

TABLE OF CONTENTS

	Page
PREAMBLE	4
ARTICLE I—INCORPORATION, NAME AND BOUNDARIES	5
<i>Section 1.1. Incorporation, Name and Boundaries.</i>	5
ARTICLE II—POWERS	6
<i>Section 2.1. Powers.</i>	6
<i>Section 2.2. Construction.</i>	6
ARTICLE III—THE COUNCIL	7
<i>Section 3.1. Where Powers Vested.</i>	7
<i>Section 3.2. Composition, Eligibility, Election, and Terms.</i>	7
<i>Section 3.3. Compensation; Expenses.</i>	7
<i>Section 3.4. President Pro Tempore.</i>	7
<i>Section 3.5. Prohibitions.</i>	7
<i>Section 3.6. Vacancies; Removal from Office; Filling of Vacancies.</i>	8
<i>Section 3.7. Judge of Qualifications.</i>	8
<i>Section 3.8. City Clerk.</i>	8
<i>Section 3.9. Investigations.</i>	8
<i>Section 3.10. Annual Audit.</i>	9
<i>Section 3.11. Legislative Proceedings.</i>	9
ARTICLE IV—MAYOR	11
<i>Section 4.1. Election, Term; Qualifications.</i>	11
<i>Section 4.2. Salary.</i>	11
<i>Section 4.3. Vacancy In Office.</i>	11
<i>Section 4.4. Mayor's Powers and Duties.</i>	11
ARTICLE V—CITY ADMINISTRATOR	13
<i>Section 5.1. City Administrator.</i>	13
<i>Section 5.2. Duties and Powers.</i>	13
ARTICLE VI—ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM	14
<i>Section 6.1. Administrative Organization.</i>	14
<i>Section 6.2. Parks and Recreation Commission.</i>	14
<i>Section 6.3. Police Department.</i>	15
<i>Section 6.4. Firemen's Pension Fund.</i>	15
<i>Section 6.5. City Counselor.</i>	16
<i>Section 6.6. City Prosecutor.</i>	17
<i>Section 6.7. Municipal Court.</i>	17
<i>Section 6.8. Personnel System.</i>	18
ARTICLE VII—FINANCIAL PROCEDURES	19
<i>Section 7.1. Establishing Financial Procedure.</i>	19
ARTICLE VIII—NOMINATIONS AND ELECTIONS	20

Section 8.1. <i>City Elections.</i>	20
Section 8.2. <i>Nominations.</i>	20
Section 8.3. <i>Tie Vote.</i>	20
Section 8.4. <i>Council Wards.</i>	20
ARTICLE IX—INITIATIVE, REFERENDUM, AND RECALL	21
Section 9.1. <i>General Authority.</i>	21
Section 9.2. <i>Commencement of Proceedings; Petitioners' Committee; Affidavit.</i>	21
Section 9.3. <i>Filing and Approval of Petitions.</i>	21
Section 9.4. <i>Petitions.</i>	21
Section 9.5. <i>Procedure after Filing.</i>	22
Section 9.6. <i>Referendum Petitions; Suspension of Effect of Ordinance.</i>	22
Section 9.7. <i>Action on Petitions.</i>	22
Section 9.8. <i>Results of Election.</i>	23
Section 9.9. <i>Resubmission of Initiative Petitions.</i>	23
Section 9.10. <i>Recall.</i>	23
Section 9.11. <i>Recall Petition.</i>	24
Section 9.12. <i>Recall Elections.</i>	24
Section 9.13. <i>Recall Ballot.</i>	24
Section 9.14. <i>Effect of Election.</i>	24
Section 9.15. <i>Propositions to be Separately Submitted.</i>	24
ARTICLE X—FRANCHISES	25
Section 10.1. <i>Granting of Public Utility Franchises.</i>	25
Section 10.2. <i>Right of Regulation.</i>	25
Section 10.3. <i>Operation Beyond Franchise Period.</i>	25
ARTICLE XI—LICENSING, TAXATION, AND REGULATION OF BUSINESSES, OCCUPATIONS, PROFESSIONS, VOCATIONS, AND OTHER ACTIVITIES OR THINGS	26
Section 11.1. <i>Objects of Licensing, Taxation, and Regulation.</i>	26
ARTICLE XII—GENERAL PROVISIONS	27
Section 12.1. <i>Personal Financial Interest.</i>	27
Section 12.2. <i>Prohibitions.</i>	27
Section 12.3. <i>Notice of Suits.</i>	27
Section 12.4. <i>Official Bonds.</i>	28
Section 12.5. <i>Charter Amendment.</i>	28
Section 12.6. <i>Public Improvement and Special Assessments.</i>	28
Section 12.7. <i>Word Construction, Gender, Etc.</i>	28
Section 12.8. <i>Severability.</i>	28
Section 12.9. <i>Computation of Time.</i>	28
ARTICLE XIII—TRANSITIONAL PROVISIONS	30
Section 13.1. <i>Personnel System.</i>	30
Section 13.2. <i>Ordinances to Remain in Force.</i>	30
Section 13.3. <i>Pending Actions and Proceedings.</i>	30

