

**CHAPTER 2**  
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## ARTICLE I. GENERALLY

### Sec. 2-1. City seal.

A. The device of the city shall be a design incorporating the images of the capitol dome, the bust of Thomas Jefferson and a river boat. The seal shall be so engraved as to represent by its impression the device aforesaid, surrounded by a scroll, inscribed with the words "Seal of the City of Jefferson, Mo.," in Roman capitals, with the date 1825 at the bottom.

B. The seal shall be circular and not more than two (2) inches in diameter.  
(Code 1977, § 1-11; Ord. No. 9911, § 1, 1-17-83)

### Sec. 2-2. City Flag.

The official flag of the City shall have a color scheme of red, white and blue inspired by the flags of both the State of Missouri and the United States. Featured at the center of a white silhouette of the State of Missouri shall be the dome of the State Capitol. The dome shall appear on a field of red, signifying courage, surrounded by twenty-four white stars on a circle of blue, which symbolizes Jefferson City's role as the Capital of Missouri, the twenty-fourth State of the Union. Passing horizontally across the center of the flag shall be alternating blue and white stripes, whose undulations represent the Missouri River. Above and below the horizontal stripes, set against the background of the white silhouette of the state, in blue lettering shall appear the names "Jefferson City" and "Missouri", respectively.  
(Ord. No. 11383, § 1, 3-5-90)



### Sec. 2-3. Policy on Records and Access to Records.

- A. It is the public policy of the city that meetings, records, votes, actions and deliberations of this body shall be conducted in compliance with applicable state statutes. (Ord. 13769, 9-7-2004)
- B. All information will be released and made available in compliance with applicable state statutes. (Ord. 13769, §1, 9-7-2004)

- C. The bulletin board located in the upstairs hall in City Hall, 320 East McCarty is hereby designated as the official posting board for all council, boards, commissions, and committees releases for both open and closed meetings. Whenever any meeting takes place outside of City Hall, then required postings shall also be posted at the actual location of any such public meeting. (Ord. No. 13418, §2, 8-19-2002)
- D. Records Pertaining to Internal Investigations and Investigations of Allegedly Illegal Conduct
1. In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee of the City is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by City employees will be considered to be personnel records and shall be closed records under the custody of the respective department head.
  2. In order to protect the integrity and efficacy of investigations of criminal conduct and the safety and well being of witnesses, complainants, Law Enforcement officials and members of the public who cooperate with investigations, any information acquired by a Law Enforcement Agency by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public and shall only be available upon request by Law Enforcement Agencies or as otherwise provided by law. For the same reasons, records of an administrative department or Law Enforcement Agency relating to reports, accusations or investigations or conduct alleged or believed to be illegal or otherwise contrary to law shall be closed records until:
    - a. The investigation is terminated; or
    - b. All suspected wrongdoers have been arrested or charged with an offense; or
    - c. The department head determines that public disclosure of the record would not unreasonably jeopardize such investigation.
- E. Records Containing Confidential, Proprietary or Private Information
1. In order to protect reasonable expectations of privacy on the part of persons having dealings with the City, records containing information or entries of a personal, confidential, private or proprietary nature, including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information, home address, home phone number, and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the City by one complying with regulations requiring the disclosure of such information, shall be excised from copies of City records disclosed or provided to members of the public other than those persons to whom the information or entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the City Clerk for disclosure of material to be specified in the request, which request should state:
    - a. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and
    - b. All reasons why the requesting party believes disclosure by the City of the specified information is in the public interest.
  2. The City Clerk may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure

prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the City Clerk may conduct a hearing at which all interested parties may be heard. At such hearing the Clerk shall consider, among such other factors as may be reasonable and relevant:

- a. The requirements and intent of State Law, City ordinances and this Section.
  - b. The legitimate expectations of privacy on the part of interested parties.
  - c. The personal, confidential, private or proprietary nature of this information at issue.
  - d. Whether the information was obtained by the City under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and
  - e. The public purposes to be served by disclosure of the requested information. If the City Clerk determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interest of the persons to whom the information pertains, the Clerk shall provide the requested information to the requesting party.
3. In addition to or in lieu of the hearing described above, the City Clerk may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure.

F. Access by Elected Officials

No elected official shall have any greater right to access to closed records of the City than the public at large except as to:

1. Minutes of Executive Sessions involving the bodies on which they hold an official seat.
2. Records which the appropriate public body has voted to make accessible to the official.
3. Records required by law to be accessible to the official.

(Ord. No. 12246, §1, 3-6-95; Ord. No. 13769, §1, 9-7-2004)

**Sec. 2-4 Policy Against Discriminatory Practices**

It is the policy of the City of Jefferson to encourage fair treatment for and to foster mutual understanding and respect among all persons regardless of race, color, ethnicity, religion, national origin, ancestry, sex, disability, familial status, veteran status, or citizenship status, or other forms of protected status established by state or federal law. It is the policy of the City of Jefferson to discourage discriminatory practices against any person in the terms, conditions, or privileges in the provision of city services, access to city services and facilities, or in the investigation of violation of municipal ordinances, state and federal laws in connection therewith, because of race, color, ethnicity, religion, national origin, ancestry, sex, disability, or familial status, veteran status, or citizenship status. The City Council of the City of Jefferson shall use its existing authority to carry out this policy. (Ord. 13184, §1, 4-16-2001)

**Secs. 2-5 - 2-13. Reserved.**

## ARTICLE II. CITY COUNCIL<sup>2</sup>

### DIVISION 1. GENERALLY

#### Sec. 2-14. Qualifications; term.

A. Eligibility. No person shall be eligible for the office of councilman who is not at least twenty-one years of age, a citizen of the United States, a qualified voter and who has not resided in the city for at least one year, and in the ward from which he is elected for at least six months, next preceding his election, nor shall any person be elected or appointed to the office of councilman who is in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office or guilty of defalcation in office or who has been removed from the office of councilman. (Ord. 14098, §1, 10-16-2006)

B. Election and terms. Two councilmen shall be elected from each ward by the qualified voters thereof to serve terms of two years and until their successors are elected and installed. At the municipal general election held on April 1, 1986, five councilmen shall be elected to succeed those councilmen whose terms expire in 1986. At the municipal general election held in 1987, five councilmen shall be elected to succeed those councilmen whose terms expire in 1987. Thereafter five councilmen shall be elected at each municipal general election.

State law reference - Similar provisions, RSMo. §§ 77.060, 77.370, 77.380.

Charter reference - 3.2 (b) (c).

#### Sec. 2-15. President; president pro tempore.

The mayor shall be president of the council. At the first regular meeting of the newly elected council after the election in each year, the council shall elect one of its members president pro tempore, who shall hold his office for the term of one year and who, in the absence of the mayor, shall preside at the meetings of the council; provided, that in the absence of both the mayor and the president pro tempore, the council may select one of its members present to preside at such meeting who shall be styled acting president pro tempore.

State law reference - Similar provisions, RSMo. §§ 77.070, 77.250.

Charter reference - 3.4

#### Sec. 2-16. Journal; authority to prescribe and enforce rules.

The council shall cause to be kept a journal of its proceedings, and the ayes and nays of the members shall be entered on any question at the desire of any two (2) members. The council may prescribe and enforce such rules as may be necessary to secure the attendance of its members and the expeditious transaction of its business.

(Code 1977, § 2-10) State law reference - Similar provisions, RSMo. § 77.090.

The council shall cause to be kept a journal of its proceedings, and the ayes and nays of the members shall be entered on any question at the desire of any two (2) members. The council may prescribe and enforce such rules as may be necessary to secure the attendance of its members and the expeditious transaction of its business.

(Code 1977, § 2-10) State law reference - Similar provisions, RSMo. § 77.090.

#### Sec. 2-17. Subpoenas; oaths.

By a two-thirds vote of its members, except when otherwise provided by ordinance, the council may compel the attendance of witnesses and the production of papers relating to any subject under consideration in which the interest of the city is involved, and to that end may authorize subpoenas to be issued by the city clerk and require the chief of police or any policeman to serve the same. The presiding officer of the council is hereby authorized to administer oaths or affirmations to such witnesses.

(Code 1977, § 2-13)

State law reference - Power of council to issue subpoenas and administer oaths, RSMo. § 77.100.

**Sec. 2-18. Power to exempt from taxation, etc.**

Except as otherwise provided by statute, the council shall have no power to relieve any person from the payment of any tax, or exempt any person from any assessment or other burden imposed upon him.

(Code 1977, § 2-14)

State law reference - Similar provisions, RSMo. § 94.050

**Secs. 2-19 - 2-28. Reserved.**

## **DIVISION 2. RULES OF ORDER AND PROCEDURE<sup>3</sup>**

### **Sec. 2-29. Citizens' participation.**

At each and every Council meeting, a period shall be allotted for persons to address the Council. These presentations shall not require any sign-up prior to appearance, but it is suggested that individuals wishing to participate notify the City Clerk \*15 minutes prior to beginning of the Council meeting. Priority for speaking will be given to those who contact the Clerk at the earliest time. On any specific issue, there will be a \*15 minute time limit for all speakers combined, which time limit may be extended with the consent of the Council. Each speaker shall be limited to a five minute time period, which time may be extended by the consent of the Council. Individuals who are not residents of the City may address the Council during this period of time, subject to a motion supported by a majority of the Council to omit the appearance of non-resident speakers.

(Ord. No. 11836, § 1, 12-17-92; Ord. No. 11978, § 1, 10-4-93; \*cross ref. Ord. No. 13013, § 1, 1-3-2000; Ord. No. 13553, §1, 6-2-2003)

### **Secs. 2-30 - 2-39. Reserved.**

## **PART A. GENERAL PROVISIONS<sup>4</sup>**

### **Sec. 2-40. Scope**

The rules contained in this division, together with such other rules as may be adopted from time to time by ordinance or resolution, shall govern the meetings and proceedings of the city council.

(Code 1977, § 2-16)

### **Sec. 2-41. Regular meetings.**

Regular meetings of the council shall be held on the first and third Monday evenings of each month at 6:00 p.m. unless otherwise set by motion of the council.

(Ord. No. 10204, § 1, 5-21-84; Ord. No. 13013, §1, 1-3-2000)

**Charter reference - 3.11 (a)**

### **Sec. 2-42. Special meetings.**

The council shall meet regularly at least once each month at such times and places as the council may prescribe by rule. The mayor may upon his own motion call a special meeting. At the request of three members of the council, the mayor shall call a special meeting of the council. When a special meeting is called, the city clerk will notify each member in writing at least twenty-four hours prior to the day and hour fixed for the meeting. Special meetings of the council may also be held at any time by the consent of a majority of the members of the council. All meetings of the council shall be public meetings except that meetings may be closed pursuant to law.

(Ord. No. 10204, § 1, 5-21-84)

**State law reference - Notice of public meetings, RSMo. § 610.020.**

**Charter reference - 3.11 (a)**

### **Sec. 2-43. Quorum; roll call.**

Six members of the council shall be a quorum. The names of the members shall be called alphabetically at the beginning of each meeting and the absentees noted.

(Ord. No. 10204, § 1, 5-21-84)

**Charter reference - 3.11 (c)**

**Sec. 2-44. Attendance required.**

Members are required to attend all meetings unless otherwise excused by the council or unless unable to attend because of conditions beyond the control of that member.

(Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-45. Call to order.**

At the hour designated for council meetings, the mayor, or in the absence of the mayor the president pro tempore, shall call the council to order. After the prayer and roll call, determine if a quorum is present, preserve order and decorum and decide all questions of order, subject to an appeal to the council, appoint all committees, subject to the concurrence of the council, the appointment or election of which is not otherwise provided for by law or ordinance.

(Ord. No. 10204, § 1, 5-21-84)

**State law reference** - Powers and duties of mayor generally, RSMo. § 77.250 et seq.

**Charter reference** - 4.4

**Sec. 2-46. Committees.**

A. Standing Committees.

At the first regular meeting of the city council held after the city election, or as soon thereafter as may be practical, the following standing committees of the City Council shall be appointed by the mayor:

1. Committee on public works and planning to be composed of five council members.
2. Committee on finance to be composed of five council members.
3. Budget Committee composed of all council members. The Chairman of the finance committee will be the chairman of the budget committee. (Ord. No. 11568, § 1, 4-15-91; Ord. No. 11696, § 1, 2-3-92; Ord. No. 12280, § 1, 5-1-95; Ord. No. 12965, § 1, 8-16-99; Ord. No. 13869, § 1, 4-18-2005; Ord. 14118, § 1, 10-16-2006)
4. Committee on Public Safety composed of five council members.
5. Committee on Administration, composed of five council members

(Ord. No. 12280, § 1, 5-1-95; Ord. 14118, § 1, 10-16-2006)

Each standing committee of the city council shall hold its first meeting immediately after the first council meeting following the general city election or as soon thereafter as practicable. At its first meeting the committee shall elect a chairperson and a vice-chairperson from among its members.

B. Special committees.

All special committees comprised of members of the council, approved by a majority of the council, shall be appointed by the Mayor who, when appointing a committee, shall designate the total number of members to serve on each committee. Each special committee shall select a chairman and vice-chairman. The vice-chairman shall preside at all committee meetings in the absence of the chairman. (Ord. 13752, § 1, 8-2-2004)

(Ord. No. 10204, § 1,5-21-84; Ord. No. 10449, § 2, 7-1-85; Ord. 10926; Ord. No. 11020, § 1, 4-18-88; Ord. No. 11141, § 1, 12-12-88; Ord. No. 11280 § 2, 8-22-89; Ord. No. 11505, § 2, 11-26-90; Ord. No. 11568, § 1-2, 4-15-91; Ord. No. 11906, § 1, 6-7-93; Ord. No. 12280, § 1, 5-1-95; Ord. No. 12320, §1, 7-24-95)

**Sec. 2-47. Duties of committees.**

All committees shall file a report of facts, findings and recommendations addressed to the mayor and the council. The duties of the standing committees shall be as follows:

- A. Duties of the Committee on Public Works and Planning. The committee shall consider all petitions for public improvements concerning streets, alleys, sidewalks, sanitary sewers and storm drains, shall consider any other communications concerning the foregoing items which do not fall within staff's review authority, shall review proposals for the use, rental or sale of all public properties, and shall review requests for special uses of public rights of way.

The committee shall take into consideration all communications, resolutions and propositions concerning the streets, alleys, sidewalks, sewers and commons of the city and shall make recommendations to the council.

The Committee shall consider all matters pertaining to the safeguarding of persons, protection of property and prevention of damages to the environment from storm water and the promotion of the public welfare by guiding, regulating, and controlling the design, construction, use and maintenance of all storm water facilities and development  
(Ord. 14274, §1, 11-5-2007)

- B. Duties of the Committee on Finance. The committee shall consider all matters affecting the current budget of the city.
- C. The Budget Committee will review the Mayor's proposed budget and make recommendations to the Council. The Chairman of the Finance Committee shall be the chairman of the Budget Committee.  
(Ord. No. 12965, §2, 8-16-99; Ord. No. 13869, §2, 4-18-2005; Ord. 14118, §1, 10-16-2006)
- D. Committee on Administration. Review all matters pertaining to environmental services, including contracts & franchises for services, federal and state requirements, needs of the community and other matters referred by the Council. The committee shall consider all matters related to the location, design, financing and administration of one or more conference or convention centers in the city, including meeting with state and county officials and private parties, performing research and analysis into feasibility and affordability, soliciting and evaluating proposals, and generally reporting to the council its recommendations, all with a goal of facilitating the construction of such public or private projects as may be most beneficial and effective for the community.

The committee shall consider all matters related to voluntary and voter-approved annexation, solicit and entertain input from the community and region on issues of growth, perform such studies and research as may be necessary, utilize assistance from staff and outside resources, provide assistance to community groups that may be studying growth, and recommend to the council such actions as may be appropriate to achieve orderly growth through annexation and such other measures as may be deemed appropriate.

The committee shall consider all matters involving the appointment of individuals to the various City boards, committees and commission. The committee shall review all proposed appointments and made recommendations and report to the Council prior to any action by the Council on approval of an appointment. The committee shall make its report and recommendation on any appointment within

thirty days of the date on which it is notified by the Mayor of a proposed appointment.

- F. Committee on Public Safety. The Committee on Public Safety shall review all bills, contracts, and ordinances to be referred to the council regarding police, fire, or emergency preparedness.

