)
2. Appointive Officers
 - A. City Administrator
 - B. City Clerk
 - C. City Attorney
 - D. Chief of Police
 - E. City Treasurer
 - F. Municipal Judge
 - G. Prosecuting Attorney
 - H. And such other agents as may be required from time to time.
3. Department Supervisor
 - A. Maintenance Supervisor
 - B. Sewer Superintendent
4. City Staff
 - A. Office Manager
 - B. Clerical Technician
 - C. Clerical Aide
 - D. Sewer Billing Clerk
 - E. Code Enforcement Officer
 - F. Building Inspector
 - G. City Maintenance Superintendent
 - H. Sewer Superintendent
 - I. Court Clerk
 - J. And such other employees as may be required as determined by the City Administrator, subject to funding by the Mayor and Board of Alderman.

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5. City Organization Chart.

See Appendix A, which may change from time to time in accordance with this Chapter.

21.040. Removal of Officers.

1. Removal of Appointed Officers.

A. The Mayor may, with the consent of a majority of all the members of the Board of Aldermen, remove from office any appointed officer at will in accordance with the City's personnel policy if such policy applies to such employee, and any such appointed officer may be removed by a two-thirds vote of all members of the Board of Aldermen, independently of the Mayor's approval or recommendation.

B. The Mayor may temporarily suspend, with or without pay, any appointive officer of the City. Immediately upon the suspension of an officer it shall be the duty of the Mayor to appoint a competent, responsible person to discharge the duties of such officer for the period of the suspension, should said officer's position be necessary to the ability of the City to function in its normal and customary capacity. The status of the suspended officer shall be on the agenda at the next regular or special meeting of the Board of Alderman at which time a determination will be made to either: reinstate, remove or continue to suspend the officer. If the Officer was suspended without pay and the Board reinstates the officer, the Board shall also determine if back wages for any portion up to but not exceeding the total length of the suspension are warranted.

2. Removal of Elected Officers. The Mayor may, with the consent of a majority of all members of the Board of Aldermen, remove from office for cause shown, any elective officer of the City, such officer first being given an opportunity, together with his or 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.

A. Such charge against an elective officer shall be made in writing, and shall be proffered only by the Mayor or some member of the Board of Aldermen. If the Board shall deem it expedient to take action upon the charges proffered, they shall make an order suspending the officer so charged from further exercising the function of his office. Such charges and order shall be filed with the City Clerk, who shall forthwith make a copy thereof and deliver the same together with the original charge and order to the Chief of Police or assistant Chief of Police, who shall at once serve such copies on the accused, by delivering the same to him or her by leaving them at his usual place of abode, and shall return the original charge and order to the City Clerk, with his or her return in writing of the time, place, and manner of such

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service endorsed thereon, and the officer so charged shall be suspended from office from and after such service, until duly acquitted of such charges or otherwise ordered by the Board of Aldermen. In case of suspension of the Mayor, as herein provided, the Mayor Pro-Tem of the Board of Aldermen shall be vested with the powers and duties of the Mayor until the disability of said Mayor be removed.

B. Immediately upon the suspension of any elective officer, the Board of Aldermen shall fix a time for hearing the cause and the Chief of Police or assistant Chief of Police shall serve the officer so charged with a written notice of the time and place of hearing such charges, in the usual manner of serving summons as provided for by the Statutes of the State of Missouri. On the day set for the hearing of the case, the Board of Aldermen shall meet and proceed according to such rules as they may adopt, to hear the evidence against and in favor of the accused, and they may adjourn from time to time, as may be necessary, until all the evidence shall have been taken. The Board shall vote by “ayes” and “nays” upon the charges separately, and the question voted on shall be, “Is the accused guilty?” If the Board, by a two-thirds majority vote of all the members elected, finds the accused guilty of any charge or specification, such officer may, by resolution, be removed from office. Upon the adoption of such resolution, the office of the accused shall be vacant. The proceedings of the Board shall be entered at large upon the records of the City.

C. Subpoenas for witnesses may be issued by the Mayor or the person acting as Mayor and shall be served by the Chief of Police or assistant Chief of Police, and the Board of Aldermen shall have the power to compel the attendance of witnesses and to compel witnesses to testify, and depositions may be taken and read in the same manner as in courts.

D. At the hearing the accused shall be entitled to be heard in person and by attorney, and the City Attorney or the person acting as such shall attend the trial and prosecute on behalf of the City.

21.050. Term of Appointive Officers. All appointive officers shall be appointed by the Mayor and with the advice and consent of the Board of Aldermen for a term of office as described in Subchapter B-3 of this Chapter.

21.060. Vacancies. Vacancies shall be filled as follows:

1. If a vacancy occurs in any elective office, the vacancy shall be filled in accordance with the Holts Summit City Code Section 121.130.

2. If a vacancy occurs in any appointive office, or department supervisors, 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 filled for the un-expired term which was vacated.

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3. If a vacancy occurs in any other position not elective or appointive, the City Administrator may appoint any individual meeting the bona-fide occupational qualifications of the position, subject to available funding in the City budget as approved by the Mayor and Board of Alderman.

Subchapter B -- Officers of the City General, Powers and Duties

Subchapter B-1 General

21.200. Administration of Oaths. The Mayor, Municipal Judge, and City Clerk are hereby empowered and authorized to administer oaths or affirmations in the following cases:

1. The Mayor, to witnesses or other persons concerned with any subject under consideration by the Board of Aldermen in which the interest of the City is involved.

2. The Municipal Judge, to witnesses, jurors, or other persons relating to any trial or other proceedings within the jurisdiction of his court.

3. The City Clerk, to Elected, Appointed, and other necessary employees of the City; and any person certifying to any demand or claim against the City concerning the correctness of the same.

21.210. Commission to be Delivered. Upon filing of the oath of office and approval of bond, when bond is required, the City Clerk shall deliver to the person elected or appointed a commission signed by the Mayor, and under the seal of the City, duly countersigned by the Clerk, authorizing the person therein named to discharge the duties of the office therein named for the term for which he was appointed or elected.

21.220. Oath of Office; Bond Generally.

1. Every officer of the City and his assistants, and every Alderman before entering upon the duties of his or her office shall take and subscribe to an oath or affirmation before some person authorized to administer oaths, which shall be filed with the City Clerk, to include the following;

A. They possess all qualifications prescribed for his or her office by law;

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- B. They will support the Constitution of the United States and of the State of Missouri;
- C. They will uphold the provisions of all laws of this state affecting the City and the Code of Ordinances and other ordinances of the City; and
- D. They will faithfully demean themselves while in office.

2. Every officer of the City, when required by this Code or other law or ordinance, shall, within fifteen days after his or her appointment or election, and before entering upon the discharge of the duties of their office, give bond to the City in such sum and with such sureties as may be designated by this Code or other ordinance, conditioned upon faithful performance of his or her duty, and that he or she will pay over all money belonging to the City and fully account for the same, as provided by law, that may come into his or 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 or 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.

