

## Chapter 115

### CITY OFFICIALS

#### ARTICLE I

#### General Provisions

**Section 115.010. Elective Officers — Terms.** [R.O. 2013 §115.010]

The following officers shall be elected by the qualified voters of the City and shall hold office for the term of two (2) years, except as otherwise provided in this Section, and until their successors are elected and qualified, to wit: Mayor and Board of Aldermen.

**Section 115.020. Appointive Officers.** [R.O. 2013 §115.020; CC §21.100; CC 1991 §120.010; Ord. No. 70-08 §1, 4-17-2008]

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, Chief of Police, Municipal Judge, Building Inspector, City Health Officer 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 115.025. Term of Appointive Officers.** [R.O. 2013 §115.025; CC §21.110; CC 1991 §120.020]

All appointive officers shall be appointed to serve at the pleasure of the Mayor and the Board of Aldermen.

**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 (2/3) 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 (2/3) 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 (2/3) 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. The salary of an officer shall not be changed during the time for which he/she was elected or appointed.

**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 (1st) 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.

ARTICLE II  
City Clerk

**Section 115.090. City Clerk — Election — Duties.**

The Board of Aldermen shall elect a Clerk for such Board, 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 115.095. Duties.** [R.O. 2013 §115.095; CC §§21.400 — 21.440; CC 1991 §120.100]

- A. *Selection By Board Of Aldermen.* The Board of Aldermen shall elect a City Clerk at the first (1st) meeting of the Board after each general election at which the Mayor is elected who shall hold office for two (2) years and until his/her successor is elected and qualified.
- B. *Qualifications.* The City Clerk shall be at least twenty-one (21) years of age, a qualified voter of the City, and shall have resided in this City for at least one (1) year prior to his/her election to be eligible to such office.
- C. *Duties Generally.* The City Clerk shall, in addition to other duties which are or may be required of him/her by this Code or other ordinance, attend all meetings of the Board of Aldermen.
  - 1. He/she shall have the custody of the books, records, papers and documents belonging to the City.
  - 2. He/she shall prepare all certificates of election or appointment of the City Officers and deliver the same to the persons elected or appointed.
  - 3. He/she shall countersign all City bonds, warrants, drafts and orders upon the Treasury for money, and shall see that all ordinances appropriating money out of the Treasury are endorsed by the Treasurer before passage, and shall affix thereto the Seal of the City and keep a record thereof showing the number, date and amount thereof, the name of the person to whom, and on what account issued, and when redeemed.
  - 4. He/she shall record the certificates, oaths and bonds of all the City Officers.

5. He/she shall keep an index of the records of the proceedings of the Board of Aldermen.
  6. He/she shall prepare semi-annually a statement of the receipts and expenditures of the City and cause the same to be published in a newspaper published in the City.
  7. He/she shall prepare blank licenses for all purposes for which licenses are required to be issued and, when required, shall cause the same to be issued, signing his/her name and affixing the Seal of the City thereto, and shall keep an account with the Collector for such licenses and the amount of the license tax thereon.
  8. The City Clerk shall furnish to any person, when called upon during business hours to do so, certified copies of any records, books or papers which are in his/her custody for which services a reasonable fee to be set by City ordinance may be charged and which shall be paid by the person demanding such certified copy into the Treasury of the City.
- D. *Temporary City Clerk.* Upon temporary disability or inability of the City Clerk to perform his/her duties as set forth in this Section or other ordinances of the City due to illness, absence from the City or other cause, the Board of Aldermen shall, in the same manner as the City Clerk is elected as set forth in Subsection (A) above, proceed to elect a temporary City Clerk and shall hold office until the disability of the City Clerk is removed. Such temporary City Clerk shall receive as compensation such salary as the Board of Aldermen shall provide for at the time of the election of such officer.

### ARTICLE III City Treasurer

**Section 115.100. Treasurer — Duties — Bond.** [R.O. 2013 §115.100]

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.

**Section 115.105. Appointment — Duties.** [R.O. 2013 §115.105; CC §§21.700 — 21.770; CC 1991 §120.120]

- A. *Appointment.* The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election may appoint a suitable person as City Treasurer who shall hold office for one (1) year and until his/her successor is appointed and qualified.
- B. *Bond.* Within fifteen (15) days after his/her appointment, and before entering upon the discharge of the duties of his/her office, the City Treasurer shall execute to the City a bond in the sum of fifteen thousand dollars (\$15,000.00) conditioned that he/she will faithfully perform all the duties of his/her office as required by the laws of the State governing this City, and by this Code or other ordinances of the City, and that he/she will account for and promptly pay over all money coming into his/her possession that belongs to the City at the

time and in the manner provided by law. The sureties, in case of personal bond, shall be worth in unencumbered real estate, after payment of all debts and liabilities for which they are legally responsible, at least double the amount of such bond.

- C. *Duties Generally.* The Treasurer shall receive and safely keep all money of the City which may come into his/her hands and shall disburse the same only upon warrants properly drawn and which are signed by the Mayor and attested by the City Clerk. He/she shall keep, in a set of books provided for that purpose, a full and accurate account of all money received and disbursed by him/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. He/she shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto. He/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 whom received and on what account. He/she 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 (1) of these receipts shall be given to the person making the payment and the other he/she shall file with the City Clerk who shall thereupon credit the person named in the receipt with the amount of his/her payment and charge the Treasurer with the same. On the last week of each month he/she shall furnish the City Clerk 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. He/she shall receive and safely keep all warrants, bonds and obligations of the City entrusted to his/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.
- D. *Books Of The City.* To the maximum extent practicable, the books of the City shall be kept in accordance with the *Accounting Manual for Missouri Municipalities* published by the Missouri Municipal League.
- E. *Annual Report.* The City Treasurer shall report to the Board of Aldermen, at its first (1st) regular meeting held in August 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 July first (1st); also the amount of bonds maturing in the succeeding 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.
- F. *Access To Officers' Books — City Clerk To Enjoy Same Access.* The City Treasurer and City Clerk 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.

ARTICLE IV  
City Collector

**Section 115.110. Appointment.** [Ord. No. 70-08 §1, 4-17-2008]

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

**Section 115.120. Duties Generally.** [R.O. 2013 §115.120]

- A. 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.
- B. *Compensation.* The City Collector shall receive as compensation for his/her services a fee or percentage as may be fixed by ordinance.

**Section 115.130. 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 115.140. 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.

ARTICLE V  
**City Attorney**

**Section 115.150. Appointment — Term.** [R.O. 2013 §115.150; CC §§21.300 — 21.350; CC 1991 §120.090]

- A. *Appointment — Term.* The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office for two (2) years, unless sooner removed from office, and 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.
- C. *Duties Generally.* The City Attorney shall, in addition to his/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, to prosecute or defend all suits and actions originating or pending in any court of this State to which the City is a part or in which the City is interested.
  - 1. It shall be the duty of the City Attorney to prosecute all persons charged with a violation of this Code or other ordinance of the City in any contested case.
  - 2. The City Attorney shall make, and he/she is hereby authorized and empowered to make, affidavits on behalf of the City in all cases where the same may be necessary in

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

3. The City Attorney shall give his/her opinion to all City Officials.
- D. *Temporary Absence — Acting City Attorney.* In case of absence, sickness or other inability of the City Attorney to attend court or when, before assuming his/her official duties, he/she shall inform the Mayor thereof, the Mayor shall 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.
  - E. *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.
  - F. In the event of a case in which the City is interested is 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.

## ARTICLE VI Miscellaneous Provisions

### **Section 115.160. 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 115.170. Mayor or Board 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.