(Code 1983, § 2-49; Ord. No. 10204, § 1, 5-21-84; Ord. No. 11020, § 2, 4-18-88; Ord. No. 11505, § 3, 11-26-90; Ord. No. 11906, § 2, 6-7-93; Ord. No. 12320, §2, 7-24-95; Ord. No. 13572, §2, 7-21-2003; Ord. 14118, §1, 10-16-2006)

**Sec. 2-48. Papers and documents.**

No members of the council or any other person shall take any paper or document from the clerk's office without leave, and all papers and document withdrawn therefrom, with leave, shall be returned by the person withdrawing the same. All papers or documents delivered to a committee or officer by the clerk, for the purpose of reporting thereon, shall be returned by the committee or officer at the time of making the report.

(Code 1983, § 2-50; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-49. Suspension, amendment, etc., of rules; introduction of new rules.**

These rules may be temporarily suspended unless at least two (2) members vote to oppose the suspension. The rules shall not be repealed, unless by concurrence of seven (7) members of the council. No standing rule or order of the council shall be rescinded or changed, or new rules introduced, unless notice of the meeting therefore shall have been given at a preceding meeting.

(Code 1983, § 2-51; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-50. Duty to be recognized before proceeding to speak.**

When a member wishes to speak, the member shall raise his or her hand but shall not proceed with any remarks until recognized and named by the chair. Once recognized, the member may speak from either a standing or sitting position.

(Code 1983, § 2-52; Ord. No. 10204, § 1, 5-21-84; Ord. No. 11832, § 1, 12-17-92; Ord. No. 13553, §2, 6-2-2003)

**Sec. 2-51. Two (2) or more members seeking recognition at once.**

When two (2) or more members seek recognition at the same time, the presiding officer shall name the person who is to speak first, the other member, or members, having preference next to speak. Once the member knows that he has acknowledgment from the chair, the member may be seated and then wait to be called.

(Code 1983, § 2-53; Ord. No. 10204, § 1, 5-21-84; Ord. No. 11832, § 1, 12-17-92)

**Sec. 2-52. Limitation on speaking; disrespectful language, etc.**

No member shall speak more than once until every member choosing to speak shall have spoken. In all discussion disrespectful language or personalities shall be avoided.

(Code 1983, § 2-54; Ord. No. 10204, § 1, 5-21-84; Ord. No. 13553, §3, 6-2-2003)

**Sec. 2-53. Interruption of speaker.**

When a member is speaking, other members shall not hold private discourse, pass between the speaker and the chair, or in any other manner interrupt the speaker.

(Code 1983, § 2-55; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-54. Calling members to order; appeals.**

A member of the council called to order shall immediately sit down, unless permitted to explain. If there is no appeal, the decision of the chair shall be conclusive, but if a member appeals to the council from the decision of the chair, the council shall decide the question without debate.

(Code 1983, § 2-56; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-55. All members present when question stated to vote; exceptions.**

Every member who shall be present when a question is stated by the chair shall vote thereon.

(Code 1983, § 2-57; Ord. No. 10204, § 1, 5-21-84; Ord. 13812, §1, 12-20-2004)

**Sec. 2-56. Motions.**

A. When a lengthy motion or formal resolution is made, it shall be handed to the clerk, and be read aloud by the clerk before it is debated.

B. Every motion shall be reduced to writing if the chair or a majority of members demands it.

(Code 1983, § 2-58; Ord. No. 10204, § 1, 5-21-84; Ord. No. 12320, §3, 7-24-95)

**Sec. 2-57. Withdrawal of motion or resolution.**

After a motion or resolution is stated by the presiding officer or read by the clerk, it shall be deemed to be in possession of the council, but may be withdrawn at any time before a decision or amendment. After such decision or amendment, such motion or resolution may be withdrawn only by consent of the council.

(Code 1983, § 2-59; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-58. Amendments or substitutes for pending motions or propositions.**

No new motion or proposition shall be admitted under color of an amendment, or a substitute for the pending motion or proposition, which does not relate to the subject matter of the original motion or proposition.

(Code 1983, § 2-60; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-59. Motions or propositions permitted when question under debate.**

When a question is under debate, no motion or proposition shall be entertained, except for the previous question, to postpone indefinitely, to amend, to refer to a standing or special committee or to an officer of the city, to lay on the table, or to adjourn.

(Code 1983, § 2-61; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-60. Motion to adjourn.**

A motion to adjourn shall always be in order, except:

- A. When a member is in possession of the floor;
- B. While the yeas and nays are being called;
- C. While the members are voting;
- D. When it was the last preceding motion;
- E. When it has been decided that the previous question shall be taken.

(Code 1983, § 2-62; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-61. Form, admittance and effect of previous question.**

The previous question shall be in substantially the following form: "Shall the main question be now put?" It shall only be admitted on demand of two (2) members and sustained by a vote of two-thirds of the members of the council present, and until decided shall preclude all amendments and further debate, and shall be decided without debate. Its effect shall be to bring the council to a direct vote upon a motion to commit, if such a motion shall have been made. If this motion does not prevail, its effect shall then be to bring the council to a direct vote upon amendments reported by a committee, if any, then upon pending amendments and then upon the main question.

(Code 1983, § 2-63; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-62. Certain motions to preclude amendments and debate on main questions.**

A motion for the "previous question," to lay the question on the table, or to commit, until decided, shall preclude all amendments and debate on the main question; and a motion to amend or to postpone the question indefinitely, or to adjourn it to a certain day, shall, until it is decided, preclude all further amendment to the main question.

(Code 1983, § 2-64; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-63. Motion to reconsider.**

When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member who voted on that side which prevailed to move for a reconsideration thereof at the same meeting, or at the next succeeding meeting, but not thereafter; but no question shall be considered after the papers or question shall have passed from possession of the council.

(Code 1983, § 2-65; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-64. Division of question.**

If the question in debate contains several distinct propositions, any two (2) members may have the same divided.

(Code 1983, § 2-66; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-65. Questions relating to priority of business; reading of papers.**

All questions relating to the priority of business to be acted on shall be decided without debate; and when the reading of any paper is called for, and the same is objected to by any member, it shall be determined by a vote of the council.

(Code 1983, § 2-67; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-66. Taking of yeas and nays previous to vote upon question.**

If any two (2) members require it, the yeas and nays upon any question shall be taken and entered on the minutes, but the yeas and nays shall not be taken unless called for previous to any vote upon the question.

(Code 1983, § 2-68; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-67. Address of council by presiding officer; disturbances prohibited.**

When the presiding officer is putting any question, or addressing the council, no one shall walk out, nor shall any person visiting the meetings of the council engage in any private discourse or speak to the council or any member thereof, without leave of the council.

(Code 1983, § 2-69; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-68. Form of questions; head count when decision in doubt, etc.**

Questions shall be distinctly put in substantially this form: "As many as are of opinion that (as the question may be), say aye;" and after the affirmative is expressed, "As many as are of the contrary opinion say no." If the presiding officer is in doubt, or a division is called for, a roll call vote shall be taken. This being done, the presiding officer shall state the decision of the council.

(Code 1983, § 2-70; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-69. Conduct of closed meetings.**

A. Closed meetings shall be conducted in compliance with applicable state statutes.

(Code 1983, § 2-71; Ord. No. 10204, § 1, 5-21-84; Ord. No. 10640, § 1, 5-7-86; Ord. No. 11864, § 1, 3-1-93; Ord. No. 13418, §1, 8-19-2002; Ord. No. 13769, §2, 9-7-2004)

**Sec. 2-70. Confirmation of appointees of mayor.**

When a nomination for office is required to be approved by council, the mayor shall submit the nomination to the council at least forty-eight (48) hours prior to the council meeting at which the nomination is to be considered. The nomination shall not be open to the public unless the council votes to make it public. No person so nominated shall be appointed without the approval of six of the members of the council.

(Code 1983, § 2-72; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-71. Council members not to vote on certain issues.**

No member of the city council shall be permitted to vote for or against any ordinance appropriating money or for the allowance of any account or claim, or for the award or approval of any contract in which such member is directly

or indirectly interested, and any ordinance, resolution or motion, having passed by the vote of such interested member, shall be deemed illegal and of no effect.  
(Code 1983, § 2-73; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-72. Robert's Rules of Order.**

The rules of parliamentary practice comprised in "Robert's Rules of Order, Newly Revised," shall govern the council in all cases in which they are applicable and not inconsistent with the standing rules and orders of the council and the same shall be taken as authority in deciding questions not otherwise provided for in this division.  
(Code 1983, § 2-74; Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-73. Limits on Consent Agenda.**

No bid shall be placed on the consent agenda for approval by the Council which involves the expenditure of City funds in excess of twenty-five thousand dollars (\$25,000), unless such item will also require a formal council vote by ordinance to approve a contract or to otherwise cause the expenditure. In addition to the preceding limitation no such bid shall appear on the agenda unless at least five (5) business days prior to the meeting information about the bid, including the bid tabulation has been given to the Council.  
(Ord. 11069, § 1, 7-18-88; Ord. 12029, § 1, 2-21-94)

**Secs. 2-74 - 2-79. Reserved.**

## PART B. LEGISLATION<sup>5</sup>

### Sec. 2-80. Bills.

- A. No ordinance shall be passed except by bill, and all bills shall be numbered consecutively. All bills shall be read three (3) times.
- B. Introduced. Bills may be introduced only on the report of a committee or by any member of the council, in the regular order of business.
- C. Amendments. Any bill which proposes the amendment or reenactment of an existing ordinance provision with changes in the language thereof, in setting forth the provision as amended or changed, shall upon introduction have the matter which is to be omitted included in its proper place enclosed in brackets and all new matter to be inserted shall be underscored when typewritten for introduction. When printed, the amendatory or reenacting bill shall show the matter to be omitted enclosed in bold-faced brackets and the new matter shall be shown in bold-faced Type. Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. All bold-faced matter shall be printed in light-faced type and all matter enclosed in bold-faced brackets shall be omitted when typewritten and printed after the bill has been passed.

Brackets "(...)" indicate repeal of current law.

Bold-faced type indicates additions to the law or to a bill that contains current law.

(Ord. No. 10204, § 1, 5-21-84; Ord. No. 12320, §4, 7-24-95)

**State law reference** - Bills and reading thereof, RSMo. § 77.080.

### Sec. 2-81. Title; enacting clause.

The title of every bill shall indicate the purpose or object sought to be accomplished. The enacting clause of bills of this city shall be: "Be it enacted by the Council of the City of Jefferson, as follows:"

(Ord. No. 10204, § 1, 5-21-84)

**State law reference** - Similar provisions, RSMo. § 77.080.

**Charter reference** - 3.11 d(1)

### Sec. 2-82. Reading by title sufficient.

The reading of a bill by its title shall be deemed sufficient reading unless the further reading be called for. If the further reading be called for, and no objection made, the bill shall be read at length. If, however, objection be made, the question shall be determined by the majority of the council.

(Ord. No. 10204, § 1, 5-21-84; Ord. No. 12320, §5, 7-24-95)

**Charter reference** - 3.11

### Sec. 2-83. First and second readings.

The first reading of the bill shall be for introduction and information. Copies of the bill shall then be made and delivered to all members of the council and this shall be presumed to be the second reading of the bill.

(Ord. No. 10204, § 1, 5-21-84)

**Charter reference** - 3.11

**Sec. 2-84. Third and final passage.**

A. The vote on the final passage of a bill shall be taken after the third reading. The final vote on a bill shall not be taken at the same meeting at which the bill is introduced. At least ninety-six (96) hours shall intervene between convening a council meeting at which a bill is first introduced and the convening of a subsequent meeting at which the bill shall be considered for final passage. This rule shall not be suspended if at least two (2) council members object.

B. When a bill is reached in its order to be agreed to and read a third time and placed upon its final passage, it may, upon the request of the sponsor thereof, be laid over informally, and thereafter called up at any time when otherwise in order.

C. All bills laid over informally and not taken up and disposed of at the same meeting shall appear in order upon the agenda for the regular council meeting following.

D. If a bill laid over informally is not taken up for further consideration within three (3) regular council meetings after being so laid over, it shall lie upon the table and be dropped from the agenda of the council without further action of the council.

**Charter reference - 3.11**

E. A bill on the informal calendar may be discussed without bringing the bill off the informal calendar.

F. A bill laid over informally may be brought to the floor for action at any time otherwise proper by the sponsor or upon the vote of six (6) council members.

G. Amendments.

1. Proposed amendments must be reduced to writing on demand. When a bill, motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original amendment is perfected, but either may be withdrawn before amendment or decision is had thereon.

2. A substitute shall be considered as an amendment. A substitute must be distributed to the council members at least one day prior to its consideration by the council. An amendment which, in the opinion of the chair, is of such scope and length, that it is in reality a substitute, must be distributed in the same manner as a substitute.

3. Only one substitute shall be in order at one time.

(Ord. No. 10204, § 1, 5-21-84; Ord. No. 12320, § 6, 7-24-95)

**Sec. 2-85. Sponsorship.**

A. A bill shall have a primary sponsor who shall be the councilman requesting introduction, the author of the bill or the chairman of a committee which refers the legislation to the council. No sponsor shall be added to a bill without the consent of the primary sponsor. The primary sponsor shall retain full control of a bill even if other sponsors or co-sponsors are added.

B. The sponsor of a council bill may withdraw the bill at any time prior to the beginning of the final vote.  
(Ord. No. 10204, § 1, 5-21-84; Ord. No. 12320, § 7, 7-24-95)

**Sec. 2-86. Taking and recording vote.**

No bill shall become an ordinance unless, on its final passage, the vote can be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal, and six members of the council be recorded thereon as being in its favor; or in case of a tie, five members and the mayor.  
(Ord. No. 10204, § 1, 5-21-84)

**Charter reference - 3.11**

**Sec. 2-87. Motion to reconsider.**

When a bill is put upon its final passage, and fails to pass, a motion may be made to reconsider the vote by which it was defeated not later than the next regular council meeting. The motion must be made by a member who voted on the prevailing side. The vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the council proceeds to any other business.  
(Ord. No. 10204, § 1, 5-21-84)

**Sec. 2-88. Reviving or reenacting ordinances by reference to title.**

No ordinance shall be revived or reenacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original bill.  
(Ord. No. 10204, § 1, 5-21-84)

**State law reference - Similar provisions, RSMo. § 77.080.**

**Sec. 2-89. Signature by presiding officer.**

No bill shall become an ordinance until it has been signed by the officer presiding at the meeting of the council at which the same was passed. When so signed, it shall be delivered to the mayor for his approval and signature, or his veto, and when returned to the council, with the approval of the mayor endorsed thereon, such bill shall become an ordinance.  
(Code 1977, § 2-82)

**State law reference - Similar provisions, RSMo. §§ 77.080, 77.270.**

**Sec. 2-90. Mayor's veto; over-riding veto.**

Each ordinance and resolution shall be presented to the mayor immediately after its adoption by the council. Prior to the next regular meeting of the council, the mayor shall endorse the ordinance or resolution with his approval or disapproval and if he disapproves it, he shall return it to the council together with a written statement of the reasons for his disapproval, which shall be entered in the journal. At such next regular meeting of the council, the presiding officer shall put the question: "Shall the ordinance (or resolution, as the case may be) take effect despite the disapproval of the mayor?" If seven members of the council vote in favor of the proposition, the ordinance or resolution shall be declared to be enacted and the effective date of the ordinance or resolution shall be the date of the vote to override the mayor's disapproval unless a later date is provided in the ordinance or resolution. If the mayor fails to so endorse any ordinance or resolution, or fails to return the same together with his reasons for disapproval in writing as required by this subsection, at the following regular meeting of the council such ordinance or resolution shall be declared by the presiding officer to be enacted without the mayor's signature, and the effective date of the ordinance or resolution shall be the date the presiding officer declares that it is enacted without the mayor's signature unless a later date is provided in the ordinance or resolution.

**State law reference - Similar provisions, RSMo. § 77.270.**

**Charter reference - 3.11 (g)**

**Sec. 2-91. Authentication following overruling of veto.**

Whenever the mayor shall neglect or refuse to sign any ordinance, or to return such ordinance to the council with his objection, in writing, at its next regular meeting after such ordinance shall have been presented to him, and such ordinance shall become a law as provided in section 2-91 such ordinance shall be authenticated as having become a law, by having endorsed thereon or attached thereto a certificate signed by the president pro tempore, in the following form:

"This ordinance having been delivered to the mayor for his approval on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and not having been returned by him to the council, at its next regular meeting, after it was delivered to him for his approval, the same became a law on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

-----  
"President Pro Tempore."

(Code 1977, § 2-84)

**Charter reference - 3.11**

**Sec. 2-92. Effective date.**

Every ordinance passed by the council and approved by the mayor shall take effect and be in force immediately after such approval, unless a later effective date is expressly provided in the ordinance. All ordinances and resolutions finally adopted by the council shall be authenticated by the signature of the presiding officer at the meeting of the council which passed the same, mayor and city clerk. The city clerk shall record in a properly indexed book kept for such purposes all ordinances and resolutions adopted by the council.