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Subchapter B-2 Powers and Duties of Elective Officers

21.300. Board of Aldermen.

1. Qualifications of Aldermen, Terms of Office. No person shall be an Alderman unless he or she is at least twenty-one years of age, a citizen of the United States, and an inhabitant and resident of the City for one year next preceding his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected; nor shall any person be elected an Alderman who is in arrears for any tax, lien, forfeiture, or defalcation in office. All elected members of the Board shall hold their office for a term of two years. All appointed members of the Board shall hold their office per Chapter 121.130 of the City Code.

2. Oath. Before entering upon the discharge of the duties of his office, each Alderman shall take and subscribe an oath or affirmation before the City Clerk that he or she possesses all the qualifications prescribed for his or her office by the laws of the State and this Code or other ordinances of this City; that he or she will support the Constitution of the United States and of this State, and this Code and other ordinances of this City, and that he or she will faithfully demean himself in office.

3. Membership. The members of the Board of Aldermen shall be two in number from each ward of the City.

4. Scope of Authority. As used in this Chapter the term Alderman or Aldermen means an individual member of the Board of Aldermen, other than the Mayor; and the term Board of Aldermen means the individual Alderman and Mayor acting as group through the casting of votes.

5. Duties.

A. Aldermen shall attend all regular and special meetings of the Board unless excused by the Mayor for good cause.

B. 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 member.

C. The Board of Aldermen may by resolution prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business, but such rules shall not contravene the requirements of this Code or other ordinances.

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D. 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. Such officer (other than a city officer) shall receive therefore such fees as are allowed by law in the circuit court for similar services, to be paid by the City. The Mayor, or Mayor Pro-Tem in the absence of the Mayor, shall have power to administer oaths to witnesses.

E. The Board of Aldermen has the power to enact laws and policies, consistent with state law and also has specific authority to:

- (1). Enact a City budget
- (2). Define the powers, functions, and duties of City officers and employees
- (3). Fix the compensation of officers and employees
- (4). Establish the working conditions of officers and employees
- (5). Maintain retirement and pension systems
- (6). Enter into contracts
- (7). Regulate the acquisition, sale, ownership, and other disposition of real property
- (8). Provide governmental, recreational, educational, cultural, and social services
- (9). Impose taxes
- (10). Cause the City to own and operate utilities
- (11). Approve claims against the City
- (12). Grant franchises for the use of public ways
- (13). License, for the purpose of revenue and regulation, most any type of business
- (14). Enact rules governing procedures

F. Aldermen shall have access to the City Attorney without going through the City Administrator or the Mayor.

G. Aldermen shall not directly interfere with the conduct of any City Department or duties of employees. Whenever possible, Aldermen shall deal with City employees through the Mayor or City Administrator. Aldermen shall not give orders directly to any City employee subordinate to the City Administrator. Aldermen may, whenever they deem necessary, forward complaints and ask questions of city employees. Whenever possible, citizen complaints should be referred to the appropriate City official or Department head. If a Department head has failed, in the opinion of any Alderman, to respond appropriately or promptly to a complaint or question, the Alderman shall refer the matter to the Mayor or City Administrator who shall, after duly investigating, make a report to the Board of Aldermen. All employees shall have the right and duty to report orders to violate the City Code or violations of this Section.

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21.310. Mayor.

1. Qualifications, how Elected. No person shall be Mayor unless he or she shall be at least twenty-five years of age, a citizen of the United States and a resident of the city at the time of and for at least one year next preceding his or her election; nor shall any person be elected as Mayor who is in arrears for any tax, lien, forfeiture, or defalcation in office. The Mayor shall be elected by the qualified voters of the City, and shall hold his or her office for two years, and until his or her successor shall be elected and qualified. If the Mayor is appointed by the Board of Aldermen the Mayor shall serve per City Code Chapter 121.130.

2. Duties and powers of the office.

A. The Mayor is the Chief Administrative Officer of the City and responsible for 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, as they shall deem expedient for the good government of the City; the preservation of peace and good 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.

B. 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 the City by reason of any prosecution under the laws or ordinances of the City.

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

D. 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.

E. The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he or she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he or she is hereby authorized to call on every inhabitant of the City over eighteen years of age and under fifty, to aid in enforcing the laws.

F. The Mayor shall have the authority to sign all orders, drafts and warrants drawn on the City treasury for money and to cause the City Clerk to attest the same.

G. Bills must be signed - Mayor, Veto.

(1). Every bill duly passed by the Board of Aldermen and

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presented to the Mayor and by him 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 substantially 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 of all the members-elected 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 or she neglect or refuse to sign any ordinance and return the same with his objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his signature.

(2) If a duly enacted ordinance remains unsigned when the agenda is prepared for the next regular meeting, the City Clerk shall list those bills in a separate section on the agenda for action by the Board of Aldermen. Should the Mayor refuse to sign or veto the bill by the opening of said meeting, the bill shall be submitted to the Mayor Pro-tem for signature. If the Mayor is not present at the meeting, the Mayor Pro-tem may act on the bill with the authority provided him or her by State Statute.

H. Compensation. The Mayor may receive such compensation for his services as shall from time to time be enacted by the Board of Aldermen by ordinance prior to election.

I. President of Board. At the hour designated for Board meetings the Mayor shall call the Board of Aldermen to order, and he shall act as president of the Board of Aldermen.

21.320. Mayor Pro-Tem.

1. Election. At the first meeting following the annual election the Board shall elect one member to act in the absence of the Mayor who shall be styled "Acting President of the Board of Aldermen" and who shall serve for a term of one year.

2. Duties. When any vacancy shall happen in the office of the Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatsoever, 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 is filled or such disability is removed; or, in case of temporary absence, until the Mayor's return.

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Subchapter B-3 Powers and Duties of Appointed Officers

21.400. City Administrator. The Mayor, with the consent and approval of a majority of the members of the Board of Aldermen, may appoint a qualified person to be City Administrator for the City of Holts Summit upon such terms and conditions as the Board shall deem appropriate.

1. Qualifications, Compensation, Removal. The person appointed to the office of City Administrator shall be at least 21 years of age, be a graduate of an accredited University or College, majoring in public, municipal or business administration, or shall have the equivalent qualifications and experience in financial management, public administration, public relations and/or another closely related field. The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen. The City Administrator shall serve at the pleasure of the Board of Aldermen. The Mayor, with the consent of a majority of the Board of Aldermen, may remove the City Administrator from office at will, and such City Administrator may also be removed for the reasons set forth in the personnel Manual. The Mayor and Board of Aldermen shall evaluate the performance of the City Administrator at least once every 5 years.

2. Duties. The City Administrator shall be the Chief Administrative Assistant to the Mayor, and except as otherwise specified by ordinance, or by Law of the State of Missouri, shall dedicate his full time to his or her duties. The City Administrator shall have general superintending control of the administration, management, and departments of the City of Holts Summit, officers and employees of the City, subject to the direction of the Mayor. The City Administrator's primary responsibility is to take the policy developed and approved by the Mayor and Board of Alderman and put said policy into action.