Section 13.4. Continuanace of Contracts, Public Improvements and Taxes. 30

Section 13.5. Officials to Continue, exceptions. 30

ARTICLE XIV—SCHEDULE 31

Section 14.1. First Election. 31

Section 14.2. Time of Taking Full Effect. 31

Section 14.3. Incumbent Councilmen; First Meeting of Newly Constituted Council. 31

Section 14.4. Temporary Ordinance. 31

Section 14.5. Purpose of Schedule. 31

ARTICLE XV—GAMBLING PROHIBITIONS 32

Sec. 15.1. Certain Gambling Activity Prohibited 32

Sec. 15.2. Activities Outside Jurisdiction Not Prohibited 32

HISTORY OF THE CHARTER 33

**CHARTER OF THE
CITY OF JEFFERSON, MISSOURI**

PREAMBLE

In order to provide for the government of the City of Jefferson, and secure the benefits and advantages of constitutional home rule under the Constitution of the State of Missouri, the people of the City of Jefferson adopt the following charter:

ARTICLE I—INCORPORATION, NAME AND BOUNDARIES

Section 1.1. Incorporation, Name and Boundaries.

The inhabitants of the City of Jefferson, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Jefferson.

ARTICLE II—POWERS

Section 2.1. Powers.

The City shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this charter or by statute. The city shall, in addition to its home rule powers, have all powers conferred by law.

Section 2.2. Construction.

The powers of the city shall be liberally construed. The grant of a specific power or powers to the city by the provisions of this charter shall not be construed to limit the powers of the city granted by section 2.1 of this article.

ARTICLE III—THE COUNCIL

Section 3.1. Where Powers Vested.

Except as this charter provides otherwise, all powers of the city shall be vested in the council. The council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the city by law.

Section 3.2. Composition, Eligibility, Election, and Terms.

- (a) **Composition.** There shall be a council composed of ten members each of whom shall be nominated and elected by the qualified voters of his ward, as provided in Article VIII of this charter.
- (b) **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 guilty of defalcation in office or who has been removed from the office of councilman.
- (c) **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.
- (d) **Limitation on terms.** A councilman is prohibited from serving more than eight years on the City council. Any service resulting from an appointment after April 6, 2010 or resulting from an election or appointment occurring prior to April 6th, 1993, shall not be counted toward the total number of years a person can serve.

Section 3.3. Compensation; Expenses.

The council shall determine the annual compensation of councilmen by ordinance, but the salary of a councilman shall not be increased or diminished during his term. Councilmen may receive reasonable reimbursement for actual and necessary expenses as approved by the mayor and council.

Section 3.4. 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.

Section 3.5. Prohibitions.

- (a) **Holding Other Office.** No councilman shall hold any other city office or employment within the city government during the term for which he was elected to the council.

- (b) Appointments and Removals. No member of the council shall direct or request the appointment of any person to, or the removal of any person from, any office below the level of department head by the city administrator or any of his subordinates, or in any manner take part in the appointment or removal of such employees in the administrative services of the city. Nothing contained in this section shall preclude recommendations by the council members concerning employees below the department head level.
- (c) Interference with Administration. No member of the council shall interfere directly with the conduct of any department or duties of employees subordinate to the city administrator except at the express direction of the council. Except for the purpose of inquiry and transmittal of citizen complaints, council members shall deal with the administrative service solely through the city administrator, and no council member shall give orders to any subordinates of the city administrator, either publicly or privately.

Section 3.6. Vacancies; Removal from Office; Filling of Vacancies.

- (a) Vacancies. The office of a councilman shall become vacant upon his death, resignation, removal from office, removal of his residence from the ward from which he was elected or appointed, or forfeiture of his office.
- (b) Removal from Office. A councilman may be removed from office by a two-thirds vote of the council if he:
 - 1. Lacks at any time during his term in office any qualifications for the prescribed by this charter or by law,
 - 2. Violates any express prohibition of this charter,
 - 3. Is convicted of a felony or a misdemeanor involving moral turpitude,
 - 4. Is in default to the city, or
 - 5. Fails to attend three consecutive meetings of the council without just cause.
- (c) Filling Vacancies. A vacancy in the council shall be filled by the council by a majority vote of all its remaining members for a period extending to the next municipal general election at which time a person shall be elected to serve the remainder of the term.