**Charter reference - 3.11 (f)**

**Sec. 2-93. Recording and filing.**

The original rolls of all ordinances and resolutions passed by the council shall be recorded, and thereafter be filed in the office of the city clerk, and when the council shall order the publication of an ordinance, due proof of such publication, by the affidavit of the printer or publisher, shall be procured by the clerk and attached thereto, or written and attested upon the face of the record of such ordinance.

(Code 1977, § 2-86)

**Secs. 2-94 - 2-106. Reserved.**

**ARTICLE III. GENERAL PERSONNEL POLICIES<sup>6</sup>**

**DIVISION 1. GENERALLY**

**Sec. 2-107. Classification of employees.**

The employees of the city are hereby divided into classified and unclassified services as follows:

- A. The unclassified service shall include all elected officials, all heads of departments and members of commissions and boards.
- B. The classified service shall comprise all positions not specifically included in the unclassified service by this section.

(Code 1977, § 28-7.5; Code 1983, § 2-108)

**Sec. 2-108. Compensation of officers and employees.**

- A. The compensation of all officers and employees of the city shall be established by the council.\
- B. The compensation for elected officials shall be as follows:

Mayor - \$900/month  
Councilman - \$450/month  
City Prosecutor - \$2,916.67/month  
Municipal Judge -\$2,083.33/month

(Ord. No. 11380, §2, 2-19-90; Ord. 14131, §1, 10-16-2006; Ord. 14178, §3, 4-2-2007)

- C. In addition to the monthly salaries elected officials may be reimbursed for actual and necessary expenses incurred on behalf of the city.
- D. No elected official shall receive any health benefit on or after April 17, 1995, other than the right, if otherwise eligible, to participate in any health plan offered by the City at the official's sole expense.
- E. No elected official shall receive any retirement benefits for their service to the City on or after April 17, 1995. If an elected official is otherwise eligible for retirement benefits offered by the City, they may participate in that program at their own cost. Any official who is otherwise qualified for a retirement benefit due to their service to the city up to and including April 17, 1995, shall remain entitled to that benefit as determined on that date.

(Code 1977, § 28-7.5; Code 1983, § 2-109; Ord. No. 12228, §1, 1-23-95, approved by vote 4-5-95)

**Sec. 2-109. Nepotism.**

- A. For the purposes of this section, the following terms shall have the following meanings:
  - 1. Elected city officials: The mayor, city prosecutor, city councilmen, and municipal judge.
  - 2. Relative: Spouse, father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother, sister, half brother, half sister, uncle, aunt, niece, nephew, father-in-law, mother-in-law, sister-in-law or brother-in-law.

3. Appointed city officials: The city administrator, director of public works, police chief, director of planning and code enforcement, finance director, city counselor, fire chief, director of parks and recreation, and city clerk.  
(Ord. No. 11904, § 4, 5-17-93)

B. No officials, elected or appointed, shall employ any person on behalf of the city who is a relative of any elected official of the city while such elected official is still holding the elected office for the city.

C. Upon receipt of information that a relative of an elected official has been employed by the city, or more than one relative has been employed within the same department, the mayor shall notify such elected official and the relatives within five (5) days. If, after an investigation, the mayor determines such fact to be true, he shall order such persons dismissed.

D. The provisions of this section shall not apply to any person employed by the city before September 1, 1979.

E. All appointed city officials will be subject to the provisions of the personnel rules and regulations adopted by ordinance.

(Code 1977, § 2-5; Ord. No. 9311, § 1, 7-16-79; Ord. No. 9723, § 1, 12-21-81; Code 1983, § 2-110)

**State law reference** - Const., Art. VII, § 6.

#### **Sec. 2-110. Official bonds.**

Whenever an official bond is required by ordinance to be filed by elective or appointive officers of the city, such bond shall be in the form of a surety bond, issued by some company licensed to do business in the state and in such sum as may now or hereafter be designated by law or ordinance required. Such bond shall contain the conditions now or hereafter prescribed by law or ordinance, and the premium or cost of such bond shall be paid by the city. Official surety bonds as may be required by this Code or other city ordinance shall be approved by the city counselor and then shall be filed in the office of the city clerk.

(Code 1977, §§ 2-1, 2-2; Code 1983, § 2-111)

**State law reference** - Official bonds, RSMo. §§ 77.390, 77.480, 77.320.

#### **Sec. 2-111. Administration of oaths.**

The mayor or president pro tempore of the city council, municipal judge, and city clerk are hereby authorized and empowered to administer oaths and affirmations in the following cases:

A. The mayor or president pro tempore of the city council may administer oaths and affirmations to witnesses or other persons touching any subject under consideration by the council in which the interest of the city is involved.

B. The municipal judge may administer oaths and affirmations to witnesses, jurors or other persons relating to any trial or other proceedings within the jurisdiction of his court, or to any elective or appointive officer as to his official oath.

C. The city clerk may administer oaths and affirmations to any person certifying to any demand or claim against the city, touching the correctness of such demand or claim or to any witness or juror in any condemnation proceeding, or any elective or appointive officer as to his official oath.

(Code 1977, § 2-3; Code 1983, § 2-112)

**State law references** - Similar provisions; mayor, president pro tempore, RSMo. § 77.100; municipal judge, RSMo. § 77.070; city clerk, RSMo. § 77.480.

**Sec. 2-112. Corrupt allowance of claim.**

Any member of the council or officer of the city who shall, in his official capacity, or under color of his office, knowingly or willfully or corruptly vote or assent to, or report in favor of, or allow or certify for allowance, any claim or demand against the city, which claim or demand shall be on account of or under color of a contract or agreement not authorized by law and the ordinances of the city, shall be deemed guilty of a misdemeanor. If any city officer shall be directly or indirectly interested in any contract under the city, or in any work done by the city, or in furnishing supplies for the city, or for any of its institutions, he shall be deemed guilty of a misdemeanor.

(Code 1977, § 2-4; Code 1983, § 2-113)

**State law reference** - Similar provisions, RSMo. §§ 77.460.

**Charter reference** - 12.1.

**Sec. 2-113. Indemnification and representation in actions.**

A. Any officer or employee who is liable for the payment of any claims or damages arising out of the course and scope of employment shall be entitled to indemnification by the city; provided, that the acts or omissions resulting in such liability were done in good faith and without malicious or felonious intent. Whether the acts were done in good faith, without malicious or felonious intent, and within the course and scope of employment shall be determined by the city, and such determination shall be final for the purposes of the representation and indemnity of this section; provided, however, that in the event such representation and indemnity have been denied by the city, if upon a trial on the merits the city determines that the officer or employee was acting in good faith, without malicious or felonious intent and within the scope of employment, the indemnification hereunder shall be granted and reasonable legal expenses incurred in the defense of the claim reimbursed. The city shall not be liable for any settlement of any such claim or suit effected without its consent, and the city reserves the right to assert any defense and make any settlement of any claim or suit that it deems expedient.

B. The city shall have the right and duty to provide legal representation through the city counselor, or in its discretion through the selection of outside legal counsel, to any officer or employee sued in connection with any claim for damages or other civil action against such person arising out of the course and scope of employment; provided, that such officer or employee is entitled to indemnification as set forth in this section. Such legal representation shall be provided at no cost to the officer or employee, and any officer or employee may have his or her own counsel assist in the defense at the sole expense of the officer or employee. The officer or employee shall cooperate fully with the city in preparation and presentation of the case, and the failure to cooperate shall waive such officer's or employee's right to representation and indemnity under this section.

(Code 1983, § 2-114; Ord. No. 10544, § 1, 12-2-85)

**Sec. 2-114. Holidays.**

The following shall be observed as city holidays:

- New Year's Day.
- Martin Luther King, Jr.'s birthday.
- Harry S. Truman's Birthday.
- Memorial Day.
- Independence Day.
- Labor Day.
- Veteran's Day.
- Thanksgiving Day
- Friday after Thanksgiving.
- Christmas Day.

Any other day that the mayor may from time to time designate.  
(Code 1983, § 2-115; Ord. No. 10607, § 1, 4-7-86)

**Sec. 2-115. Financial Disclosure Policy.**

A. Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

B. Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. Business Entity: A corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;
2. Substantial Interest: Ownership by the individual or his spouse, or his dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual or, his spouse, or his dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars, or more, per year from any individual partnership, organization or association within any calendar year.

C. Conflicts of Interest. No elected or appointed official who has a financial or private interest concerning any business of the city shall participate in discussion with the city council or any officer or official body of the city government.

1. A mayor or member of the city council who has a financial or other private interest in any bill shall disclose on the records of the city council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

(Ord. No. 11620, § 1, 8-20-91; Ord. No. 11959, § 1, 9-7-93; Ord. 12133, § 1, 8-15-94; Ord. 12321, § 1, 8-7-95; Ord. No. 12641, § 1, 8-4-97; Ord. No. 12789, § 1, 8-17-98; Ord. No. 12968, §1, 8-16-99; Ord. No. 13081, §1, 7-17-2000; Ord. No. 13241, § 1, 8-20-2001; Ord. No. 13923, §1, 8-15-2005)

**Sec. 2-116 - 2-124. Reserved.**

## **DIVISION 2. LOCAL GOVERNMENT RETIREMENT SYSTEM**

### **Sec. 2-125. Participation of eligible city employees.**

The city hereby elects to have covered by the Missouri Local Government Employees' Retirement System all its eligible employees in the following classes: Present and future general employees and present and future policemen. Such coverage shall specifically exclude all firemen.

(Code 1977, § 28-8)

**State law reference** - Authority of city to join Missouri Local Government Employees' Retirement System, RSMo. § 70.610.

### **Sec. 2-126. Prior employment considered for prior service credit.**

The city elects that one hundred (100) percent of prior employment shall be considered for prior service credit in computing benefits and contributions to the Missouri Local Government Employees' Retirement System.

(Code 1977, § 28-9)

**State law reference** - Prior service credit, RSMo. § 70.640(2).

### **Sec. 2-127. Election of Benefit Program LT-8.**

The city hereby elects Benefit Program L-6 two (2) percent in accordance with the provisions of Sections 105.660 and 105.685 RSMo. 1994. Such election shall be effective on July 1, 2002..

(Ord. No. 10519, 10-22-85; Ord. No. 11160, 2-13-89; Ord. 13739, §1, 7-6-2004)

### **Secs. 2-128 - 2-138. Reserved.**

**ARTICLE IV. ELECTED OFFICERS<sup>7</sup>**

**DIVISION 1. GENERALLY**

**Sec. 2-139. Oath.**

Before entering upon the duties of his office, every elective officer of the city shall take and subscribe an oath or affirmation before some court of record of the county, the city clerk or municipal judge, that he possesses all the qualifications prescribed for his office by law, that he will support the Constitution of the United States and of the state, the provisions of all laws of this state affecting Constitutional Charter cities and this Code and other ordinances of the city and faithfully demean himself in office, which official oath or affirmation shall be filed with the city clerk. (Code 1977, § 2-89)

**State law reference** - Similar provisions, RSMo. § 77.390.

**Sec. 2-140. Reimbursement of expenses.**

- A. Subject to approval as required under the Charter, elected officials shall be reimbursed for expenses according to established rules and allowances as set out in the Personnel Policy Manual of the City. In addition, elected officials may be reimbursed for attending or hosting local meals during which official City business is conducted.
- B. No elected official shall be authorized to use a credit card issued in the name of the City of Jefferson.
- C. Travel. Elected officials who desire to attend meetings and conferences may do so without prior approval provided said funding is included within the current approved budget, and provided that if the travel expense exceeds the budgeted amount at the time, the elected official shall reimburse the City the amount which exceeds the budget. Any direct reimbursement associated with travel shall be subject to approval as set out in Sections 3.3 and 4.2 of the Charter.
- D. Limitation on number attending same conference. The number of Council members attending the same conference shall be limited to two Council members and the Mayor or three Council members in the event the Mayor chooses not to attend. The Missouri Municipal League Conferences which are held in-state shall be excluded from this restriction.

(Ord. No. 11833, § 1, 12-17-92)

**Secs. 2-141 - 2-150. Reserved.**

## **DIVISION 2. MAYOR**

### **Sec. 2-151. Qualifications.**

No person shall be elected to the office of mayor who is not at least thirty (30) years of age, a citizen of the United States, a qualified voter of the city and a resident thereof for two (2) years next preceding his election, nor shall any person be elected to such office who shall, at the time of his election, be in arrears for any unpaid city taxes, or guilty of forfeiture or defalcation in office.

(Code 1977, § 2-91)

**State law reference** - Similar provisions, RSMo. §§ 77.230, 77.380.

**Charter reference** - 4.1.

### **Sec. 2-152. Vacancy in office.**

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 otherwise, the president pro tempore of the council shall, for the time being, perform the duties of the mayor until such vacancy is filled; and in case of the temporary absence of the mayor or disability to perform the duties of his office, the president pro tempore of the council shall perform the duties of the mayor until the mayor shall return, or such disability is removed; and during the time the president pro tempore of the council shall act as mayor, he shall receive the same compensation that the mayor would be entitled to. In case of vacancy, other than a temporary absence or disability, the person performing the duties of mayor shall cause a special election to be held, to elect a person to serve the remainder of the term when a vacancy occurs with six (6) months prior to a general municipal election, no special election shall be called to fill such a vacancy and a person shall be elected as such general municipal election to serve the remainder of the term.

(Code 1977, § 2-103)

**State law reference** - Similar provisions, RSMo. § 77.240.

**Charter reference** - 4.3.

### **Sec. 2-153. Mayor's powers and duties.**

The mayor shall be the chief executive of the city. He shall have the following powers and duties:

A. **Preside, Tie-Breaking.** The mayor shall preside at meetings of the council, but shall have the right to vote only in case of a tie. The mayor may call special meetings of the council as provided in subsection (a) of section 3.11;

B. **Recommendations.** The mayor shall at the beginning of each fiscal year and may at any other time give the council information as to the affairs of the city and any recommendations the mayor may have.

C. **Approve or Disapprove Legislation.** The mayor shall approve or disapprove ordinances and resolutions in the manner provided in subsection (g) of section 3.11.

D. **Enforce Laws.** The mayor shall see that all laws, provisions of the charter and acts of the council subject to enforcement by the mayor or by officers subject to the mayor's direction and supervision are faithfully executed.

E. **Budget.** The mayor shall propose an annual budget and five-year capital improvement program to the council.

F. **Remit Fines.** The mayor shall have power to remit fines and forfeitures and to grant reprieves and

pardons for offenses arising under 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.

G. Other Duties. The mayor shall exercise the powers and perform the duties prescribed by charter, ordinance, or law.

H. Review Administrator. The mayor shall annually review the performance of the city administrator and report to the council concerning the same.

I. Policies. The mayor shall discuss with the city administrator any and all policy matters.

J. Appointments. The mayor with the advice and consent of a majority of the council, shall appoint all members of committees, boards, and commissions.  
(Ord. No. 10204, § 1,5-21-84)

**Charter reference - 4.4**

**Sec. 2-154. Duty to sign appointments.**

The mayor shall sign the commissions and appointments of all the officers elected or appointed in the city.  
(Code 1977, § 2-95; Code 1983, § 2-156)

**State law reference** - Similar provisions, RSMo. § 77.320.

**Sec. 2-155. Access to records; reports to council.**

The mayor is hereby authorized to require, as often as necessary, any officer of the city to exhibit accounts or other papers, and to make report to the council, in writing, touching any subject or matter.  
(Code 1977, § 2-98; Code 1983, § 2-158)

**State law reference** - Similar provisions, RSMo. § 77.310.

**Sec. 2-156. Duty to sit with county board of equalization.**

The mayor or the mayor's designee shall sit with the county board of equalization when such board is passing upon the assessment of city property.  
(Code 1977, § 2-102; Code 1983, § 2-161)

**State law reference** - Similar provisions, RSMo. § 94.010.

**Secs. 2-157 - 2-225. Reserved.**

## **DIVISION 3. SUSPENSION AND REMOVAL**

### **PART A. GENERAL PROVISIONS**

#### **Sec. 2-226. Grounds for suspension.**

The mayor is hereby empowered to suspend from office any elective officer except a council member of the city, and with the consent of a majority of all the members elected to the city council, may remove from office any elective officer of the city for willful violation of his official obligations, for any culpable official negligence or dereliction of duty, for any conduct inconsistent with his official character and duty or for official incompetency. A council member may be suspended upon a vote of six members of the council if he falls within the prohibitions of Article 3, Section 3.6 (b) of the charter of the City of Jefferson, Missouri.