A. Planning. The City Administrator shall be the Chief Planner for the City of Holts Summit. The City Administrator may develop necessary plans, for approval by the Board of Alderman, that identify short term and long term goals of the City, and objectives to meet said goals. The City Administrator shall work with each department head and appropriate committees or commissions during plan development and supervise the implementation of approved plans. Plans may be developed to address, but not be limited to, the following topics areas.

- (1) Health and Safety
- (2) Emergency Management
- (3) Public Safety
- (4) Transportation
- (5) Public Utilities
- (6) Planning and Zoning

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(7) Parks and Recreation

B. Purchasing. The City Administrator shall be authorized to make and approve purchases for the City of Holts Summit amounting to less than One Thousand dollars (\$1,000), all such purchases shall be made in accordance with the purchasing rules and procedures approved by the Board of Aldermen. The City Administrator shall coordinate and or supervise the process for all purchases requiring informal or formal bids, and submitted to the Mayor or Board of Alderman for purchasing authority.

C. Budget. The City Administrator shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City. The City Administrator is solely responsible for preparing a proper supporting schedule and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval.

D. Financial Reports. The City Administrator shall make monthly reports to the Mayor and Board of Aldermen relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget.

E. Annual Report. The City Administrator shall prepare and present to the Mayor and Board of Aldermen an annual report of the City's affairs. Included in such report shall be a summary of reports by department heads, and such other reports as the Mayor and Board of Aldermen may require.

F. Personnel System. The City Administrator shall act as the Personnel Officer of the City, and shall make recommendations to the Mayor and Board of Aldermen for amendments, changes, and updates to the City's Personnel Manual, which shall, among other things, contain provisions for a system of performance evaluations for all appointive officers and city staff at least once per year. The City Administrator shall have the power to administer necessary disciplinary action to all subordinate employees of the City and make recommendations to the Board of Aldermen for disciplinary dismissals.

G. Policy Formulation. The City Administrator shall recommend to the Mayor and Board of Aldermen adoption of such measures, as they may deem necessary; or expedient for the health, safety, or welfare of the City, or for the improvement of administrative services for the City.

H. Boards and Commissions. The City Administrator shall work with all City Boards and Commissions to help coordinate the work of each.

I. Attend Board of Aldermen meetings. The City Administrator shall attend and provide a report of City business at all meetings of the Board of Aldermen unless authorized to be absent by the Mayor, in which case the City Administrator shall provide a written report of City business and may send a proxy to discuss the report in his or her absence.

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J. County, State, and Federal Aid Programs. The City Administrator shall coordinate all applications for aid, and grants; and oversee the City's involvement with all Federal, State, and County programs, which may have application to the City of Holts Summit.

K. Meetings with outside agencies. The City Administrator shall attend meetings, conferences and programs applicable to their office, and the business of the City of Holts Summit, as they deemed appropriate.

L. Press Releases. The City Administrator shall be responsible for keeping the public informed in the purposes and methods of City Government through all available news media.

M. Emergency Management Director: The City Administrator shall be responsible coordinating with County, State, and Federal emergency management agencies in order to mitigate the possibility and impact, as well as plan for the response to hazardous incidents as detailed in the Callaway County and State of Missouri All Hazard and Emergency Response Plans.

N. Miscellaneous. In addition to the foregoing duties, the City Administrator shall perform any and all duties or functions prescribed by the Mayor or Board of Aldermen, except the individual members of the Board shall not have the power to assign duties to the City Administrator without the consent of the Board.

3. Powers.

A. City Property. The City Administrator shall have responsibility for all real and personal property of the City of Holts Summit. He or she shall have responsibility for all inventories of such property and for the upkeep of all such property. The City Administrator may sell personal and real property after receiving approval of the Board of Aldermen, by resolution or ordinances.

B. Set Administrative Policies. The City Administrator shall have the power to prescribe and enforce such administrative policies, as he or she shall deem necessary or expedient for the conduct of administrative agencies, subject to their authority. He or she shall have the power to revoke, suspend, or amend any rule or regulation of the Administrative service except those prescribed by the Board of Aldermen.

C. Coordinate Departments. The City Administrator shall have the power to coordinate the work of all the departments of the City, and shall have the authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government.

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D. Investigate and Report. The City Administrator shall have the power to investigate, examine, or inquire into the affairs or operation of any department of the City under his or her jurisdiction, and shall report any condition or fact concerning the City Government requested by the Board of Aldermen.

E. Coordinate Officials. The City Administrator shall have the power to overrule any action taken by a department head; and may supersede them in the functions of their office.

F. Selection and Discipline of City Employees. The City Administrator shall serve as the final hiring authority for City staff positions other than those requiring approval of the Mayor and/or Board of Alderman as described in Section 21.030 of this Chapter and shall have the final decision on all disciplinary actions for said staff except for disciplinary dismissals, each of which must be approved by the Board of Aldermen.

G. Appear before the Board of Aldermen. The City Administrator shall have the power to appear before and address the Board of Aldermen at any meeting.

H. Limitations. At no time shall the duties or powers of the City Administrator supersede the actions taken by the Mayor or Board of Aldermen.

21.410. City Clerk. The City Clerk's duties and responsibilities may be assigned to an existing employee of the City or to an individual full or part time employee of the City. The City Clerk answers directly to the Mayor and Board of Aldermen related only to the duties described in this section. If the same individual is assigned duties other than those listed in this section, those duties are considered separate from the duties of the City Clerk and the individual shall report to the City Administrator or his or her designee pertaining to those duties.

1. Appointment, Term, Qualifications. The Board of Aldermen shall elect a City Clerk for a term of office which shall end on December 31 of each year, regardless of when said appointment shall take place, subject, however, to the power of the Mayor and Board of Aldermen to remove any person appointed to serve as City Clerk under the provisions of Section 79.240, RSMo as amended.

2. Duties.

A. The City Clerk shall keep a journal of the proceedings of the Board of Aldermen, and transcribe or cause to be transcribed all minutes of the Board of Aldermen and various commissions;

B. Safely and properly keep all of the records and papers belonging to the City which may be entrusted to the City Clerk's care;

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- C. Be the general accountant to the City; and
- D. Be empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

21.420. City Treasurer.

1. Appointment, Term, Qualifications. 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 Treasurer who shall hold office for one (1) year and until their successor is appointed and qualified.