Section 3.7. Judge of Qualifications.

The council shall be the judge of the election and qualifications of its members and of the grounds for removal of a councilman from office and for those purposes shall have power to subpoena witnesses, administer oaths and require production of evidence. A member charged with conduct constituting grounds for removal from office shall be entitled to a public hearing on demand. Decisions made by the council under this section shall be subject to review by a court of competent jurisdiction.

Section 3.8. City Clerk.

The council shall appoint an officer who shall have the title of city clerk. He 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. He shall perform such other duties as may be required by law, by this charter, or by the council. The city clerk shall hold office at the pleasure of the council. The city clerk shall be a resident of the city.

Section 3.9. Investigations.

The council may make investigations into the affairs of the city and the conduct of any city department,

office or agency and for these purposes may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of those powers by the council shall be guilty of an offense and punishable by a fine or imprisonment as determined by ordinance.

Section 3.10. Annual Audit.

The council shall provide for an independent audit of all city accounts at least annually. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the report prepared by a certified public accountant or firm of such accountants shall be kept in the city clerk's office and shall be open to public inspection.

Section 3.11. Legislative Proceedings.

- (a) 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.
- (b) Rules and Journals. The council shall determine its own rules and order of business. It shall cause a journal of its open proceedings to be kept and this journal shall be open to public inspection.
- (c) Voting. Voting shall be by roll call except on procedural motions, and the ayes and nays shall be recorded in the journal. Six members of the council shall constitute a quorum for its business. Except as otherwise provided in this charter, the adoption of an ordinance or resolution shall require the affirmative vote of six council members, except that in case of a tie vote the ordinance or resolution may be adopted by the affirmative vote of five members and the mayor.
- (d) Form of Ordinances.
 - 1. Proposed ordinances and resolutions shall be introduced in council only in written or printed form. The enacting clause of all ordinances shall be:

"BE IT ENACTED BY THE COUNCIL OF
THE CITY OF JEFFERSON, MISSOURI."

The enacting clause of all ordinances submitted by initiative shall be:

"BE IT ENACTED BY THE PEOPLE OF
THE CITY OF JEFFERSON ."
 - 2. No ordinance, except those making appropriations of money and those codifying or revising existing ordinances, shall contain more than one subject which shall be clearly expressed in its title. Ordinances making appropriations shall be confined to the various subjects and accounts for which moneys are appropriated.

- (e) Procedure.
1. No ordinance shall be passed except by bill, and all bills shall be numbered consecutively. All bills shall be read three times. The reading of a bill by its title shall be deemed sufficient reading unless further reading is called for. If further reading is 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. 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 deemed to be the second reading of the bill. After introduction, copies of such proposed ordinances shall be provided for public inspection in the office of the city clerk until it is finally adopted or fails of adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the council in accordance with such rules and regulations as the council may adopt.
 2. 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 hours shall intervene between the convening of 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 council members object to its suspension.
 3. 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 by the sponsor at any time when otherwise in order.
 4. 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 next following regular council meeting.
 5. If a bill laid over informally is not taken up for further consideration within three 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.
- (f) Effective Date, Authentication and Reporting. 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.
- (g) Approval or Disapproval of Ordinances by Mayor. 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.

ARTICLE IV—MAYOR

Section 4.1. Election, Term; Qualifications.

- (a) The mayor shall be elected by the qualified voters of the city at regular municipal general elections held in 1987 and each four years thereafter. He shall hold his office for a term of four years and until his successor is elected and installed. No person shall be elected to the office of mayor who is not at least thirty years of age, a citizen of the United States, a qualified voter of the city and a resident thereof for two 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 unpaid judgment against the person by the City including any debt to the municipal Court, or guilty of forfeiture or defalcation in office.
- (b) Limitation on terms. A person is prohibited from serving more than eight years as Mayor, with any service resulting from an election or appointment occurring prior to April 6th, 1993 not counted toward the total number of years a person could serve.

Section 4.2. Salary.

The salary of the mayor shall be fixed by ordinance, and shall not be increased or diminished during the mayor's term of office. The mayor may receive reasonable reimbursement for actual and necessary expenses as approved by the council.

Section 4.3. Vacancy In Office.

When any vacancy occurs in the office of the mayor, by death, resignation, removal of residence 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 returns, or the disability is removed. 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 within six months prior to a general municipal election, no special election shall be called to fill the vacancy and a person shall be elected at such general municipal election to serve the remainder of the term.

Section 4.4. Mayor's Powers and Duties.