(Code 1977, § 2-130)

**State law reference** - Similar provision, RSMo. § 77.340.

**Charter reference** - 3.6

#### **Sec. 2-227. How suspension effected; amendment of charges.**

Suspension, as provided for in section 2-226, shall be effected by a written order to that effect, signed by the mayor and by him filed in the office of the city clerk. Such order shall be accompanied by a written specification of the charges enumerated in section 2-226 on which such order is founded, formulated in such manner and with such reasonable precision and detail as shall fully apprise the accused of the particular charges he is to defend against, and signed by the mayor, a certified copy of which order and specifications of charges shall be forthwith made by the clerk, under the seal of the city, and delivered to the chief of police or to some policeman who shall forthwith deliver it to the officer suspended, or leave it at the usual place of abode of such suspended officer, or with a member of his family over the age of fifteen (15) years. The officer serving such order and charges shall make his return on the specification of charges filed by the mayor aforesaid, when, where and how he served such order and charges, and sign his name thereto. Upon the filing by the mayor of such order of suspension and such specification of charges, and service of the same on the accused as herein directed, such accused officer shall stand suspended from office until reinstated as provided by this division. Such specifications of charges shall not be subject to amendment after service of the same on the accused as herein provided.

(Code 1977, § 2-131)

#### **Sec. 2-228. Official acts by suspended officer.**

Any officer of the city who shall, during suspension from office, perform or attempt to perform any official duty shall be deemed guilty of a misdemeanor.

(Code 1977, § 2-132)

#### **Sec. 2-229. Preferring of charges by mayor.**

Whenever any officer has been suspended provided in section 2-226, the mayor shall lay the specification of charges by him filed with the city clerk before the city council, at the first regular meeting thereafter, or at a special meeting of the council called for that purpose, and the council shall, without unnecessary delay, proceed to investigate such charges upon a day by them fixed. Such day shall be fixed by resolution of the council entered upon the journal, whereupon the city clerk shall forthwith make out a certified copy of such resolution, as well as another certified copy of such specification of charges, all under the seal of the city, and deliver a copy of such resolution and charges to the chief of police, or to some policeman who shall forthwith deliver a copy of such resolution and charges to the officer suspended, or leave a copy of such resolution and charges at the usual place of abode of such suspended officer with a

member of his family over the age of fifteen (15) years, and the officer serving such copy shall make his written return of such service opposite such resolution, on the margin of the journal of the council, how, when and where he served such copy and subscribe his name thereto.

(Code 1977, § 2-133)

**Sec. 2-230. Preferring of charges by council.**

The city council, by a resolution adopted by a vote of seven members, may prefer any of the charges specified in section 2-226 against any elective officer of the city. Such resolution shall specify the charges, with the same particularity and detail as in case of specification of charges filed by the mayor, and shall specify the time when such charges will be investigated by the council, and shall be spread at large upon the journal of the council. The city clerk shall, without delay, make out a certified copy of such resolution, under the seal of the city, and deliver the copy of such resolution to the chief of police, or to some policeman who shall forthwith deliver the copy of such resolution to the accused, or leave such copy at his usual place of abode, with a member of his family over the age of fifteen (15) years. Such officer serving such resolution shall certify in writing, opposite the copy of such resolution on the margin of such journal of the council, how, when and where he served the copy of such resolution and subscribe his name thereto. Such resolution shall not be subject to amendment after being served upon the accused as herein provided. From the time of such service on him of such resolution, such accused officer shall stand suspended from office until reinstated, as hereinafter provided by this division. The conduct and proceedings pertaining to an investigation under his section shall be carried on in the same manner as is provided by this division for investigation of charges preferred by the mayor. As soon as all the evidence has been taken on charges preferred by the council, and the case submitted, the council shall vote by yeas and nays upon the charges separately. The question upon each charge shall be: "Is the accused guilty?" If the council, by a vote of seven members who hear all of the evidence, find the accused guilty, the council may then, by resolution with a vote of seven members, remove the accused from office and declare his office vacant.

(Code 1977, § 2-134)

**Sec. 2-231. Reinstatement.**

If the accused should not be found guilty, or should not be removed from office as herein provided, he shall be reinstated by the mayor or council, as the case may be, having preferred the charge.

(Code 1977, § 2-135)

**Sec. 2-232. Official acts by removed officer.**

Every elective officer of the city, after being removed from office, shall be notified of such fact in writing by the mayor, or president pro tempore of the council in case the mayor is the accused, and every such officer, after having been removed from office and having notice of such removal, who shall perform any official act, or attempt to perform any official act, as such officer shall be deemed guilty of a misdemeanor. (Code 1977, § 2-136)

**Sec. 2-233. Accused not to participate.**

Should any charges under this division be preferred against any member of the city council, the mayor or any other elective city officer, such accused officer shall not be permitted to participate other than as a defendant in the trial proceedings, or issue or serve any process in relation thereto, and if the mayor is the accused, the president pro tempore of the council shall preside and discharge the duties of the mayor under this division.

(Code 1977, § 2-147)

**Secs. 2-234 - 2-244. Reserved.**

## **PART B. TRIAL**

### **Sec. 2-245. Procedure generally.**

At the time set for the hearing provided for in this division, the council shall meet and proceed, according to such rules as they may adopt and as herein provided, to hear the evidence against and in favor of the accused, and may adjourn from time to time, if necessary, until all the evidence is heard. The city council shall determine all questions of law arising during the trial upon the admission of evidence, the competency of evidence and otherwise.

(Code 1977, § 2-137)

### **Sec. 2-246. Subpoenas for witnesses.**

Subpoenas for witnesses to testify at any trial as provided by section 2-245, may be issued by the mayor, or by the president pro tempore of the council in case the mayor is the accused, and shall be served and returned by any proper officer of the city or of the county, in the same manner as if issued by the municipal judge, and such officer and witnesses shall be entitled to the same fee as would be allowed for like services in the municipal court.

(Code 1977, § 2-138)

### **Sec. 2-247. Subpoenas, oaths, etc.**

The council shall have power, by a vote of seven of its members, to compel the attendance of witnesses and the production of papers relating to any subject under consideration, in which the interests of the city are involved or for the purpose of such investigation, and shall have a right to issue an attachment and call on the proper officer of the city, or any sheriff or constable in the county, to execute such process. The mayor, or in case the mayor is the accused, the president pro tempore of the council, shall have power to administer oaths to witnesses in all proceedings before the council under this division.

(Code 1977, § 2-139)

### **Sec. 2-248. Failure of accused to appear.**

If the accused shall not appear or, when appearing, shall fail or refuse to make defense to the charges preferred against him, the council may proceed "ex parte."

(Code 1977, § 2-140)

### **Sec. 2-249. Oaths of council, council president and witnesses.**

At the time and place appointed for the trial, and before proceeding therewith, the mayor, or in case the mayor is the accused, the president pro tempore of the council, shall administer to the members of the council there present, and the municipal judge shall at the same time administer to the mayor, or in case the mayor is the accused, to the president pro tempore of the council, an oath or affirmation, impartially to try and determine the charges and do justice according to law and the evidence. The officer presiding at the trial shall administer the usual oath to all witnesses.

(Code 1977, § 2-141)

### **Sec. 2-250. Depositions.**

Depositions of witnesses beyond the jurisdiction of the council, or prevented by sickness or other sufficient cause from attendance, may be read at the trial and investigation, if taken in conformity with the laws of this state. The notice of taking thereof, when taken on behalf of the accused, shall be served upon the city counselor or the mayor. (Code 1977, § 2-142)

**Sec. 2-251. Right of accused to counsel.**

Upon any such trial the accused shall be entitled to be heard by himself and his counsel in his defense. (Code 1977, § 2-143)

**Sec. 2-252. Prosecuting attorney.**

It shall be the duty of the city prosecutor to manage and prosecute all trials on behalf of the city for the removal of any city officer, unless he is the accused, in which event the council shall appoint a competent attorney, who shall be a qualified voter of the city, to act in his stead during the trial proceedings. (Code 1977, § 2-144)

**Sec. 2-253. Proceedings to be entered on journal of council.**

The proceedings of the council in all such cases as provided for in this division shall be entered upon the journal of the proceedings of the council. (Code 1977, § 2-145)

**Sec. 2-254. Verdict.**

As soon as all the evidence has been taken and the case submitted, the council shall vote by yeas and nays upon the charges separately. The question upon each charge shall be: "Is the accused guilty?" If the elected official had been accused by the mayor and if six members of the council find the accused guilty of any of the charges, then the official accused shall be removed from office. If the elected official had been accused by the council and if seven of the members of the council find the accused guilty of any of the charges, the official accused shall be removed from office.

**Secs. 2-255 - 2-265. Reserved.**

## ARTICLE V. LAW DEPARTMENT AND CITY PROSECUTOR<sup>8</sup>

### **Sec. 2-266. Law Department established; city counselor generally.**

A. There shall be a law department, the director of which shall be known as the city counselor whom shall be nominated by the mayor, and appointed by the mayor with the advice and consent of a majority of the council. The person appointed shall serve for an indefinite term.

B. The city counselor may be removed on recommendation of the mayor with the consent of a majority of the council, or by a two-thirds vote of the council on its own initiative.

C. The city counselor shall be paid a salary of an amount established by the mayor, with the approval of a majority of the council.

D. The city counselor shall have been a duly licensed attorney of the state for at least three years immediately prior to his appointment and shall have been actively engaged in the practice of law during such three years.

E. The city counselor shall have the following duties:

1. Direct the management of all litigation in which the city is a party or is interested.
2. Represent the city in all legal matters and proceedings in which the city is an interested party.
3. Advise the council, any committee or members thereof, the mayor, administrator, and heads of all departments, boards, commissions and offices concerning any legal questions affecting the city's interests.
4. Approve, as to form, all contracts, deeds, bonds and other documents to be signed in the name of or made to or with the city.
5. Perform such other duties as the council may, by ordinance or resolution, require.

F. Nothing in this section shall prevent the council from employing special or additional legal counsel. (Ord. No. 9523, § 1(2-104), 10-20-80)

**Charter reference - 6.5**

### **Sec. 2-267. City prosecutor generally.**

A. A city prosecutor shall be elected by the qualified voters of the city. Such attorney shall be a person licensed to practice law in Missouri. The term of office shall be two (2) years and he shall hold his office until his successor is duly elected and qualified. The city prosecutor shall be considered holding part time employment and as such he may accept, within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 4, other employment not in conflict with his duties as such officer.

B. No person shall be eligible to the office of city prosecutor who is not a resident of the city at the time of his election, or who shall, at the time of his election, be in arrears for any unpaid city taxes or guilty of forfeiture or defalcation in office.

C. The city prosecutor shall, if requested by the mayor or council, attend the meetings of the council when the city counselor is unavailable.

D. He shall prosecute all violations of city ordinances and handle appeals in connection therewith.

E. He shall make written recommendations and draft bills and ordinances in connection with the proper administration of justice as related to the violations of city ordinances.

F. He may, if requested by the mayor or council, perform such other duties as may be required.  
(Ord. No. 9523, § 1(2-105, 2-106, 2-110), 10-20-80)

**Cross reference** - Municipal court, Ch. 19.

**State law reference** - Similar provisions, RSMo. § 77.370.

**Sec. 2-268. Salary and expenses.**

A. The city counselor and the city prosecutor shall be paid such salaries as are set forth by ordinance.

B. In addition to their salary, the city counselor and city prosecutor, or others acting at their direction, shall be paid an amount sufficient to cover all expenses incurred in the performance of official municipal duties. These expenses shall be paid upon the rendering of a verified statement to the city.

C. The city prosecutor shall receive no compensation for his services other than that provided by this section.

(Ord. No. 9523, § 1(2-107), 10-20-80)

**Sec. 2-269. Effective inability of city prosecutor to act.**

In the case of sickness, absence from city, interest of the city prosecutor in the proceedings adverse to the interest of the city, or other temporary inability of the city prosecutor to discharge the duties of his office, the mayor or administrator shall direct the city counselor to act in his stead during such temporary inability, in any proceedings pending before the municipal division of the circuit court. If the city counselor is unable to act, then it shall be the duty of the municipal judge to appoint an attorney to represent the city in all cases before his court, pending such temporary inability of the city prosecutor to perform the same, and the person so appointed shall possess the same powers and receive the same compensation as the city prosecutor would receive if he were present and acting in the regular discharge of his duties.

(Ord. No. 9523, § 1(2-108), 10-20-80)

**Sec. 2-270. Effective interest in proceedings.**

If the city counselor or city prosecutor shall be interested in, or a party to any action brought by the city for the violation of any of its ordinances, or shall have been employed as counsel in any such case, previous to his election as city prosecutor or appointment as city counselor he shall inform the mayor and city council thereof, if the case be one which has been appealed or by other means removed from the municipal court, and the mayor and city council shall appoint an attorney, at the expense of the city, to represent the city in such proceedings.

(Ord. No. 9523, § 1(2-109), 10-20-80)

**Sec. 2-271. Vacation of office.**

The city prosecutor and city counselor shall have vacated their offices upon the occurrence of any one of the following:

A. Upon the removal of their residence within the city; or

B. Upon being disbarred from the practice of law in the state; or

- C. Upon their acceptance, election or appointment to any other office of the city;
  - D. Upon the expiration of their term of election or appointment; or,
  - E. Upon removal of office by the mayor and council.
- (Ord. No. 9523, § 1(2-111), 10-20-80)

**Secs. 2-272 - 2-282. Reserved.**

## ARTICLE VI. CITY ADMINISTRATOR

### DIVISION I. CITY ADMINISTRATOR

#### **Sec. 2-283. Office established.**

There is hereby created and established the office of city administrator for the city.  
(Ord. No. 9360, § 1, 12-17-79)

**Charter reference** - Section 5

#### **Sec. 2-284. Appointment and tenure.**

A qualified person shall be nominated city administrator by the mayor and appointed by the mayor with the advice and consent of a majority of the council. The person so appointed shall serve for an indefinite term.  
(Ord. No. 9360, § 2, 12-17-79)

#### **Sec. 2-285. Qualifications.**

The person appointed to the office of city administrator shall be a resident of the city within six (6) months of the effective date of such appointment. He shall be a graduate of an accredited university or college, majoring in public administration, business administration, accounting, finance, engineering or similar fields. The city administrator shall have thorough experience in the administration of a governmental unit or any combination of education and experience that provides the necessary knowledge, abilities and skills for the position.  
(Ord. No. 9360, § 3, 12-17-79; Ord. No. 12433, § 1, 4-1-96)

**State law reference** - Similar provisions, RSMo. § 77.044.

#### **Sec. 2-286. Bond.**

The bond of the city administrator shall be one hundred thousand dollars (\$100,000.00).  
(Ord. No. 9360, § 4, 12-17-79)

**State law reference** - Bond of officers, RSMo. § 77.390.

#### **Sec. 2-287. Compensation.**

The city administrator shall receive such compensation as may be established by the mayor, with the approval of a majority of the city council.  
(Ord. No. 9360, § 5, 12-17-79)

**State law reference** - Similar provisions, RSMo. § 77.044.

#### **Sec. 2-288. Removal.**

The city administrator may be removed from office upon recommendation of the mayor, with the consent of the majority of the council, or by a two-thirds vote of the council on its own initiative. If requested, the mayor and city council shall grant the city administrator a public hearing within thirty (30) days following notice of such removal.  
(Ord. No. 9360, § 6, 12-17-79)

**Charter reference - 5.1.**

**Sec. 2-289. Duties generally.**

A. The city administrator shall be responsible to the mayor and the council for the administration of all city affairs placed in his charge. Except as otherwise specified by charter, ordinance, or by state law, the city administrator shall coordinate and generally supervise the operation of all departments, including without limitation, finance, human resources, police, fire, public works, planning and code enforcement, and law, including line, staff and directors. (Ord. No. 13031, §1, 2-21-2000)

B. The city administrator shall prepare and present to the mayor and city council an annual report of the city's affairs. Such report shall be inclusive of the activities of all departments, agencies and branches of city government.

C. The city administrator shall make recommendations of appointment and removal of department directors and division supervisors for the approval of the mayor and council.

D. The city administrator shall recommend to the mayor and city council adoption of such measures as he may deem necessary or expedient for the improvement of the efficiency of municipal government.

E. The city administrator shall attend all city council meetings. He shall assist the mayor in the planning and follow-up after such meetings.

F. The city administrator shall coordinate the city's efforts to gain grant assistance.

G. The city administrator shall execute any additional duties assigned by the mayor and a majority of the council.

H. The city administrator shall prepare and submit a recommended annual budget and five-year capital improvements program to the mayor.

I. The administrator shall file a written report with the city council at least once per month. (Ord. No. 9360, § 7, 12-17-79; Ord. No. 12433, § 1, 4-1-96)

**Charter reference - 5.2**

**Sec. 2-290. Powers.**

A. The city administrator shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service except those prescribed by the city council.