2. Duties.

A. The Treasurer shall receive and safely keep all money of the City, which may come into his or her hands, and shall disburse the money only upon warrants properly drawn, and which are signed by the authorize signatories on all bank accounts as authorized by ordinance;

B. Shall keep, in a set of books provided for that purpose, a full and accurate account of all money received and disbursed by him or her on behalf of the City specifying the date of receipt or disbursement, from whom received, to whom disbursed, and on what account received and disbursed;

C. Shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto. He or she shall keep a register of all warrants paid into the treasury, describing such warrants by their date, number, name of payee, and amount, specifying the time of receipt thereof, from who received, and on what account;

D. Shall issue duplicate receipts for all sums of money which may be paid into the treasury, specifying in such receipts the date of payment and upon what account paid. One of these receipts shall be given to the person making the payment and the other shall be filed and shall thereupon credit the person named in the receipt with the amount of their payment;

E. On the last week of each month, the treasurer shall furnish the City Administrator with a written statement showing the balance in the treasury at the beginning of the month, the amount received during the month and on what account received, the amounts disbursed during the month and on what account disbursed, and the balance remaining to the credit of each fund and constituting the general balance in the treasury at the close of business on the date when such statement is made as aforesaid;

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F. Shall receive and safely keep all warrants, bonds, and obligations of the City entrusted to his or her care and shall dispose of the same only upon proper authority from the Board of Aldermen, or as provided by this Code or other ordinances;

G. Shall prepare semiannually a statement of the receipts and expenditures of the City, and cause the same to be published in a newspaper published by the City;

H. The City Treasurer shall report to the Board of Aldermen, at its first regular meeting held in March of each year, the amount of receipts and disbursements of the treasury during the preceding year, the balance remaining to the credit of each fund and constituting the general balance in the treasury on the first day of January; also the amount of bonds maturing during such calendar year for the redemption of which provision must be made, and the amount of money required to pay the interest falling due on the indebtedness of the City during such year; and

I. Shall perform any other duties deemed necessary to fulfill their responsibilities.

21.430. Chief of Police. The Mayor, with the consent and approval of a majority of the members of the Board of Aldermen, shall appoint a Chief of Police upon such terms and conditions as the Board shall deem appropriate, who shall perform all duties detailed in Chapter 71 of the City Code. The Chief of Police shall report to the City Administrator.

21.440. City Attorney.

1. Qualifications, Term, Appointment. The Mayor, with the advice and consent of the Board of Aldermen, at the first meeting after each annual election shall appoint a suitable person as City Attorney who shall hold office for one (1) year, unless sooner removed from office, and until his successor is appointed and qualified. No person shall be appointed to the office of City Attorney unless he or she is a licensed and practicing attorney at law in this State.

2. Duties, Generally. The City Attorney shall provide legal advice to the Mayor and the Board of Aldermen. The City Attorney shall, in addition to his or her other duties which are or may be required by this Code or other ordinance, when ordered by the Mayor or Board of Aldermen to do so, prosecute or defend all suits and actions originating or pending in any court of this State, to which the City is a party, or in which the City is interested.

A. The City Attorney shall make, and is hereby authorized and empowered to make, affidavits on behalf of the City in all cases where the same may be

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necessary in taking an appeal or change of venue or any other matter necessary to proper legal proceedings.

B. The City Attorney shall give his or her opinion to all City officials when authorized by the Board of Aldermen to do so.

C. Report to the Board of Aldermen. The City Attorney shall attend all meetings of the Board of Aldermen unless excused by the Mayor or a majority of the Board of Aldermen. Any member of the Board of Aldermen may at any time call upon the City Attorney for an oral or written opinion to decide any question of law, but not to decide upon any parliamentary rules or to resolve any dispute over the propriety of proposed legislative action. The City Attorney shall report to the Board of Aldermen the condition of any matter pending in any court of which they may have charge under orders of the Mayor or Board of Aldermen.

D. Appointment of Special Assistant City Attorneys. The City Attorney may, with the consent of the Board of Aldermen, appoint any person licensed as an Attorney at Law in this State as a Special Assistant City Attorney. Such Special Assistant City Attorneys shall serve without compensation, unless compensation is specifically authorized by the Board of Aldermen. Special Assistant City Attorneys shall be entitled to exercise any of the powers of the City Attorney as may be authorized by the City Attorney.

E. Supervision of Other Attorneys. The City Attorney shall be responsible for supervising all attorneys employed by the City, including outside counsel and special assistant attorneys, unless the Board of Aldermen shall direct a particular attorney to report to the Board or to the Mayor. All attorneys supervised by the City Attorney shall report regularly to the City Attorney the status of all litigation or other matters being handled by them. The City Attorney shall report regularly to the Board the status of all work being performed by, or under the direction of, the City Attorney.

F. Temporary Absence; Acting City Attorney. In case of absence, sickness, or other inability of the City Attorney to attend court, or when, before assuming their official duties, they shall have been counsel adverse to the City, they shall inform the Mayor thereof, in writing, and the Mayor may appoint some other attorney to represent the City in such cases, or during temporary absence, sickness, or inability. Should the City Attorney fail, neglect, or refuse to give such notice, as above provided, and the interests of the City in case of such failure, neglect, or refusal, need the immediate services of an attorney, then the Mayor may appoint some other attorney to attend to such cases, who shall receive the compensation allowed to the City Attorney for like services.

G. Compensation. The City Attorney shall be allowed compensation, such as from time to time shall be fixed by the Board of Aldermen. The City Attorney shall not receive compensation contingent upon the outcome of any case in the municipal court.

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(1) In the event of a case in which the City is interested being tried in any circuit court, Supreme Court, or court of appeal, then the Board of Aldermen shall allow the City Attorney the usual and customary fees and necessary expenses allowed in like or similar cases.

(2) In addition to his compensation, the City Attorney shall be reimbursed for unusual postage, recording and court fees advanced, and any other unusual expenses paid for or advanced by the City Attorney in behalf of the City on City business other than usual office expense.

21.450. City Prosecutor.

1. Appointment, Term, Qualifications. 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 Prosecutor who shall hold office for one (1) year, unless sooner removed from office, and until their successor is appointed and qualified. No person shall be appointed to the office of City Prosecutor unless he or she are a licensed and practicing attorney at law in this State.

2. Duties

A. The City Prosecutor shall, in addition to their other duties which are or may be required by this Code or other ordinance, prosecute all persons charged with a violation of this Code or other ordinance of the City, when the same be a contested case. Additionally, the City Prosecutor shall give their opinion to all city officials as to Code or ordinance violations when authorized by the Board of Aldermen to do so.

B. Compensation. The City Prosecutor shall be allowed compensation, such as from time to time shall be fixed by the Board of Aldermen.

C. Temporary Absence. The Mayor, with the advice and consent of the Board of Aldermen, may appoint an Assistant City Prosecutor who shall act as the City Prosecutor in case of absence, sickness, conflict of interest, or other inability of the City Prosecutor fulfill his duties.

21.460 Municipal Judge.

1. Appointment, Term, Qualifications. 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 Municipal Judge who shall hold office for one (1) year, unless sooner removed from office, and until their successor is appointed and qualified. No person

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shall be appointed to the office of Municipal Judge unless they are a licensed and practicing attorney at law in this State.

2. Duties

A. The Municipal Judge shall, in addition to their other duties which are or may be required by this or other ordinance and state statutes, preside over the Municipal Court, decide cases brought before the court by the Prosecuting Attorney against persons charged with a violation of the City Code or other ordinance of the City, and establish the rules under which the Municipal Court shall operate.

B. Compensation. The City Prosecutor shall be allowed compensation such as from time to time shall be fixed by the Board of Aldermen.