B. 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 employees of the city to any department for the most efficient discharge of the functions of city government, subject to the provisions of section 6.2 (parks and recreation commission) and section 6.3 (police department) of the city charter.

C. The city administrator shall have the power to overrule any action taken by a department director, and may supersede him in the functions of his office, except the parks and recreation department.

D. The city administrator shall have the power to appoint and remove all subordinate employees of the city, subject to the provisions of sections 6.2 (parks and recreation commission) and 6.3 (police department) of the city charter.

E. At no time shall the duties or powers of the city administrator supersede an action by the mayor and/or city council. (Ord. No. 14051, §1, 6-5-2006)

F. The city administrator is hereby authorized to execute change orders to contracts including increasing the amount to be expended under the contract provided the following criteria are met:

1. The change order has previously been approved by the department director of the department administering the contract and the financial amount involved does not exceed ten percent (10%) in total of the original contract amount with any previously approved change orders on that contract, or ten thousand dollars (\$10,000), whichever is greater. For the purposes of this section, the term "original" contract shall mean the contract as approved by the council and executed by the appropriate official as well as any amendments to the contract which have been duly approved by the Council.
2. The change order does not change the general scope of the project.
3. All change orders approved shall be reported to the city council within two weeks of execution. The report shall include the reason for the change order.

G. Notwithstanding the provisions of section 2-378 regarding the promulgation of purchasing rules, the city administrator is hereby authorized to sign contracts on behalf of the city, provided the following criteria are met:

1. The item(s) and/or service(s) that are the subject of the contract have a combined total value of no greater than twenty-four thousand, nine hundred ninety-nine dollars and ninety-nine cents (\$24,999.99), unless specifically authorized by the city council.
2. The contract does not pertain to the purchase or sale of real estate, unless specifically authorized by the city council.
3. All contracts signed in accordance with this subsection, including contracts for the purchase or sale of real estate, shall be reported to the city council within two weeks of execution. The report shall include the rationale for the contract.

(Ord. No. 9360, § 8(a) - (d), 12-17-79; Ord. No. 12163, § 1, 10-10-94; Ord. No. 14051, §1, 6-5-2006)

**State law reference** - Similar provisions, RSMo. §§ 77.046, 77.048.

**Charter reference** - 5.2, 6.1, 6.2, 6.3

### **Sec. 2-291. Interference by mayor or council.**

Neither the mayor nor any member of the council shall directly interfere with the conduct of any department or duties of employees subordinate to the city administrator except at the express direction of the council. Neither the mayor nor any member of the council shall direct or request the appointment of any person below the department director level to, or his removal from, office by the city administrator or any of his subordinates, or in any manner take part in the appointment or removal of employees in the administrative services of the city. Except for the purpose of inquiry and transmittal of citizen complaints, the mayor and members of the council shall deal with the administrative service solely through the city administrator, and neither the mayor nor members of the council shall give orders to any subordinates of the city administrator, either publicly or privately.

(Ord. No. 9360, § 8(E), 12-17-79; Ord. No. 9651, § 1, 8-3-81)

## **DIVISION 2. HUMAN RESOURCES DIRECTOR**

### **Sec. 2-292. Office established.**

There is hereby created the office of human resources for the city.

### **Sec. 2-293. Director, appointment and tenure.**

A qualified person shall be appointed as the director of human resources by the city administrator on the basis of experience and education in personnel or business administration and risk management.

### **Sec. 2-294. Qualifications.**

The person appointed as director of human resources shall be a graduate of an accredited university or college, majoring in personnel, public administration, or similar field. The director shall have thorough experience in personnel administration or any combination of education and experience that provides the necessary knowledge, abilities and skills for the position.

### **Sec. 2-295. Duties generally.**

The director of human resources shall:

- A. Be responsible for the administration of an office of human resources. The director of human resources shall coordinate and generally supervise the operation of the human resources department
- B. Prepare and present to the city administrator an annual budget request for operation of human resource functions and activities.
- C. Establish and maintain human resource programs including but not limited to a position classification system and pay plan, employee benefit programs, workers compensation, employee assistance program, performance appraisal system, and general employee training.
- D. Maintain a recordkeeping system for such employee records as may be required by ordinance or regulation.
- E. Administer the city's insurance programs including but not limited to liability, property, health, life, long term disability, and workers' compensation and shall establish and maintain safety and risk management programs.
- F. Provide advice and assistance to the city administrator and all directors and supervisors in matters of personnel administration.
- G. Recommend, develop, and coordinate a curriculum of general supervisory training for all supervisors in municipal service.

(Code 1977, §§ 28-7.1, 28-7.2)

**State law reference** - Appointment of officers, RSMo. §§ 77.330.

### **Secs. 2-296 - 2-302. Reserved.**



## ARTICLE VII. CITY CLERK

### **Sec. 2-303. Appointment; term.**

The council shall appoint an officer who shall have the title of city clerk. The clerk shall keep the journal of council proceedings, authenticate by his signature all ordinances and resolutions, and record them in full in a book kept for that purpose. The clerk shall perform such other duties as may be required by law, by charter, or by the council. The city clerk shall be a resident of the city and shall hold office at the pleasure of the council.

### **Sec. 2-304. Vacancy.**

Should a vacancy occur in the office of the city clerk, for reason of death, resignation, absence from the city or for any cause, the council shall fill such vacancy by appointment.  
(Code 1977, § 2-157)

### **Sec. 2-305. Bond.**

The bond of the city clerk shall be at least five thousand dollars (\$5,000.00). Such bond shall be filed in the office of the finance director, who shall preserve and safely keep the same.  
(Code 1977, § 2-152)

**State law reference** - Bond of officials, RSMo. § 77.390.

### **Sec. 2-306. Deputy city clerks.**

A. There is hereby established the position of deputy city clerk.

B. The mayor, after receiving the recommendation of the city administrator, with the advice and consent of a majority of the elected members to the city council, shall be authorized to appoint deputy city clerks.

C. The deputy city clerks shall assist and aid the city clerk in the performance of the duties of the city clerk and, in the absence of the city clerk, shall perform all duties of the city clerk.  
(Code 1977, § 2-158)

### **Sec. 2-307. Duties generally.**

The city clerk shall:

A. Have the custody of and safely keep the common seal of the city, the public records, the originals of ordinances and resolutions of the city council and such other records, documents and papers of a public nature as may be delivered into his custody.

B. Affix the common seal of the city to all public instruments and official acts of the mayor which by law or ordinances are required to be so attested, and countersign the name, and affix the common seal to and certify to any record, document, copies of papers or ordinances that may be required for evidence in any court of this state or the United States by any individual, or that may be required for the use of any officer of the city, and shall furnish to the city prosecutor or city counselor any record or document necessary to be used in any proceeding in court to which the city is a party;

C. Attend all meetings of the city council and keep a correct journal of its proceedings;

D. Prepare all certificates of election, commissions, appointments and all other official documents required by this Code or other ordinances to be issued, or which the mayor is required to issue, and shall countersign and affix the common seal thereto, and keep a record of all such certificates of elections, commissions, appointments and documents.

E. Record the official bonds of all city officers and the bonds of all other persons executed to the city and placed in the clerk's custody.

F. Record all city ordinances passed and neatly label and file for safekeeping the original roll of all ordinances and resolutions of the city council, and such other vouchers, papers, records and documents as may be delivered into the clerk's custody;

G. Carefully and promptly execute every official act that may be required by virtue of the laws of the state and ordinances of the city, and shall perform all such other duties as may be required by such laws or ordinances. (Code 1977, § 2-153; Ord. No. 9275, § 4-17-79)

H. The City Clerk be and hereby is appointed custodian of the records of the City and that such custodian located at 320 East McCarty, Jefferson City, Missouri. The custodian shall respond to all requests for access to or copies of a public record within the time period provided by the Sunshine law except in those circumstances authorized by Statute. (Ord. No. 13769, §3, 9-7-2004)

I. The City Clerk shall establish and maintain a registry of all news outlets, which request notices of meetings and the results of meetings including information released pursuant to the requirements of the Sunshine law.

J. The Council agenda referencing closed meetings shall only reference such exceptions as is known to be discussed at the time of the distribution of the agenda by the City Clerk.

K. Whenever any reportable action has occurred between City Council meetings, and which is then required to be made available or made public, which has not been previously made public or available, the City Clerk shall indicate on the next Council agenda any reportable action which has occurred in a prior closed session and that the appropriate information is now available in the office of the City Clerk. (Ord. No. 10931, 10-19-87; Ord. No. 12299, § 1, 6-19-95; Ord. 13418, §3, 8-19-2002 )

**State law reference - Duties of clerk generally, RSMo. § 77.410.**

**Sec. 2-308. Access to records.**

The city clerk shall have free access to the office of the finance director for the inspection of all books, accounts and papers which it contains, and free access to all other offices of the city for the inspection of such books, accounts and papers as concern any of the duties of city clerk. (Code 1977, § 2-155)

**Secs. 2-309 - 2-319. Reserved.**

## ARTICLE VIII. COMMUNITY DEVELOPMENT DEPARTMENT

### Sec. 2-320. Established.

A Community Development Department of the city is hereby established.

### Sec. 2-321. Director, division, etc.

The Community Development department shall be staffed with a director and other personnel according to the personnel authorization of the budget as approved by the city council. The following divisions are hereby established:

- A. Planning;
- B. Building regulations;
- C. Animal rescue;
- D. Environmental Health Services. (Ord. No. 13869, §3, 4-18-2005)
- E. Engineering
- F. Wastewater
- G. Stormwater
- H. Central maintenance
- I. Transit
- J. Parking
- K. Airport
- L. Street

(Ord. 13600, §2, 9-15-2003)

### Sec. 2-322. Appointment of director.

The director of Community Development shall be recommended for appointment by the city administrator to the mayor subject to approval of the city council.

### Sec. 2-323. Qualifications of director.

The director of Community Development shall be a graduate from an accredited four-year college or university with major course work in public or business administration, civil engineering, planning, architecture, or related field. The director must have an accredited Master's degree or be registered as a Professional Engineer, Architect or Certified Planner or have an equivalent level of higher education certification and experience. The director shall have thorough experience in the field of management, or any equivalent combination of education and experience that provides the necessary knowledge, abilities, and skills for the job. The director shall be generally informed on good engineering practice in respect to the design and construction of buildings, the basic principles of planning as it relates to Community Development and the fundamentals of zoning administration. (Code 1977, § 2-169; Ord. No. 11904, § 1, 5-17-93)

### Sec. 2-324. Functions of director.

- A. The director of Community Development shall generally supervise and coordinate the work and operation of the assistant to the Community Development director, city planner, supervisor of building regulations, supervisor of animal rescue, supervisor of environmental health services, engineering division director, and wastewater division director. The director shall perform other functions as directed by the city administrator.

- B. The director shall supervise and coordinate the work and operation of the planning division, the building regulations division, the animal rescue division, the environmental health services division, the wastewater division, the engineering division, and employees working for these divisions.
- C. The director shall perform such other duties relating to Community Development as directed by the city administrator.

(Code 1977, § 2-170; Ord. No. 9338, § 1, 10-1-79; Ord. No. 10011, § 1(2-170), 8-1-83; Ord. No. 12964, §2, 8-16-99; Ord. No. 13869, §4, 4-18-2005)

**Sec. 2-325. Conflicts of interest.**

No employee of the Community Development department shall be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or specifications thereof, unless he is the owner of the building; nor shall any employee engage in any work which conflicts with his official duties or with the interests of the department.

(Code 1977, § 2-171)

(Ord. No. 13301, §1, 11-5-2001)

**Secs. 2-326 - 2-346. Reserved.**

**ARTICLE IX. FINANCE DEPARTMENT<sup>9</sup>**  
**DIVISION 1. GENERALLY**

**Sec. 2-347. Fiscal year.**

The fiscal year of the city shall commence on the first day of November in each year and terminate on the thirty-first day of October of the following year, and the books, accounts and reports of the officers of the city shall be made to conform thereto.

(Code 1977, § 16-1; Code 1983, § 2-352)

**Sec. 2-348. Annual audit.**

An audit of the financial affairs and records of the city shall be made by a certified public accountant annually, and the audit shall be commenced within thirty (30) days after the close of business for the preceding fiscal year.

(Code 1977, § 16-6; Code 1983, § 2-353)

**Sec. 2-349. Established.**

A finance department of the city is hereby established.

**Sec. 2-350. Director, divisions, etc.**

The finance department shall be staffed with a director who shall also serve as the fiscal officer of the city and as city treasurer. The following divisions are hereby established:

- A. Purchasing;
- B. Licensing;
- C. Accounting;
- D. Data processing.

**Sec. 2-351. Appointment of director.**

The finance director shall be appointed by the mayor, after receiving the recommendation of the city administrator, with the advice and consent of a majority of the elected members of the city council.

(Code 1977, § 16-3; Code 1983, § 2-367)

**Charter reference - 5.2(b)**

**Sec. 2-352. Qualifications of director.**

The finance director shall have a bachelors degree in accounting, finance, public administration or business administration and/or shall have considerable experience in public financial administration affording familiarity with budgeting, accounting, procurement, and treasury management.

(Code 1977, § 16-4; Ord. No. 9276, § 1, 4-17-79; Code 1983, § 2-368)

**Sec. 2-353. Enforcement of licensing and similar ordinances.**

- A. It shall be the duty of the finance department to enforce all provisions of ordinances of the city regulating:
  - 1. The licensing of trades, businesses, vocations and occupations within the city.
  - 2. The licensing of peddlers, transient merchants, solicitors and canvassers within the city.
  - 3. The licensing of the manufacture, distribution or sale of intoxicating liquor and nonintoxicating beer within the city.
- B. In the performance of such duties, the authorized agents of the finance department shall have the power:
  - 1. To enter any business establishment in the city to determine if the provisions of all ordinances of the city pertaining to the issuance of licenses are being observed.
  - 2. To demand presentation to him and inspect every license required by ordinances of the city to be issued.

(Code 1977, §§ 22-1, 22-2; Code 1983, § 2-354)

**Cross references** - Alcoholic beverages, Ch. 4; licenses, taxes and miscellaneous business regulations, Ch. 17; peddlers, solicitors, itinerant merchants, etc. Ch.24.

**Sec. 2-354. Functions of director.**

The finance director shall:

- A. Be responsible for the administration of the fiscal affairs of the city;
- B. Maintain a system of control to ensure that expenditures do not exceed budgetary appropriations;
- C. Prepare financial statements, cost reports and statements of receipts and expenditures at regular intervals for use by the city administrator and other operating officials;
- D. Make internal audit spot checks;
- E. Maximize the investment of all city funds;
- F. Establish and administer a central inventory control system;  
(Code 1977, § 16-5, ; Ord. No. 9276, § 2, 4-17-79; Code 1983, § 2-369)
- G. The finance director shall be responsible for keeping all public account books, accounts, vouchers, documents, bonds and coupons paid or redeemed, and all papers relating to accounts and contracts of the city and its revenue, debt and fiscal affairs, not required by law or ordinance to be placed in some other office or kept by some other person.
- H. He shall keep a register of all checks drawn on the city treasury, specifying the number, date, to whom payable, on what fund or appropriation drawn and the amount of each check.

- I. He shall receive and safely keep all money of the city which may come into his hands, and shall disburse the same only upon proper requests.
- J. The finance director shall furnish the council with a written monthly 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 amount 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. (Code 1977, § 2-119(b))
- K. The finance director shall have free access to the office of the city clerk for the inspection of all books, accounts and papers which it contains, and free access to all other offices of the city for the inspection of such books, accounts and papers as concern any of his duties. (Code 1977, § 2-122)
- L. The finance director shall furnish the Council on at least a quarterly basis a list of all budget adjustments within each City department which involved a transfer between the categories of Personnel, Operating and Capital Outlay appropriations. (Ord. 12068, § 1, 4-18-94)

**State law reference** - General qualifications of appointed officers, RSMo. § 77.380.

**Sec. 2-355. Appropriations.**

The City through its annual budgeting process shall adopt appropriations or shall set out authorized appropriations by category. Appropriations shall be divided into two classifications to be known as “annual appropriations” and “continuing appropriations.” The characteristics and practice with regard to each of these categories of appropriations shall be as set out in the subsections below.

- A. Annual appropriations: All appropriations shall be considered an annual appropriation unless specifically designated either by category or by indication within the budget document as a continuing appropriation. Unencumbered annual appropriations shall lapse at the close of each fiscal year. Annual appropriations shall not be subjected to reappropriation.
- B. Continuing appropriations: All appropriations for capital improvement projects and for grant funds including any matching funds required by the grant shall be considered continuing appropriations. Any sums appropriated through and designated as continuing appropriations shall continue for the life of the project or grant regardless of fiscal years. Continuing appropriations shall not be subject to changes or transfers between projects or grants without council approval. Any funds remaining unexpended at the completion of the project or grant would automatically be added into the fund in which they had been appropriated.
- C. Reporting requirement: City staff shall prepare and forward to the Council at least semi-annually a report of the status of all projects and grants which have been designated as continuing appropriations. The reports shall include as a minimum the original date of the appropriation, funds expended and project completion status. It should also show anticipated conclusion of each project or grant.
- D. Parks and Recreation Commission Budget: The parks commission shall prepare an annual budget to be submitted to the mayor as part of his annual budget. Such budget shall not take effect until approved by the Council. Such funds may be only drawn upon by the director of finance upon the properly authenticated vouchers of the parks and recreation commission. (Ord. 13828, §1, 1-18-2005)

(Ord. No. 12562, § 1, 12-16-96)

**Secs. 2-356 - 2-373. Reserved.**

## **DIVISION 2. PURCHASING DIVISION**

### **Sec. 2-374. Definitions.**

Whenever the following words appear in this division they shall have the meaning set out below:

City Council or Council: Shall mean the Council of the City of Jefferson or the Parks and Recreation Commission based on the nature of the project or contract.

City Administrator: Shall mean the City Administrator or the Parks and Recreation Commission based on the nature of the project or contract.

### **Sec. 2-375. Purchasing agent; office established.**

There is hereby established within the finance department the office of purchasing agent who shall be the head of the purchasing division.  
(Code 1977, § 16-20; Ord. No. 11936, § 2, 7-19-93)

### **Sec. 2-376. Establish and maintain specifications.**

The purchasing agent shall compile and maintain specifications for all items purchased, or to be purchased, by the city. The specifications shall not be unduly restrictive and shall be written, if possible and practicable, so that the city may obtain competitive bids.  
(Code 1977, § 16-21; Ord. No. 9655, § 1, 8-17-81; Ord. No. 10044, § 1(16-21), 9-6-83; Ord. No. 11936, § 2, 7-19-93)

### **Sec. 2-377. Standards and procedure.**

The purchasing agent shall observe the following standards and procedures in the administration of this division:

A. The purchasing agent shall purchase those supplies, materials and equipment requested by the department for whose use they are intended. The purchasing agent shall keep the departments informed on prices, changes, deliveries and other information that will assist them in placing purchase orders at such times as to ensure purchasing at the best possible prices.

B. All supplies, materials and equipment disposed of by sale or otherwise shall be sold by the purchasing agent only with the advice and consent of the mayor and council. Supplies, materials and equipment deemed to be obsolete, unusable and of no monetary value to the City, may be disposed of by the purchasing agent at an approved landfill or disposal site. The purchasing agent shall determine, based on recommendations from the staff, what property has no monetary value. The purchasing agent shall file a report with the council annually setting forth what property was determined to be of no value and how such property was disposed.

C. Copies of all correspondence with suppliers concerning prices, adjustments or defective merchandise, as well as all invoices, bills of lading, delivery tickets and other papers pertaining to purchases, shall be delivered to the purchasing agent.

D. The purchasing agent shall maintain a complete record of all quotations, bids and purchase orders for a period of five (5) years, and such records shall at all times be open to the public for inspection. Only proposals and related documents will be closed until the earlier of the making of a recommendation to the public governmental body or the acceptance or rejection of all proposals.

E. The purchasing agent shall maintain supervisory control over all purchases and shall determine whether

any claims for shortages, breakages or other claims exist, in which case he shall pursue all such claims against the shipper or carrier or supplier for any shortage, breakage or other damage existing.  
(Code 1977, § 16-22; Ord. No. 11936, § 2, 7-19-93)

**Sec. 2-378. Promulgation of rules.**

The purchasing agent shall recommend to the finance director, for his/her review and recommendations to the city administrator, rules and regulations relating to the procedure to be followed by city employees in the preparation and submission of purchasing requests and invoices for purchases.  
(Code 1977, § 16-23; Ord. No. 11936, § 2, 7-19-93)

**Sec. 2-379. Purchasing limits.**

A. The purchasing agent shall adopt operational procedures for making small purchases of three thousand dollars (\$3,000.00) or less. Such operating procedures shall allow purchasing without competitive bids but shall be at the discretion of the department heads and the purchasing division. Purchases must be requisitioned through the normal purchasing procedure.

B. The purchasing agent shall request quotations or telephone bids from at least three (3) businesses or vendors on all requisitions of items of a value of more than three thousand dollars (\$3,000.00) and not more than twenty-five thousand dollars (\$25,000.00). The names of the businesses submitting quotations, the date and the amount of each quotation shall be recorded and maintained. The lowest and best bid shall be selected by the purchasing agent upon consultation with the appropriate department director.

C. The purchasing agent shall advertise for sealed bids on any requisition involving more than twenty-five thousand dollars allowing a minimum of fourteen (14) days before bids are received and opened. The lowest and best bid submitted by a responsible bidder meeting specifications will be recommended to the City Council for an award.  
(Code 1977, § 16-25; Ord. No. 9655, § 2, 8-17-81; Ord. No. 10044, § 1(16-25(c)-(d)), 9-6-83; Ord. No. 11936, § 2, 7-19-93; Ord. 13209, §1, 6-4-2001)

**Sec. 2-380. Emergency purchases.**

When a disaster has not been declared by the Mayor, notwithstanding any other provisions of this division, the City Administrator or designee may make or authorize others to make emergency procurement of supplies, services, or construction items when there exists a threat to public health, welfare, or safety; provided that such emergency procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in a record of each emergency procurement which shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the item(s) procured under the contract, and the identification number of the contract file. A copy of the record shall be given within five days of the purchase to the City Administrator and purchasing division. If a disaster has been declared, or if a disaster is later declared the provisions of Chapter 11, Emergency Preparedness and Emergencies, shall be followed. In any case where a purchase under this section might be reimbursable under Federal or State Disaster Relief provisions, the Department Director shall maintain such records as are required for such reimbursement.

An emergency exists as defined below :

An emergency exists when a breakdown in machinery and/or a threatened termination of essential services, including but not limited to maintenance and repair of essential office equipment, or a dangerous condition develops, or when supplies are needed for immediate use in work which may vitally affect safety, health or welfare of the public.

(Code 1977, § 16-29(a); Code 1983, § 2-403; Ord. No. 11936, § 2, 7-19-93; Ord. No. 14051, §2, 6-5-2006)

**Sec. 2-381. Small sum purchases.**

Any employee of the city making a purchase involving an immediate cash expenditure of fifty dollars (\$50.00) or less shall be reimbursed by the city upon submission of a sales ticket for the purchase.

(Code 1977, § 16-29(b); Code 1983, § 2-404; Ord. No. 11936, § 2, 7-19-93)

**Sec. 2-382. Cooperative purchasing.**

A. The City of Jefferson desires to participate in the cooperative procurement program with the State of Missouri, the County of Cole, the Housing Authority and any other interested governmental bodies. The purchasing agent shall be the designated city representative for the administration of the cooperative procurement program. (Resolution passed 8-20-79)

B. In lieu of the purchasing requirements set out in this chapter, the purchasing agent shall be authorized to approve purchases based upon a bid received by another government entity within this State, provided that all of the following requirements are met:

1. The other entity must have competitively bid the purchase using procedures which are substantially similar to the procedures which would have been required had the City of Jefferson bid the purchase itself as determined by the purchasing agent; and,
2. The purchasing agent receives verification, acceptable to the purchasing agent, that the other governmental entity's procedures were actually followed; and
3. The successful bidder to the other governmental entity must state in writing, in a form acceptable to the purchasing agent, that the City of Jefferson is authorized to make the same purchase at the same price.

**Sec. 2-383. Preference for U.S.-manufactured goods.**

A. Each contract for the purchase or lease of manufactured goods or commodities by the City, and each contract made by the City for construction, alteration, repair, or maintenance of any public works shall contain a provision that any manufactured goods or commodities used or supplied in the performance of that contract or any subcontract thereto shall be manufactured or produced in the United States. This section shall not apply where the purchase, lease, or contract involves an expenditure of less than twenty-five thousand dollars. This section shall not apply when only one line of a particular good or product is manufactured or produced in the United States. This section shall not apply where the executive head of the public agency certifies in writing that:

- (1) The specified products are not manufactured or produced in the United States in sufficient quantities to meet the agency's requirements or cannot be manufactured or produced in the United States within the necessary time in sufficient quantities to meet the agency's requirements;
- (2) Obtaining the specified products manufactured or produced in the United States would increase the cost of the contract by more than ten percent;

B. Every commission, board, committee, officer or other body of the City shall purchase and use only those materials, products, supplies, provisions and other needed articles produced, manufactured, compounded, made or grown within the state of Missouri, when they are found in marketable quantities in the state and are of a quality suited to the

purpose intended and can be secured without additional cost over foreign products or products of other states; provided, however, that quality and fitness of articles shall be considered in purchasing or letting contracts for articles herein mentioned

(Ord. 10939, § 1, 10-19-87; Ord. No. 11936, § 2, 7-19-93 State Law reference Sub-Section A § 34.353 RSMo, Sub-Section B § 71.140. RSMo.)

**Sec. 2-384. Surplus Property.**

A. On a yearly basis, or as needed, all departments shall submit to the purchasing agent reports showing any personal property to be declared surplus. The report shall include any surveys, drawings, appraisals or other information that may be pertinent to the sale or disposal of the property. The purchasing agent shall submit a report to the city council informing them of the content of the departmental reports.

B. Personal property declared to be surplus may be disposed of in the following manner:

- (1) Sale by auction, or
- (2) Sale by sealed bid, or
- (3) Solicitation of offers to purchase the asset. Such solicitations shall be upon the condition that no offer less than the expected sale price carried on the item as reported to the city council may be accepted, unless a lower price is approved by the City Administrator with notice to the City Council, or
- (4) Sales based upon a negotiated agreement with a particular vendor, provided that such vendor must be selected according to an established written procedure which provides a mechanism for all interested parties to make proposals in a fair and even manner. Direct negotiations as provided in this sub-section may only be used if the Purchasing Agent certifies to the Council that the use of direct negotiations in a particular instance is in the best interests of the City, and setting forth in particular why such means are in the best interests of the City, and why the other available means are less desirable. This subsection shall also authorize negotiated agreements which include a repurchase agreement, or
- (5) Sales by a third party selected according to the City's standard procedures for selecting providers of services. Any such agreement shall set forth the parameters and authority of the third party provider.

(Ord. No. 11747, § 1, 6-4-92; Ord. No. 11936, § 2, 7-19-93)

**Sec. 2-385. Announcement and Method of Sale of surplus real property.**

A. A notice shall be published in the newspaper with the highest circulation in the city and posted at City Hall not less than thirty (30) days before bid opening, announcing the city's intent to sell real property. The purchasing agent shall offer for public inspection the file of all nonconfidential documents for public information.

B. During the thirty day period, sealed bids may be filed with the purchasing agent. In determining which bid to accept, the council may consider the competitive nature of the bid as well as the location of the property and whether the bidder owns property adjacent to or close by the property which is the subject of the sale.

(Ord. No. 11747, § 1, 6-4-92; Ord. No. 11936, § 2, 7-19-93)

C. The City may elect to dispose of real property by seeking requests for proposals where the bid price may be only one of several factors. Such requests shall not be considered an offer to sell the property but shall be deemed

to be negotiations as to the possible sale of real estate for the purposes of Chapter 610 RSMo.

**Sec. 2-386. Minimum Bid Requirement and Rejection of Bids.**

The city council may establish a minimum bid requirement for any property and may reject any and all bids.

(Ord. No. 11747, § 1, 6-4-92; Ord. No. 11936, § 2, 7-19-93)

**Sec. 2-387. Sale of Park Commission Property.**

Should the Parks and Recreation Commission determine that property owned by the Parks Commission is surplus, the procedure outlined above for the disposal of surplus property shall be followed. The Commission may establish a minimum bid requirement for any parcel of property at the time it declares it surplus.

(Ord. No. 11747, § 1, 6-4-92; Ord. No. 11936, § 2, 7-19-93)

**Sec. 2-388. Letter of Intent.**

At any time, a letter of intent may be filed with the city clerk by a member of the public who is interested in purchasing city-owned property. The letter shall state the property, its location, and the price the purchaser would be willing to pay for the property. The city clerk shall forward the letter of intent to the city council.

(Ord. No. 11747, § 1, 6-4-92; Ord. No. 11936, § 2, 7-19-93)

**Sec. 2-389. Debarment.**

A. The purchasing agent is authorized to debar a person from consideration for award of contracts for any of the following reasons:

1. Conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of integrity or honesty which currently, seriously and directly affects responsibility as a city contractor or vendor.
3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.
4. Deliberate failure without good cause to perform in accordance with contract specifications or within the time limit provided in the contract.
5. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor or vendor shall not be considered a basis for debarment.
6. Any other cause so serious and compelling as to affect responsibility as a city contractor, including debarment by another governmental entity for any cause listed in this article.

- B. The length of a debarment shall not exceed three (3) years.
- C. An action to debar a contractor may be initiated and shall proceed as follows:
  - 1. The purchasing agent shall initiate a debarment by serving written notice of the debarment to the person he intends to debar. The notice shall set forth the specific grounds for the debarment and advise the person of his right to appeal. The notice shall be served by registered or certified mail or by delivering a copy of the notice to the person subject to debarment or his agent or employee. The debarment shall take effect ten (10) days after service of the notice unless an appeal is taken to the director of finance. If such an appeal is taken, the debarment shall not take effect until a final order upholding the debarment is entered by the director or until the appeal is dismissed by the appellant.
  - 2. Within ten (10) days after service of a written notice of debarment, the person affected by the notice may file a written request for a hearing before the director of finance contesting the debarment.
  - 3. The director of finance shall set the matter for hearing on the record within thirty (30) days of the receipt of a request for a hearing. At least ten (10) days notice of the hearing shall be given to the affected person and to the head of the purchasing division.
  - 4. At the hearing, each party shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses and impeach any witness. Oral evidence shall be taken only on oath or affirmation. All evidence shall be suitably recorded and preserved. The technical rules of evidence shall not apply, except the director may exclude evidence which is irrelevant or repetitious. Each party shall be entitled to present oral arguments or written briefs at or after the hearing.
  - 5. Within ten (10) working days of the hearing, the director of finance shall make written findings of fact and conclusions of law and issue a final order. Findings of fact shall be based upon competent and substantial evidence found in the records as a whole. A copy of the director's order, his findings of fact and conclusions of law, shall be delivered or mailed to the purchasing agent and to the affected person.
  - 6. An appeal from the director's order shall be to the circuit court pursuant to Chapter 536, RSMo.
  - 7. Cost of Proceedings. The cost of debarment proceedings shall be taxed against the losing party.
  - 8. Nothing in this section shall limit the authority of the purchasing division to accept the bid which in his judgment is the lowest and best bid, or to reject any or all bids or to reject a bid on grounds which could have been used to debar the bidder.

(Ord. No. 11936, § 3, 7-19-93)

**Sec. 2-390. Sole source procurement.**

A. Competitive bids can be waived when there is only a single feasible source. A single feasible source is defined as listed below.

- 1. Proprietary, only available from manufacturer or single distributor.
- 2. Bidding history determines that the item is only available from manufacturer or a single distributor.

Advertising may be waived in the above circumstances.

**Sec. 2-391. Purchases of certain commodities exempt.**

- A. All purchases of the following commodities shall not be purchased pursuant to the procedures in Section 2-379, item (c) but shall be purchased according to the procedures in this section:
  - (1) Any chemical purchased by the Street Division or Wastewater Division or Parks and Recreation Department in bulk.
  - (2) Fuel.
- B. Purchases of items authorized by this section shall be made as follows:
  - 1. The purchasing agent shall maintain a list of approved vendors of each authorized item. The criteria for approval shall be designated by each affected department director. Vendors may be added to the list by the department director or at the request of the vendor. The person requesting a vendor's name to be added to the list shall provide the information necessary to show compliance with the criteria set forth.
  - 2. The purchasing agent, at the request of the department director, is hereby authorized to purchase such quantities of the material as are requested, from the approved vendor then offering the lowest price, without further authorization but in no event shall the total amounts of the purchase exceed the amounts appropriated.

**Sec. 2-392. Purchases from federal surplus property.**

All purchases from federal surplus property (Surplus Property, State of Missouri) are exempt from purchasing limits Sec. 2-379 items (a), (b), (c).

**Sec. 2-393. General Services Administration (G S A) contracts.**

All purchases from General Services Administration (G S A) contracts are exempt from Sec 2-379. Purchasing limits do not apply in these instances.