C. Temporary Absence. The Mayor, with the advice and consent of the Board of Aldermen may appoint an Assistant Municipal Judge who shall act as the Municipal Judge in case of absence, sickness, conflict of interest, or other inability of the Municipal Judge.

21.470. Access to Officers' Books. The City Administrator, City Clerk, City Treasurer, and Chief of Police shall have free access to each other's offices for the inspection of all books, accounts, and papers which they respectively contain, and free access to all other offices of this City for the inspection of such books, accounts, and papers as concern any of their duties.

Subchapter C - Employees, Duties, Terms

21.500 Office Manager The Office Manager's duties and responsibilities may be assigned to an existing employee of the City and shall be directly supervised by the City Administrator.

1. Qualifications, Term, Appointment. The Mayor, with the consent and approval of a majority of the members of the Board of Aldermen may appoint an Office Manager upon such terms and conditions as deemed appropriate.

2. Duties The Office Manager shall have the primary responsibility of supervising the duties and performance of the City Hall administrative staff and other such duties that may be assigned by the City Administrator.

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21.510. Clerical Technician. The Mayor, with the advice and consent of the Board of Aldermen, may appoint a Clerical Technician who shall serve at the will of the Board of Aldermen. The Clerical Technician shall be directly supervised by the Office Manager.

1. Duties. The Clerical Technician shall primarily be responsible for assisting the public who contact the City either in person or by other means. The Clerical Technician's duties also include general office duties as directed by the Office Manager, including, but not limited to, running errands, typing, filing, answering the telephone, aiding public with various forms, operating standard office equipment such as adding, calculating, and copy machines, electric typewriter, word processor, computer terminal keyboard with video display, and performing other related work as assigned.

21.520. Clerical Aid. The Mayor, with the advice and consent of the Board of Aldermen, may appoint a Clerical Aid, which position shall be filled from time to time as a part time employee or through contract with an employment service agency. The Clerical Aid shall be directly supervised by the Office Manager.

1. Duties. The duties of the Clerical Aid shall include providing janitorial services for City facilities, general office duties as directed by the Office Manager, including, but not limited to, running errands, typing, filing, answering the telephone, aiding public with various forms, operating standard office equipment such as adding, calculating, and copy machines, electric typewriter, word processor, computer terminal keyboard with video display, and performing other related work as assigned. (Ord. No. 1972 9-14-2009)

21.530. Sewer Billing Clerk. The Mayor, with the advice and consent of the Board of Aldermen, may appoint a Sewer Billing Clerk, who shall serve under the City Clerk and at the will of the Board of Aldermen. The Sewer Billing Clerk shall be directly supervised by the Office Manager.

1. Duties. The Sewer Billing Clerk shall be responsible for the following duties in addition to other related work as assigned.

A. Computer Related Activities: Tracks the connection of new customers and the disconnection of existing customers, assuring for accuracy; transfers deposits and customers' changing locations, receives remittances and posts to system, assuring for accuracy, timeliness and compliance with proper financial controls, issues monthly disconnect list for delinquent bills, assuring for compliance with City policies, prepares and mails delinquency notices, communicates and corresponds in person, on the phone, and through the mail with customers. Answers questions, provides information on policy, and deals with complaints, assuring for professionalism, courtesy and the best possible PR for the City, generates work orders relating to offs, ons, re-reads, etc., assuring for accuracy and timelines, runs service orders, status reports, and purges. Checks reports for accuracy, calls customers for readings that meter reader cannot obtain, enters and updates seasonal rates, adds new utility

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meters and meter change outs for new and existing locations, establishes landlord accounts, collects new business information, signs up all new customers and transfers accounts and disconnections for existing customers, assuring for proper account and meter numbers, maintains other clerical operational details.

B. Financial Activities. Applies the deposits, communicates directly and frequently with customers, answers questions, provides clarification, deals with complaints, posts deposits to the appropriate customer and balances the accounts, assuring for accuracy and timeliness, assists with bad debt collection activities, implements the established collection process and documents thoroughly, receives payments, assists with audit report to ensure that the various accounts are balanced and assuring for accuracy, prints a monthly billing register to create and maintain a legal and permanent record, assuring for accuracy and timeliness, calculates and prints monthly utility and final bills, responds to requests by immediate supervisor in an accurate, professional, complete, and timely manner, compiles commercial/residential monthly report.

C. Phone and Coverage Related Activities. Provides information as requested, takes messages and/or route callers to the appropriate party, addresses customer's concerns and questions in person and via phone, assuring for professionalism and courtesy, takes initiative for follow-up activities related to customer or staff requests.

D. Miscellaneous Activities. Provides services at the counter, obtains information, collects deposits as necessary, and makes service orders regarding customer requests, all assuring for accuracy and timeliness, assists in collecting funds for sewer taps and maintains an ongoing record, responds to requests for information from various city departments.

21.540. Code Enforcement Officer. The Mayor, with the advice and consent of the Board of Aldermen, may from time to time appoint Code Enforcement Officers who shall serve at the will of the Board of Aldermen. Such Code Enforcement Officers shall have the authority, duty, and responsibility to enforce all provisions of the Holts Summit, Missouri, City Code, relating to the maintenance and condition of structures, building, or land, and such other provisions of the City Code as may be designated by the Board of Aldermen. The Code Enforcement Officer shall be directly supervised by the City Administrator.

21.550. Building Inspector. The Mayor, with the advice and consent of the Board of Aldermen, may from time to time appoint a Building Inspector of the City of Holts Summit, Missouri, who shall serve at the will of the Board of Aldermen. Such Building Inspector, or his designated assistant, shall have the authority, duty, and responsibility to enforce all provisions of the Holts Summit, Missouri, City Code, relating to the condition and construction of structures, buildings, and such other provisions of the City Code as may be designated by the Board of Aldermen. The Building Inspector shall be entitled to receive reimbursement for all out-of-pocket expenses as authorized by the ordinances of the City of

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Holts Summit, Missouri, and shall receive such salary as may be designated by the Mayor and Board of Aldermen. The Building Inspector shall be directly supervised by the City Administrator.

21.560. City Maintenance Superintendent. The Mayor may, with the advice and consent of the Board of Aldermen, appoint a City Maintenance Superintendent, who shall serve under the City Administrator and at the will of the Board of Aldermen.

1. Duties. The duties of the City Maintenance Superintendent shall include maintenance duties of all types as directed by the City Administrator, including but not limited to the following: Responsible for all street repairs and minor patching; work with contractors to ensure a suitable job; write specifications for bid projects; coordinate snow removal and drive truck when necessary; perform reasonable maintenance and repairs on all equipment; attend Street Commission meetings, when necessary, and make recommendations as to projects, set up Street Commission agenda items which are to be reported to the City Administrator and City Clerk; supply City Clerk with all correspondence (either written or on tape) for typing, copying, filing, and draft bills; submit all time sheets to City Administrator; help with sewer projects when time allows; maintain all City property, including maintenance on City Hall and park property; responsible for street permits; deal with public on all street issues and complaints; responsible for scheduling maintenance workers and all other jobs as directed by the City Administrator.

21.570. City Maintenance Worker. The Mayor may, with the advice and consent of the Board of Aldermen, appoint a City Maintenance Worker, who shall serve under the City Maintenance Superintendent and at the will of the Mayor and Board of Aldermen.

1. Duties. The duties of the City Maintenance Worker shall include maintenance duties of all types as directed by the City Maintenance Superintendent or his assistant.

21.580. Sewer Superintendent. The Mayor, with the advice and consent of the Board of Aldermen, may appoint a Sewer Superintendent, who shall serve under the City Administrator and at the will of the Mayor and Board of Aldermen.

1. Duties. The Sewer Superintendent shall be responsible for the operation and maintenance of the municipal sewer system. Attend Sewer Commission meetings when necessary, and make recommendations as to projects; set up Sewer commission agenda items which are to be reported to the City Administrator; supply City Administrator with all correspondence (either written or on tape) for typing, copying, filing, and draft bills; submit all time sheets to the City Administrator; aide the City Maintenance Superintendent when spare time allows, responsible for scheduling Sewer Maintenance Workers and all other jobs as directed by the City Administrator. The Sewer Superintendent will aide in the coordination of all sewer projects.

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21.590. Sewer Maintenance Field Foreman. The Mayor, with the advice and consent of the Board of Aldermen, may appoint a Sewer Maintenance Field Foreman, who shall serve under the Sewer Superintendent and at the will of the Mayor and Board of Aldermen.

1. Duties. The duties of the Sewer Maintenance Field Foreman shall include all the duties established in Section 21.590 of the Holts Summit, Missouri, City Code. The Sewer Maintenance Field Foreman shall assist the Sewer Superintendent in the supervision of sewer maintenance staff, especially in superintendent's absence generally by assigning work, giving guidance, direction, and assistance.

21.595. Sewer Maintenance Workers. The Mayor may, with the advice and consent of the Board of Aldermen, appoint Sewer Maintenance Workers, who shall serve under the Sewer Superintendent and at the will of the Mayor and Board of Aldermen.

1. Duties. The duties of the Sewer Maintenance Worker shall include duties of all types as directed by the Sewer Superintendent or his assistant.

Subchapter D -- Salaries and Wages

21.600. Aldermen's Salary. (Section 21.405 of the Holts Summit City Code shall apply only to those elected after 2008)

1. The Board of Aldermen of the City of Holts Summit, Missouri, and each of them, shall receive compensation in the amount of \$200 per month.

3. The Aldermen must attend all regularly scheduled Board of Aldermen meetings, all Special Board of Aldermen meetings, and all work sessions in any given month to receive a full salary except in cases of a serious illness or physical incapacity, illness or death in the immediate family as defined in the personnel manual, a vacation, or an uncontrollable situation. The Mayor shall determine a reasonable excuse and will so state for the record if the absence is excused. If an absence is unexcused, the Mayor shall submit a written statement to the City Clerk to reduce the Alderman's salary by an amount prorated per the number of meetings scheduled for the current month. Any Alderman who is aggrieved by the decision of the Mayor shall be entitled to a hearing before the remaining members of the Board of Aldermen who shall make the final determination as to whether the absence should be excused.

3. Members of the Board of Aldermen shall be entitled to reimbursement for all reasonable expenses and mileage incurred or expended by them in the performance of their duties as members of the Board of Aldermen. (Ord# 1881 14 July 2008)

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21.610. Annual Review of Salaries. The Mayor and Board of Aldermen shall annually review the salaries of City employees to provide increases or decreases in their salary based upon the cost of living and merit.

21.620. Compensation set for Employees. All persons serving as officers and employees shall serve at the will of the Board of Aldermen under the terms and conditions of appointment established by the Holts Summit, Missouri, City Code, and other lawful ordinances. All officers and employees of the City of Holts Summit shall be entitled to receive reimbursement for all out-of-pocket expenses as authorized by other ordinances of the City of Holts Summit, Missouri, and shall receive such salary as may be designated by the Board of Aldermen by ordinance.

21.630. Mayor's Salary. (Section 21.435 of the Holts Summit City Code shall only apply to those elected after April 2008)

1. The Mayor of the City of Holts Summit, Missouri, shall receive compensation in the amount of \$500 per month.

3. The Mayor must attend all regularly scheduled Board of Aldermen meetings, all Special Board of Aldermen meetings, and all work sessions in any given month to receive a full salary except in cases of a serious illness or physical incapacity, illness or death in the immediate family as defined in the personnel manual, a vacation, or an uncontrollable situation. The Aldermen shall determine a reasonable excuse and will so state for the record if the absence is excused. If an absence is determined to be unexcused, the Mayor Pro-tem shall submit a written statement to the City Clerk to reduce the Mayor's salary by an amount prorated per the number of meetings scheduled for the current month.

4. The Mayor shall be entitled to reimbursement for all reasonable expenses and mileage incurred or expended by him in the performance of his duties as Mayor.

21.640. Out of Pocket Expenses. Appointed officers and all other municipal officers and employees of the City of Holts Summit, Missouri, are authorized payment for their necessary out-of-pocket expenses, including a mileage allowance as set in the City Personnel Manual for privately owned automobiles utilized in connection with City business.

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Subchapter E-- Meetings

21.700. Amendment or Suspension of Rules. Any rule of the Board may be repealed, altered, or amended by a majority vote of the members. Every amendment offered shall lie on the table until the next meeting of the Board before being voted upon except by the unanimous consent of all elected members of the Board of Aldermen (including the Mayor). Any rule may be suspended by a majority vote of the members of the Board, or quorum being present by unanimous consent.

21.710. Decorum. The presiding officer of the Board of Aldermen shall preserve decorum and shall decide all questions of order subject to appeal to the Board of Aldermen. Any member may appeal to the Board from a ruling of the presiding officer upon a question of order. If the motion for an appeal is seconded, the member making the appeal may briefly state his reason for the same and the presiding officer may briefly express his ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question to vote as to whether the decision of the chair shall be sustained. If a majority of the members present vote “aye,” the ruling of the chair is sustained; otherwise, it is overruled.

21.720. Expression of Dissent or Protest by Member. Any member of the Board of Aldermen shall have the right to express dissent from or protest against any ordinance or resolution of the Board and to have the reason therefore entered upon the journal. Such dissent or protest must be filed in writing and presented to the Board not later than the next regular meeting following the date of the passage of the ordinance or resolution to which objection is taken.

21.730. Order of Business. After roll call and the announcement of a quorum, the order of business shall be as follows, unless duly amended by the Board of Aldermen:

1. Approval of the Minutes of meeting or meetings of the previous month.
2. Approval to pay bills and claims against the City after review of the budget and finance committee.
3. Meeting open to the public for any complaints, remarks, or suggestions directed to the Board. The general public shall not be allowed to speak on business before the Board of Aldermen except during the period allotted the general public on the agenda unless by majority vote of the Board of Aldermen, the meeting can be opened to the general public for discussion on that particular subject before the Board of Aldermen. Discussion may be limited by the presiding officer. Members requesting to comment during the meeting shall be required

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to stand at a podium designated for public comments, requested to state their name and address for the record, and sign in before being recognized by the presiding officer.