**Sec. 2-394. Policies and Procedures for Selecting Professional Service Firms including Architectural, Engineering and Land Surveying Firms.**

The following describes policies and procedures to be used by City of Jefferson in selecting professional service firms. Professional service firms including, but not limited to, architectural, engineering and land surveying firms shall be referred to as "firms".

A. CONTRACTS AND FEES

It shall be the policy of City of Jefferson to negotiate contracts with firms for services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable fees.

B. QUALIFICATIONS OF FIRMS

It shall be the policy of City of Jefferson to encourage firms engaged in the lawful practice of their professions to annually submit statements of their qualifications and performance record. Whenever a proposed project requires the services of a firm, the City shall evaluate current statements of qualifications and performance records of firms on file together with those that may be submitted by other firms regarding the proposed project. The City shall use the following criteria in evaluating the qualifications of each firm:

1. The specialized experience and technical competence of the firm with respect to the type of services required.
2. The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project.
3. The past record of performance of the firm with respect to such factors as control costs, quality of work, and ability to meet schedules.
4. The firm's proximity to and familiarity with the area in which the project is located.

C. CITY FILES FOR FIRMS AND PROJECTS

1. The purchasing agent shall compile and maintain a file of firms that are potential consultants for doing projects for City of Jefferson.
2. The purchasing agent shall prepare every six months, a list of all the firms used in the preceding year for review.
3. Each firm shall be evaluated within 30 days after completing a contract with the City.
4. When a project is proposed, the principal department proposing the project shall prepare a description of the project, including the Scope of Work, the identification of applicable plans, a timetable and a budget.
5. The selection committee, shall prepare a list of firms from the file for the proposed project. Selection of the firms shall be based upon preliminary review comparing the nature of the job with the experience of the firms and other significant factors.
6. The firms selected shall be sent a description of the project and a questionnaire designed to obtain more detailed information related to the firm's qualifications for the specific project. Selected firms from those responding to the questionnaire shall be interviewed by a selection committee.

D. SELECTION COMMITTEE

The selection committee shall be appointed by the City Administrator. The selection committee shall be composed of the department director and at least two additional members from other departments. This Committee shall review the information at hand and the principals of the firms. Whenever the project involves total expenditures of over \$500,000.00 or the anticipated expenditure for professional services being sought exceed \$25,000.00 all members of the Council shall be notified of the proceedings of the selection committee.

E. NEGOTIATION FOR CONTRACT

1. The selection committee shall select from the file for each project, three firms that are highly qualified to fulfill the proposed assignment in the best interest of the City. The firms shall be placed in ranked order.
2. The firm ranked first shall be asked to make a comprehensive written and oral presentation demonstrating its methods and experience related to the project, which principals shall be assigned to the project, the consultants to be used, a schedule of document preparation, estimating procedures, services to be rendered during construction, and any other information helpful in determining how well the particular firm is qualified to do the job.

3. The selection committee shall then reach a decision as to whether or not to proceed with fee negotiations with the selected firm. If the parties reach an agreement, a contract shall be prepared and the other firms shall be promptly advised.
4. If the first-ranking firm's proposal is not satisfactory, negotiations shall be initiated with the second-ranking firm. Again, if the negotiations are unsatisfactory, the selection committee shall negotiate with the third-ranking firm. If these negotiations prove unsatisfactory, the project shall be restudied and the City's expectations shall be reexamined before beginning the process again. If the process begins again, the selection committee shall compile a list of qualified firms and proceed in the same manner.

**Sec. 2-395. Bidding procedure for construction projects.**

The following describes procedures to be followed by the City in selecting construction contractors for projects. When construction documents have been completed and approved and the approved sets have been delivered to the appropriate City official, the next step is the selection of a construction firm for the project. This contractor shall be selected as follows:

- A. Competitive bids: The City shall seek competitive bids for projects by advertising and or invitations to prospective contractors that the City intends to construct said project.
- B. Advertising or invitation to contractors: To inform prospective bidders that a contract is to be awarded and invite bids for the proposed project an advertisement shall be placed in a daily paper of general circulation. Items which may be included in the advertisement or invitation are:
  1. A brief description of the project and its location.
  2. Name and address of the owner.
  3. Name and address of the person authorized to receive bids.
  4. The place, date and hour of bid opening, restrictions on submission, changes and withdrawal of bids.
  5. Character of bids: Phasing, unit-price, lump-sum, alternates etc.
  6. Quantities involved in the project.
  7. The amount of the bid surety and whether it is to be by certified check, bid bond etc. and provisions for returning surety to unsuccessful bidders.
  8. Statement as to where plans and specifications may be obtained or examined and the charge or deposit required for each set and provision for recovery of charge or deposit when documents are returned.
  9. Conditions of contract award and the owner's right to accept the lowest responsible bid and to reject any or all bids.
  10. Name of the consultant and the authorized representative for the owner and consultant.
  11. Contract surety: The amount and type of performance and payment bond.
- C. Instructions to bidders: A document in which all bidders are furnished identical information on the features of the project along with instructions on the procedure to be followed in submitting bids. Items which may be included in the instructions to bidders are:
  1. Bidder's experience, work record and or prequalification data.
  2. Procedure for completing and submitting the bid.
  3. A list of the plans and specifications and an estimate of quantities for unit-price contracts or an exact description of the scope of the project if contract is to be lump-sum.

4. An estimate of the time it will take the bidder to complete the project.
  5. Responsibility for accuracy of bidding information in reference to subsoil data, test borings, errors in plans and specifications, etc.
  6. Information on formalities and informalities in accepting or rejecting bids.
  7. Miscellaneous instructions as needed.
- D. Bid form: A document to ensure that all bids are prepared in a similar manner and to facilitate the analysis and comparison of bids and to detect informalities in the bids. It is a convenience to bidders and it encourages accuracy and fairness. Items which may be included in the bid form are:
1. An offer from the bidder to perform the work as specified for a given price.
  2. An agreement to complete the project in a given number of days after the notice to proceed has been given.
  3. The amount of the bid bond, certified check or other form of guarantee that is to accompany the bid.
  4. An agreement by the bidder to furnish the required contract surety if the contract is awarded.
  5. Provision for the bidder to acknowledge receipt of all addenda to the plans and specifications.
  6. The list of subcontractors to be employed for special work.
  7. The experience record, financial statement and plant equipment questionnaire, when required.
  8. Statement that there is no collusion or fraud with reference to illegal relationships of bidders and representatives of the Owner or consultant, bid pooling or straw bids.
  9. Statement by the bidder that the site has been examined and the plans and specifications are understood by the bidder.
  10. Appropriate signatures and witnesses as required.
- E. Prebid conference: Preparatory to putting the bid together, a prebid conference may be held for those bidders anticipating submitting a bid on said project. The prebid conference is to do the following:
1. Allow bidders, both contractors and subcontractors a chance to ask questions of those who prepared the plans and wrote the specifications.
  2. Allow explanations and answers to questions to be given by those best qualified.
  3. To allow scheduled prebid conference to be held midway between advertising for bids and the bid opening date.
  4. To give additional opportunities so the site can be visited, if necessary.
- F. Addenda: During the bidding period, any and all additional instructions, clarifications, interpretation or modifications shall be made by an addendum prepared by the consultant or Owner and signed by the consultant and Owner's representative.
1. The addendum shall be delivered, either by the Owner or the consultant, as agreed upon by the two.
  2. A receipt shall be received for all hand delivered addendum by the deliverer. Addendum sent by mail shall be mailed by the fastest delivery method and shall be sent by registered mail with a signed receipt requested.
  3. No one is authorized to make any clarifications, interpretations, or modifications or give any instructions to the bidders during the bidding period except as described in this section on ADDENDA.

- G. Receiving and opening bids: Bids may be submitted at anytime after the project has been officially advertised or invitations extended and prior to the hour designated for the opening of the bids.
1. Bids submitted may be withdrawn or changed anytime before the official opening.
  2. No changes are permitted after bids have been opened.
  3. Bids shall be submitted on the proposal/bid form with all accompanying papers placed in a sealed envelope addressed to the person authorized to receive same and endorsed with the bidder's name and the title of the project.
  4. All bids shall be opened and read aloud publicly at the proper time so that all bidders and others interested may be present as witnesses and/or to tabulate amounts.
- H. Awarding the contract: After the bids have been opened any consultant and the Owner's representative shall meet to determine if a bid is the lowest and best bid submitted by a responsible bidder has been received. The following shall be done:
1. A study of the qualifications of the bidders shall be made to determine if there are irresponsible and undesirable bidders and to eliminate same.
  2. An analysis and comparison of bids shall be made to determine the lowest responsible bidder.
  3. When a bidder has been determined to be the lowest and best bid submitted by a responsible bidder, the City shall proceed to obtain a contract with the lowest responsible bidder.
  4. A formal notice of award shall be issued to the bidder notifying the bidder of his/her selection. The bidder shall be told of the time and place designated to sign the contract.
  5. If the bidder determined to be the lowest and best bid submitted by the successful bidder is unable to execute a contract, the City shall proceed to execute a contract with the next responsible bidder. If this bidder is unable to execute a contract, the City shall continue the process with all responsible bidders if necessary.
  6. The City shall have the right to use any or all of the bid security of any or all bidders to execute a contract when the bidder is unable to execute a contract for a project bid.
  7. After acceptance of the bid and the contract has been signed, a formal notice to proceed shall be forwarded to the contractor authorizing the contractor to begin work.

(Ord. 13208, §2, 6-4-2001)

- I. **WHEN LOW BID EXCEEDS FUNDS:** Occasionally after opening bids, the lowest and best bid submitted by a responsible bidder may exceed available funds. These are the possible alternatives when this happens: (Ord. 13208, §2, 6-4-2001)
1. Reduce the scope of the project to allow bids within the budget.
  2. Secure additional funds.
  3. Rejection of all bids.
- J. **PRECONSTRUCTION CONFERENCE:** Immediately after a construction contract has been fully executed and before construction begins, the Owner, consultants and contractor shall meet to do the following:
1. Meet with subcontractors and the superintendent for the project.
  2. Get acquainted and discuss the several phases of the project so that when understood by all, the job will run smoothly.
  3. To establish lines of communication and lines of authority to be followed during construction.

4. To discuss items of interest and concern to all.

(Ord. 12316, 7/24/95)

### **DIVISION 3. VEHICLE AND EQUIPMENT REPLACEMENT FUNDS**

#### **Sec. 2-396. Definitions.**

When used in this division of this chapter of the city code, the following words shall have the following meaning:

- A. "Asset" means a vehicle or item of equipment as defined herein.
- B. "Equipment" means a vehicle powered by a motor traveling on wheels or tracks, and designed to be ridden by its operator, items which are used when affixed to such vehicles; or, trailers and other devices which are towed by a motor vehicle as well as items attached to them; or, devices which are powered by a motor and which are operated by a person walking behind the device and which said device has a purchase price of no less than Five Thousand Dollars (\$5000) .
- C. "Vehicle" a motor vehicle used primarily for transporting the driver and passengers, but excluding vehicles which, in the opinion of the Fleet Manager, because of the extent or nature of their use, or because of the manner in which items are affixed to them, are not likely to retain a substantial portion of their value after a period of years.

#### **Sec. 2-397. Vehicle Replacement Program, created.**

There is hereby authorized and created a Vehicle Replacement Program (VRP). Vehicles purchased through the VRP shall be exempt from the general provisions of this code as to purchase and disposition of assets and instead shall be purchased, managed, and disposed pursuant to the terms of the VRP program as set forth herein.

- A. The proceeds from the sale of all vehicles purchased by the VRP shall be credited to an account set up for this purpose (referred to herein as the VRP account). The funds in the VRP account may be used by the fleet manager, without further authorization, for the initial purchase of such vehicles as the Council has authorized to be in the program and for the replacement of such vehicles. If a vehicle is sold for more than the original purchase price, that net gain shall be credited to VRP account. No expenditure of funds may be made which would reduce the VRP account to a negative balance.
- B. Vehicles may be added or withdrawn from the VRP upon the recommendation of the Fleet Manager with the consent of the Council.
- C. All funds deposited in the VRP account shall be considered a continuing appropriation and unexpended funds shall not lapse at the end of any fiscal year.
- D. In addition the Council shall annually appropriate to the VRP account an additional sum to be known as the VRP Contingency sub-account. The Fleet Manager is authorized to expend funds from this sub-account for marketing the sale of vehicles, advertising, adjustments for market conditions and inflation, covering transactional losses, minor repairs, and enhancements to vehicles purchased to increase their marketability. The Fleet Manager will annually request such funds as are expected to be needed for the VRP Contingency sub-account.
- E. Administration and Supervision of the VRP.
  - 1. The VRP shall be supervised by the Fleet Manager, appointed by the City Administrator.
  - 2. The duties of the Fleet Manager shall be as follows:
    - a. Procure vehicles included in the plan.
    - b. Develop a marketing and sales plan for the disposal of VRP vehicles.
    - c. Determine the viability of adding or deleting vehicles from the VRP. The determination shall include the replacement value and vehicle life.
    - d. Determine charge backs to Departments for vehicles whose value is reduced below

expected market value due to damage or wear and tear beyond normal expectations.

- e. Enter into any necessary agreements for the administration of the plan provided that the Fleet Manager shall not be authorized to enter into any agreement that requires financial resources that are not available within the VRP account.
- f. Maintain a list of the vehicles included in the plan, their purchase price, their expected market value, and after sale, their actual sale price.
- g. Provide the Finance Department and Auditors with such information as they may require to provide financial reports on the plan.
- h. Maintain a list of all parties who have requested to be considered for agreements for negotiated purchases or sales of the vehicles in the VRP.
- i. Provide annually an accounting to the City Council as to the performance of the VRP in the previous year and the expected performance in the subsequent year.

#### **Sec. 2-398. Purchases by the VRP.**

The Fleet Manager is authorized, contrary provisions of the City Code notwithstanding, to purchase vehicles by any of the following means, except when State or Federal laws or regulations, or the provisions of any grant agreement, require otherwise:

- A. Competitive bidding as provided in this chapter
- B. Purchase from State Contract
- C. Purchase from MoDot Contract
- D. Purchases based upon a negotiated agreement with a particular vendor, provided that such vendor must be selected according to an established written procedure which provides a mechanism for all known interested parties to make proposals in a fair and even manner. Direct negotiations as provided in this sub-section may only be used if the Fleet Manager certifies to the Council that the use of direct negotiations in a particular instance is in the best interests of the City, and setting forth in particular why such means are in the best interests of the City, and why the other available means are less desirable. This subsection shall also authorize negotiated agreements which include a repurchase agreement.

In making such purchases, the Fleet Manager shall abide by all provisions of the City Code not inconsistent with this Division, all rules set forth by the Council, and all policies adopted by the City Administrator.

#### **Sec. 2-399. Sale of Assets by the VRP**

The Fleet Manager is authorized, contrary provisions of the City Code notwithstanding, to dispose of vehicles by any of the following means, except when State or Federal laws or regulations, or the provisions of any grant agreement, require otherwise:

- A. Sale by auction
- B. Sale by sealed bid
- C. Solicitation of offers to purchase the asset. Such solicitations shall be upon the condition that no offer less than the purchase price may be accepted, unless a lower price is authorized by the City Administrator with Notice to the Council.
- D. Sales based upon a negotiated agreement with a particular vendor, provided that such vendor must be selected according to an established written procedure which provides a mechanism for all interested parties to make proposals in a fair and even manner. Direct negotiations as provided in this sub-section may only be used if the Fleet Manager certifies to the Council that the use of direct negotiations in a

particular instance is in the best interests of the City, and setting forth in particular why such means are in the best interests of the City, and why the other available means are less desirable. This subsection shall also authorize negotiated agreements which include a repurchase agreement.

- E. Sales by a third party selected according to the City's standard procedures for selecting providers of services. Any such agreement shall set forth the parameters and authority of the third party provider.

(Ord. No. 13829, §1, 1-18-2005)

**Sec. 2-400. Damage to Assets Purchased by the VRP**

- A. The Fleet Manager will maintain a comprehensive list of all vehicles purchased by the Fund. The Fleet Manager will promptly notify the Risk Manager of each purchase or sale of an asset by the plan.
- B. If an asset is damaged, and the City receives any compensation from insurance or otherwise, the amount received shall be added to the appropriate sub-account which purchased the asset originally. The Fleet Manager may, in his discretion transfer funds from the Contingency sub-account to the sub-account which incurred the loss. If after receipt of insurance proceeds and discretionary transfers by the Fleet Manager there is insufficient funding to replace the asset, the asset shall not be replaced until such time as sufficient funds become available.