4. Miscellaneous business.
5. Introduction of ordinances.
6. Passage of ordinances and resolutions.
7. Reports of officers and committees

21.740. Public Meetings. All regular and special meetings of the Board shall be open to the public; provided that the Board may vote (at a public meeting when prior notice has been given) to hold a closed meeting for those purposes authorized by law.

21.745 Meetings Using Video Conference Technology.

1. **Policy Statement.** While it is legally permissible for members of the City's public governmental bodies to attend meetings and vote via video conference transmission, a member's use of video conference attendance should occur only sparingly. Because it is good public policy for citizens to have the opportunity to meet with their elected officials face-to-face, elected members of a public governmental body should endeavor to be physically present at all meetings unless attendance is unavoidable after exercising due diligence to arrange for physical presence at the meeting. The primary purpose of attendance by video conference connection should be to accommodate the public governmental body as a whole to allow meetings to occur when circumstances would otherwise prevent the physical attendance of a quorum of the body's members. A secondary purpose of attendance by video conference should be to ensure that all members may participate in business of the public governmental body that is emergency or highly important in nature and arose quickly so as to make attendance at a regular meeting practically impossible. Except in emergency situations, all efforts should be expended to ensure that a quorum of the members of the public governmental body be physical present at the normal meeting place of the body.

2. **Video Conference Defined.** For purposes of this section "video conference" or "videoconferencing" shall refer to a means of communication where at least one member of a public government body participates in the public meeting via an electronic connection made up of three components:

A. a live video transmission of the member of the public governmental body not in physical attendance;

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B. a live audio transmission allowing the member of the public governmental body not in physical attendance to be heard by those in physical attendance; and;

C. a live audio transmission allowing the member of the public governmental body not in physical attendance to hear those in physical attendance at a meeting. If at any time during a meeting one or more of the elements of a video conference becomes compromised (e.g., if any participants are unable to see, hear, or fully communicate), then the video conference participant is deemed immediately absent and this absence should be reflected in the minutes. A video conference participant's absence may compromise a quorum in which case the applicable Missouri laws shall take effect regarding a broken quorum.

3. Frequency of Use of Video Conference Attendance. A member of a public governmental body shall not attend more than four (4) meetings via video conference in a rolling twelve-month period. In keeping with the policy stated in subsection (a) above, attendance via video conference should only occur sparingly and for good cause. Such good cause shall be at the discretion of the member seeking to attend by video conference, but shall be for significant reasons such as serious illness or injury of the member or a member of his or her immediate family, including father or mother, spouse, sibling, child, or grandchild.

4. Physical Location. Members of the public may not participate in a public meeting of a governmental body via video conference. The public wishing to attend a meeting, and elected officials not participating via videoconferencing of a meeting, shall participate at the physical location where meetings of the public governmental body are typically held, or as provided in a notice provided in accordance with the Sunshine Law. The public governmental body shall cause there to be provided at the physical location communication equipment consisting of an audio and visual display, and a camera and microphone so that the member(s) of the public governmental body participating via videoconferencing, the members of the public governmental body in physical attendance, and the public in physical attendance may actively participate in the meeting in accordance with rules of meeting decorum. The communication equipment at the physical location of the meeting must allow for all meeting attendees to see, hear, and fully communicate with the videoconferencing participant.

5. Voting. Elected members of a public governmental body attending a public meeting of that governmental body via video conference are deemed present for purposes of participating in a roll call vote to the same effect elected members of a public governmental body in physical attendance at a public meeting of that governmental body are deemed present. As indicated in subsection (b) above, if any component of the video conference communication fails during the meeting, the member attending the meeting by video conference whose connection failed shall be deemed absent immediately upon such failure, and if the public governmental body was in the act of voting, the voting shall stop until all of the components of video conference attendance are again restored and the video conference participant's presence is again noted in the minutes.

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6. Closed Meetings. In a meeting where a member of a public governmental body is participating via videoconferencing and the meeting goes into a closed session, all provisions of Missouri law and City ordinances relating to closed sessions apply. Upon the public governmental body's vote to close the meeting, all members of the general public shall not be present. Likewise, a member of a public governmental body participating via videoconferencing must ensure there are no members of the public present at their location to see, hear, or otherwise communicate during the closed session. The member must also take all reasonable precautions to guard against interception of communication by others. Failure to ensure the requirements of this subsection may result in corrective action by the full public governmental body in accordance with City regulations.

7. Minutes. In the meeting, whether in open or in closed session, the minutes taken should reflect the member, if any, participating via video conference; the members in physical attendance; and members, if any, absent.

8. Emergency meetings. In the event that emergency circumstances create impossibility for the members of a public governmental body to physically attend the body as a whole may meet, and if necessary vote, by video conference. Examples of such emergency circumstances include, but are not limited to, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, hurricane, flood, or blizzard. To the extent possible in such circumstances, the public governmental body shall use reasonable efforts to cause a physical location to be provided for public attendance and participation. **(Section 21.745 was added by Ordinance No. 2390, March 10, 2014)**

21.750. Regular Meetings. The Board of Aldermen of this City shall meet in regular session in the council room of the City Hall at the hour of 7:00 p.m. on the second Monday of each month, unless so amended by the Board of Aldermen.

1. When any such meeting day is a holiday, the regular meeting shall be held at such time as may be provided by the Board on motion at the previous meeting.

2. The Board may, by motion, dispense with any regular meeting, but at least one meeting, regular or special, must be held in each calendar month.

3. At the first regular meeting after each municipal election, the Board of Aldermen shall establish its meeting schedule for that year.

4. Should, for lack of a quorum or any other reason, the Board of Aldermen be unable to conduct business at the time and date set by ordinance for its regularly scheduled monthly meetings, the Mayor and the Aldermen who are present at said meeting may adjourn said meeting to reconvene said meeting at a date certain by publicly announcing at the time of adjournment, the date, place, and time said regular monthly meeting shall be reconvened. Should the Mayor and Aldermen present be unable to agree upon such date or be unable to

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determine when a quorum will be available, the meeting shall be reconvened seven days from the date of the adjourned meeting at 7:00 p.m. and at the same place as the adjourned meeting.

5. A quorum of the Board of Aldermen shall consist of a majority of the full membership (including vacancies and the Mayor of the City). In case a lesser number than a quorum shall convene at a regular or special meeting of the Board of Aldermen, the majority of the members present are authorized to direct the Chief of Police or other city officer to send for and compel the attendance of any or all absent members upon such terms and conditions and at such time as such majority of the members present shall agree.

6. All adjourned meetings of the Board shall, to all intents and purposes, be continuations of the meetings of which they are adjournments, and the same proceedings may be had at such adjourned meetings as at the meeting of which they are adjournments.