(Sections 2-401 to 2-404 reserved)

**Sec. 2-405 Equipment Replacement Plan, Created.**

There is hereby authorized and created within the General Fund an account to be known as the Equipment Replacement Account (hereinafter in this division referred to as the "ERP") to be funded annually in an amount as provided herein.

- A. General purpose of the program. The purpose of this program is to manage the equipment of the City and ensure that it is replaced in an efficient manner in accordance with the mission statement of the City, its departments and divisions.
- B. Segregation of Fund into Sub-accounts.
  - 1. The Finance Director shall segregate the money into sub-accounts for each Department participating in the fund and further each Department's sub-account into sub-accounts for each Division within that department in accordance with the table of allowable equipment (TOE) established and/or amended by the Council.
  - 2. The funds in each sub-account may be expended according to the provisions of this division. Funds may be transferred between sub-accounts pursuant to established procedures.
  - 3. All purchases of assets by the fund shall be assigned by Finance Director to a particular sub-account. Purchase of an asset from more than one sub-account must be authorized by the Council.
  - 4. The proceeds from the sale of all equipment purchased by the ERP shall be credited to the particular sub-account from which originally purchased. If an asset is sold for more than the original purchase price, that net gain shall be credited to the appropriate sub-account. No expenditure of funds may be made which would reduce any sub-account to a negative balance.
  - 5. All funds appropriated to the ERP account shall be considered a continuing appropriation and unexpended funds shall not lapse at the end of any fiscal year.
- C. Administration and Supervision of the ERP.
  - 1. The ERP shall be supervised by the ERP Manager, appointed by the City Administrator.
  - 2. The duties of the ERP Manager shall be as follows:
    - a. Maintain the table of allowable equipment as approved or amended by the Council

included in the plan, their purchase price, their expected market value, and after sale, their actual sale price.

- b. Determine the expected useful life expectancy of each item of equipment based on the expected optimal time to dispose of the vehicle.
  - c. Develop a marketing and sales plan for the disposal of ERP equipment.
  - d. Determine the viability of adding or deleting equipment from the ERP. The determination shall include the replacement value and expected useful life of the equipment. Make recommendations of equipment additions/deletions to the Council for approval.
  - e. Determine charge backs to Departments for equipment whose value is reduced below expected market value due to damage or wear and tear beyond normal expectations.
  - f. Enter into any necessary agreements for the administration of the plan provided that the ERP Manager shall not be authorized to enter into any agreement that requires financial resources that are not available within the ERP account.
  - g. For each item included in the ERP the ERP manager will determine the amount of money which must be set aside each year so that there will be sufficient assets available to replace the asset at the end of its expected life. This amount is referred to hereinafter as its "annual replacement value." "Annual Replacement Values" shall be set with the consent of the Council.
  - h. Provide the Finance Department and Auditors with such information as they may require to provide financial reports on the plan.
  - i. Provide a recommendation to the Finance Director and the City Administrator as to the amount to be appropriated to the ERP each year based on the equipment to be added to the plan and the sum of the annual replacement values.
  - j. Provide annually an accounting to the City Council as to the performance of the ERP in the previous year and the expected performance in the subsequent 1, 5 and 10 year periods.
- D. Equipment to be included in ERP, additions, deletions and changes. The ERP shall initially contain that equipment of the City which is included on the attached schedule A, which is incorporated herein as if more fully and completely set forth.
- 1. Equipment may be added or deleted to the list by Council action.
  - 2. Decisions and changes in the ERP plan as to timing of purchases, priority of scheduling of replacement, and substitutions of like kind items, will be within the prerogative of the ERP Manager.
  - 3. Transactions which require transfer of funds between sub-accounts associated with different departments may be made by the ERP manager with the authorization of the City Administrator.
- E. Purchase and Sale of ERP equipment.
- 1. Equipment to be included in the ERP will be acquired according to established City procedures, however no additional authorization shall be required for the ERP Manager to acquire the equipment included on the list. The ERP Manager may in his discretion purchase any item of equipment included in the program even if such item is not specifically included in the annual recommendation when such purchase is in the best interests of the City and the viability of the program.
  - 2. ERP equipment may be disposed of in the following manner:

- a. Sale by auction
- b. Sale by sealed bid
- c. Solicitation of offers to purchase the asset. Such solicitations shall be upon the condition that no offer less than the expected sale price carried on the item as reported to the city council may be accepted, unless a lower price is approved by the City Administrator with notice to the City Council.
- d. Sales based upon a negotiated agreement with a particular vendor, provided that such vendor must be selected according to an established written procedure which provides a mechanism for all interested parties to make proposals in a fair and even manner. Direct negotiations as provided in this sub-section may only be used if the ERP Manager certifies to the Council that the use of direct negotiations in a particular instance is in the best interests of the City, and setting forth in particular why such means are in the best interests of the City, and why the other available means are less desirable. This subsection shall also authorize negotiated agreements which include a repurchase agreement.
- e. Sales by a third party selected according to the City's standard procedures for selecting providers of services. Any such agreement shall set forth the parameters and authority of the third party provider.

**Sec. 2-406. Purchase of Assets by City Employees.**

City employees shall not be allowed to purchase surplus city property unless such property is sold to the highest bidder or, if offered at a pre-determined price then only after the item has been offered to the general public for no less than six days.

(Ord. No. 13829, §1, 1-18-2005)

(Ord. No. 13860, §§1, 2, 3, 4-4-2005)

**Secs. 2-407 - 2-409. Reserved.**

## ARTICLE X. POLICE DEPARTMENT

### **Sec. 2-410. Established.**

A police department of the city is hereby established.

### **Sec. 2-411. Chief of police, divisions, etc.**

The police department shall be staffed with a director who shall be the chief of police. The following divisions are hereby established:

- A. Data processing and communications;
- B. Investigation;
- C. Patrol;
- D. Administration.

### **Sec. 2-412. Appointment of chief of police.**

The chief of police shall be selected from a list of eligibles certified by the police personnel board and appointed by the mayor with the consent of the city council.

### **Sec. 2-413. Qualifications of chief of police.**

The chief of police shall be a graduate from an accredited four-year college or university with major course work in police science or a related field; thorough experience in police operations and administration; or equivalent combination of training and experience which provides the necessary knowledge, abilities, and skills for the job.

### **Sec. 2-414. Functions of chief of police.**

The chief of police shall generally supervise and coordinate the work and operation of the police department. The chief of police shall also:

- A. be ex officio sergeant at arms of the city council;
- B. attend city council meetings, preserve order in the council chamber and execute its orders, notices or mandates;
- C. serve under the direction of the city administrator.

(Code 1977, § 30-22; Code 1983, § 24-1 & 24-2; Ord. No. 9714, § 1, 12-7-81; Ord. No. 10549, §§ 1, 2, 12-16-85)

### **Secs. 2-415 - 2-422. Reserved.**

## ARTICLE XI. FIRE DEPARTMENT

### **Sec. 2-423. Established.**

A fire department of the city is hereby established.

### **Sec. 2-424. Fire chief, divisions, etc.**

The fire department shall be staffed with a director who shall be the fire chief. The following divisions are hereby established:

- A. Fire suppression;
- B. Administration.

### **Sec. 2-425. Appointment of fire chief.**

The fire chief shall be appointed by the mayor, after receiving the recommendation of the city administrator, with the advice and consent of the council, and shall hold his office until removed. He may be removed as are other appointive officers of the city. In case of vacancy in the office of fire chief, such vacancy shall be filled by appointment of the mayor, after receiving the recommendation of the city administrator, with the advice and consent of the council. (Code 1977, § 17-35; Code 1983, § 12-29)

### **Sec. 2-426. Qualifications of fire chief.**

The fire chief shall be a graduate from an accredited four-year college or university with major course work in fire science or a related field. He shall have a thorough experience in fire operations and administration; or any equivalent combination of training and experience which provides the necessary knowledge, abilities, and skills for the job.

### **Sec. 2-427. Functions of fire chief.**

The fire chief shall generally supervise and coordinate the work and operation of the fire department. The fire chief shall have ex officio powers of the chief of police of the city at all fires. He shall give bond in the sum of two thousand dollars (\$2,000.00) for the faithful discharge of his duties and faithfully account to the city for all property of the city belonging to the fire department which may have come into his possession and under his control. (Code 1977, § 17-36; Code 1983, § 12-30)

**State law reference** - Official bonds, RSMo. § 77.390.

### **Sec. 2-428. Qualifications of members.**

Any person appointed to the office of fire chief, assistant fire chief, fire captain, fire fighter, driver, training officer, or public education and safety officer must be over the age of eighteen (18) years. (Code 1977, § 17-20; Code 1983, § 12-17)

**Sec. 2-429. Firemen's retirement fund not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance relating to firemen's retirement fund, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Code 1983, § 12-18)

**Secs. 2-430 - 2-499. Reserved.**

Editor's Note: Article XIII - Transportation Department was deleted by Ordinance 11904, § 2, 5-17-93 and merged with the Public Works Department. See Article IX - Public Works Department.

**Editor's Note:** Article IX - Public Works Department was deleted and a new Article IX - Transportation Department once again established, by Ordinance 13301, 11-5-2001. See Article IX - Transportation Department.

**Editor's Note:** Article IX -Transportation Department was repealed by Ordinance 13600, 9-15-2003.

## ARTICLE XII. WORKERS' COMPENSATION RISK MANAGEMENT PROGRAM

### Sec. 2-500. Short title; effective date.

This article shall be known as the "City of Jefferson Workers' Compensation Risk Management Program," all the terms of which are hereafter referred to as the "program."  
(Ord. No. 11612, § 1, 8-6-91)

### Sec. 2-501. Creation and purpose.

There is hereby authorized and created a workers' compensation risk management program and a risk management fund to be funded annually in an amount not less than needed to achieve actuarial soundness and to be maintained as an account separate from the general fund.

A. General purpose of the program. The workers' compensation risk management program is established for the purpose of providing a system through which the city will retain certain risks and manage the claims which emanate from the legal obligations imposed as the result of injury to employees. The workers' compensation risk management program is created for the purpose of paying all legitimate claims and expenses which arise under the program. The workers' compensation risk management program is hereby declared to provide coverage in the areas set forth in this article.

B. Workers' compensation risk management fund. The workers' compensation risk management fund shall be a continuing appropriation, notwithstanding fiscal years, to be used for payment of the administrative costs, expenses, settlements, judgments, and claims of the workers' compensation risk management program. The workers' compensation risk management fund may also be augmented from time to time with transfers from other city accounts.

C. Risk management committee. There is hereby created a risk management committee for the purpose of administering, in accordance with the provisions of this article, the workers' compensation risk management program with the risk manager. The risk management committee shall be comprised of the city administrator, the director of finance, the personnel and safety officer, and two other department directors who shall be selected by the city administrator. The personnel and safety officer shall serve as chairman of the committee. The city counselor shall provide legal advice to the committee.  
(Ord. No. 11612, § 1, 8-6-91)

### Sec. 2-502. Nonwaiver of rights.

By establishing the risk management program and by purchasing excess insurance, the city does not waive or intend to impair any of its rights under law and no act pursuant to this program or act of purchasing excess insurance shall be construed as a waiver or intent to impair the city's rights. The rights reserved include, without limitation, the right of the city or of any city agency to assert sovereign immunity to the extent allowed by law to assert restrictions and limitations on the amount of liability to which the city may be exposed under applicable law, and to assert restrictions and limitations on the collectibility of any judgment to the extent permitted by law.  
(Ord. No. 11612, § 1, 8-6-91)

### Sec. 2-503. General administration of the account.

Recognizing the importance of maintaining the financial integrity of the risk management fund, the city hereby establishes the following general procedures regarding the administration of the risk management fund:

A. Investments, earnings on investments, etc. The investment of moneys held in the risk management fund is authorized in accordance with the general investment policies and practices of the city. The moneys to be invested may be pooled with other city moneys for the purpose of investment. The director of finance shall make provision for the prompt payment of all liquidated claims, settlements, and final judgments from the workers' compensation risk management fund and shall invest the moneys of the fund in a manner that allows access to said moneys for such purposes.

B. Accounts and records systems. The director of finance, shall develop and maintain for the workers' compensation risk management fund such accounts and records as will provide a reasonable segregation and determination of assets and liabilities, together with the historical loss data and other information necessary to sustain accurate and proper accounting practices. The accounts and records system shall include development of an appropriate claims reserve procedure.

C. Supplemental appropriations. The city council shall appropriate and budget sufficient moneys to assure the solvency of the workers' compensation risk management fund and the effective management and operation of the risk management program. The risk management committee shall, from time to time, recommend such additional appropriations or budget amendments as may be required to assure the solvency of the risk management fund.

D. Transfer prohibited. No money shall be transferred into or out of the workers' compensation risk management fund except as hereby authorized.

E. Standard for payment. No claim shall be paid unless it appears that the city, its agencies, officers or employees, is or may be legally liable for damages under the laws of the State of Missouri or of the United States of America. Notwithstanding any provisions of this article to the contrary, the program herein established shall be administered in full accordance with the requirements of Section 2-113 of the Code of the City of Jefferson, Missouri, (Indemnification of Officers and Employees).

F. Delegation of authority. The personnel and safety officer may compromise, settle, adjust and authorize payment for claims with the approval of the city counselor and may delegate any part of said authority to an independent claims adjusting firm.  
(Ord. No. 11612, § 1, 8-6-91)

#### **Sec. 2-504. Purchase of insurance.**

The personnel and safety officer shall recommend to the risk management committee the purchase of such insurance as may be appropriate to provide additional coverages to the extent that the loss exposure exceeds the reasonable capacity of the risk management fund to afford adequate coverage.  
(Ord. No. 11612, § 1, 8-6-91)

#### **Sec. 2-505. Annual review.**

A. Additions or deletions of risks. At least annually, the risk management committee shall review the performance of the program. Based on that review, the risk management committee may determine that certain other risks should be assumed by the program or that covered risks should be deleted from the program. If the risk management committee determines that coverages should be added to or deleted from the program, it shall make a recommendation to the mayor and city council for an appropriate amendment to this article.

B. Annual performance reports. Annually, the personnel and safety officer shall prepare or cause to be prepared a report on the status of the workers' compensation risk management program. This report shall include at least the following information:

1. The moneys appropriated or contributed to the risk management fund and the premiums paid

for commercial insurance under any excess insurance provision of the workers' compensation risk management program.

2. The cost of administration and operation of the risk management program, including consulting and legal services.

3. A summary of claims incurred, open reserves, and claims paid or closed without payment.

(Ord. No. 11612, §1, 8-6-91)

**Sec. 2-506. Assignments of rights; report requirements.**

No rights under this management program shall be assignable directly or indirectly by any insured, without the written and specific authorization of the risk management committee and the approval of the city counselor. The personnel and safety officer shall ensure compliance with applicable reporting requirements under Missouri law.

(Ord. No. 11612, §1, 8-6-91)

## NOTES

1. **Cross references** - Definitions and rules of construction generally, § 1-2; local organization for disaster planning, § 11-11 et seq; fire department, § 13-17 et seq.; obstructing government operations, § 18-201; municipal judge, court, etc., Ch. 20; merit system police department, § 26-18 et seq.; department of transportation, § 34-11 et seq.
2. **Cross reference** - Election, Ch. 12.
3. **State law reference** - Power of council to determine its rules, RSMo § 77.090.
4. **Editor's note** - Former §§ 2-41 - 2-68 of Part A of Art. II, Div. 2, containing general provisions relative to the rules of order and procedure of the city council, and derived from the city's 1977 Code, §§ 2-17 - 2-21, 2-24, 2-27 - 2-29, 2-57 - 2-62, 2-64 - 2-70, 2-73 - 2-75, 2-77, 2-80 and 2-87, have been repealed by § 1 of Ord. No. 10204, adopted May 21, 1984, which, in addition, new §§ 2-41 - 2-74 reading as herein set out.
5. **Editor's note** - Ordinance No. 10204, § 1, adopted May 21, 1984, amended ART. II, Div. 2, Part B, by repealing §§ 2-80 - 2-89, containing provisions relative to legislative rules of order and procedure of the city council and derived from the 1977 Code, §§ 2-46 - 2-49 and 2-51 - 2-56. In addition, Ord. No. 10204, § 1, enacted new provisions which have been designated as §§ 2-80 - 2-89.
6. **Cross reference** - Certain "personnel ordinances" saved from repeal, § 1-3(10).
7. **Cross references** - Elections, Ch. 12; municipal judge, Ch. 20.
8. **Cross reference** - Municipal court, Ch. 20.
9. **Cross references** - Alcoholic beverages, Ch. 4; garage sales, Ch. 14; licenses, taxes and miscellaneous business regulations, Ch. 17; peddlers, solicitors, itinerant merchants, etc. Ch. 23.