7. No member of the Board of Aldermen may leave the Board chamber while in regular or special session without permission from the presiding officer.

8. Voting. Every member of the Board shall vote upon every question and when requested by any member the vote upon any question shall be taken by “ayes” and “nays” and be recorded, except that every Board member who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the Board of Aldermen the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

21.760. Rules of Order. Except as otherwise provided by law or ordinance, the proceedings of the Board of Aldermen shall be controlled by Robert’s Rules of Order, as revised.

1. The established rules of parliamentary procedure shall govern the proceedings of the Board except when otherwise provided by ordinance and any questions pertaining thereto shall be determined by the Mayor subject to appeal to the Board.

21.770. Special Meetings. The Mayor or any two members of the Board of Aldermen may call a special meeting of the Board of Aldermen by directing the City Clerk to provide written notice to each member of the Board of Aldermen and the Mayor of the date and time of said special meeting and of the matters to be considered thereat. The notice shall be given at least 24 hours prior to the meeting and posted at City Hall. If an emergency prevents the City Clerk from conforming with the notice requirements of this section, the Minutes of the meeting shall specify the nature of the emergency and the actual notice provided.

Subchapter F -- Ordinances

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21.800. Ordinance Book. The City Clerk shall number all ordinances consecutively and keep a book in which the original of all ordinances shall be published. The ordinance book shall be made available for inspection by any interested person at all reasonable times.

21.810. Procedure as to Ordinances, Resolutions, etc. All ordinances and resolutions shall be introduced to the Board of Aldermen in written form. All proposed ordinances shall be prepared by the City Attorney or bear his certification that they are in correct form.

1. Whenever this Code shall be amended, the title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

- A. To amend any section:
“AN ORDINANCE TO AMEND SECTION ___ (or SECTIONS ___ AND ___) OF THE CODE OF THE CITY OF HOLTS SUMMIT.”
- B. To insert a new section, subchapter, chapter, or title:
“AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HOLTS SUMMIT BY ADDING A NEW SECTION (or NEW SECTIONS, A NEW SUBCHAPTER, A NEW CHAPTER, or A NEW TITLE, as the case may be) WHICH NEW SECTION (SECTIONS, SUBCHAPTER, CHAPTER, OR TITLE) SHALL BE DESIGNATED AS SECTION ___ (or SECTIONS ___ AND ___) OF CHAPTER ___ OF TITLE ___(or proper designation if a chapter or title is added) OF SAID CODE.
- C. To repeal a section, chapter, or title:
“AN ORDINANCE TO REPEAL SECTION (SECTIONS ___ AND ___, CHAPTER ___, TITLE ___, etc., as the case may be) OF THE CODE OF THE CITY OF HOLTS SUMMIT.”

2. Any bill shall be subject to amendment until the vote upon final passage.

3. Ordinances introduced may be referred to the proper committee, if such committee exists; the Mayor may appoint a special committee; or the ordinance may go directly to the Board of Aldermen. The ordinance may be read two times and acted upon at one meeting.

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A justification statement shall be included in ordinances that are read two times and acted upon at one meeting. Copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under final consideration by the Board of Aldermen. (Ord No. 1963 7-13-2009)

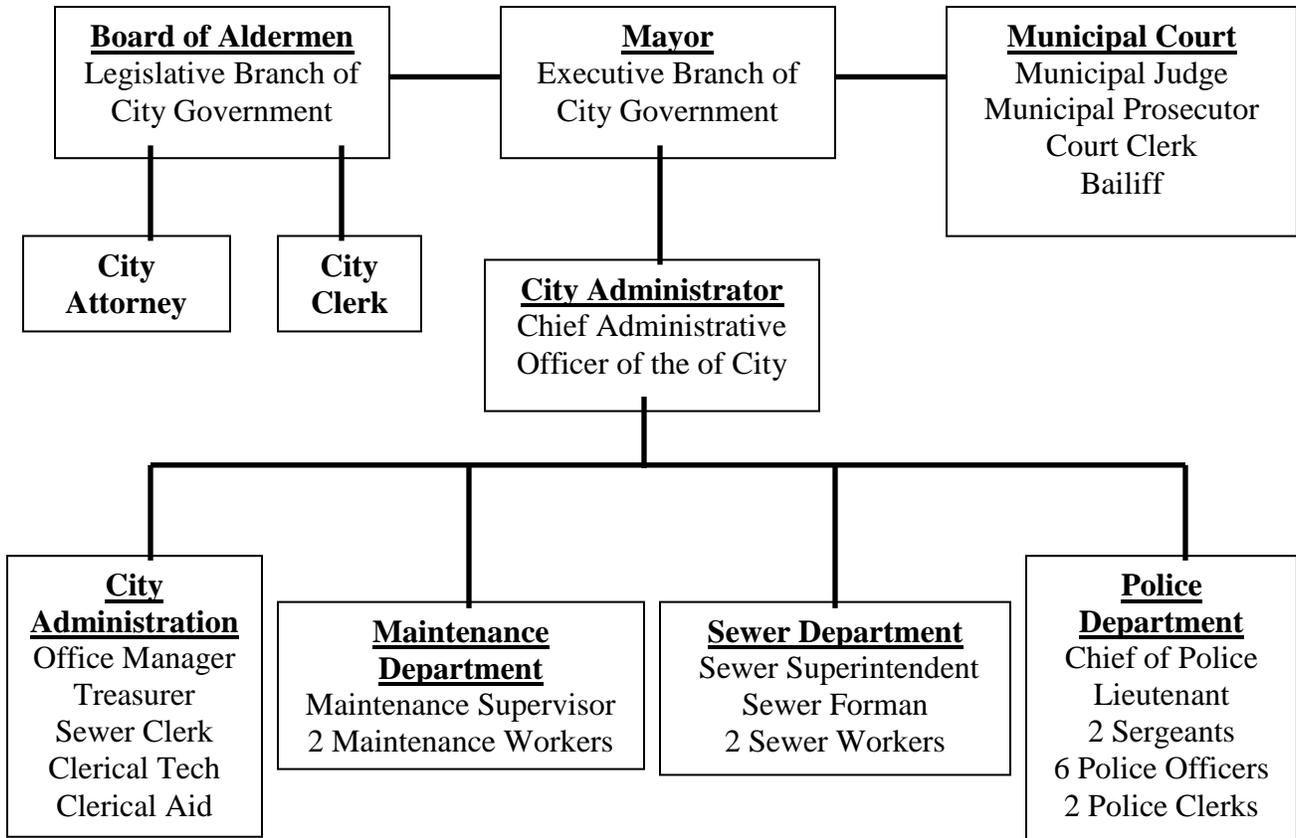
4. On the final passage of every ordinance, the “ayes” and “nays” shall be recorded in the record.

21.820. Style of Ordinances. The style of the ordinances of the City shall be: “Be it ordained by the Board of Aldermen of the City of Holts Summit, 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 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.

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Chapter 21 City Code Appendix A City Organizational Chart



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