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

1. **Preside, Tie-Breaking.** The mayor shall preside at meetings of the council, and the mayor but not the president pro tempore, 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;
2. **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.
3. **Approve or Disapprove Legislation.** The mayor shall approve or disapprove ordinances and resolutions in the manner provided in subsection (g) of section 3.11.
4. **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.

5. Budget. The mayor shall propose an annual budget and five-year capital improvement program to the council.
6. 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.
7. Other Duties. The mayor shall exercise the powers and perform the duties prescribed by charter, ordinance, or law.
8. Review Administrator. The mayor shall annually review the performance of the city administrator and report to the council concerning the same.
9. Policies. The mayor shall discuss with the city administrator any and all policy matters.
10. Appointments. The mayor with the advice and consent of a majority of the council, shall appoint all members of committees, boards, and commissions.

ARTICLE V—CITY ADMINISTRATOR

Section 5.1. City Administrator.

- (a) Office Established; Appointment and Tenure. There shall be a city administrator 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) Removal. The city administrator 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) Compensation. The city administrator shall be paid a salary of an amount established by the mayor, with the approval of a majority of the council, or by a two-thirds vote of the council on its own initiative.
- (d) Qualifications. The person appointed to the office of city administrator shall possess qualifications provided by ordinance.

Section 5.2. Duties and Powers.

- (a) Duties; Responsible to Mayor and Council. The city administrator shall be responsible to the mayor and the council for the administration of all city affairs placed in his charge by or under this charter. Except as otherwise specified by ordinance, or by state law, the city administrator shall coordinate and generally supervise the operation of all departments, both line and staff.
- (b) Appointment and Removal of Employees. The city administrator shall make recommendations of appointment and removal of department heads and division supervisors for the approval of the mayor and council. The city administrator shall have the power to appoint and remove all other subordinate employees of the city. This section shall apply to all city positions except those governed by sections 6.2 and 6.3.
- (c) Budget. The city administrator shall prepare and submit a recommended annual budget and five-year capital improvements program to the mayor.

ARTICLE VI—ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM

Section 6.1. Administrative Organization.

- (a) Administrative Code Required. Within twelve months after the adoption of this charter, the council shall adopt by ordinance an administrative code providing a complete plan of organization and structure for city government. The administrative code may authorize the mayor to promulgate regulations to implement the plan of organization and structure.
- (b) Departments, Boards, Commissions to Continue. The Parks and Recreation Commission, the Police Personnel Board, and the Firemen's Pension Fund shall continue after the adoption of this charter as provided herein. Other departments, boards and commissions shall continue as now constituted, after the adoption of this charter, until eliminated or changed by ordinance. New departments, boards and commissions may be created hereafter by ordinance. Two or more departments may be headed by the same person, directors of departments may serve as chiefs of divisions, and the city administrator may head one or more departments.

Section 6.2. Parks and Recreation Commission.

- (a) Appointment. There shall be a department of parks and recreation which shall be governed by a commission of nine members, chosen from the citizens at large with reference to their fitness of the office, and no member of the municipal government shall be a member of the commission. The members of the commission shall be appointed in the manner provided in paragraph 10 of section 4.4 and shall hold office for terms of three years and until their successors are appointed. The mayor may, by and with the consent of the council, remove any member for misconduct or neglect of duty. The members shall serve without compensation. The first appointees to the commission shall be the same persons who were duly appointed to the park board under the former government who shall serve until the scheduled expiration of their terms unless sooner removed as provided in this subsection. Vacancies in the commission occasioned by removal, resignations or otherwise shall be reported to the mayor and filled in the manner of original appointments.
- (b) Organization, Powers. The members shall immediately after their appointment, meet and organize by the election of one of their number chairman, and by election of such other officers as they deem necessary. They shall make and adopt such bylaws, rules and regulations for their guidance and for the operation of the parks. The commission shall have the exclusive control of the expenditures of all money collected for and deposited to, or appropriated to the credit of the park fund and of the supervision, improvement, care and custody of the parks. All money received for the parks shall be deposited in the city treasury to the credit of the park fund and shall be kept separate and apart from other moneys of the city and drawn upon by the director of finance upon the properly authenticated vouchers of the parks and recreation commission. The commission may purchase or otherwise secure ground to be used for parks, and may appoint a suitable director and the assistants necessary to take care of the parks and fix their compensation, and may remove appointees.
- (c) Annual Report. The commission shall make an annual report to the council stating the condition of their trust, the various sums of money deposited to the park fund and how much moneys have been expended from the fund and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. All portions of the report relating to the receipt and expenditure of money shall be verified by affidavit.
- (d) Park Fund. Any tax levied previously adopted by the people of the city for park purposes is hereby continued in full force and effect until modified or discontinued in the manner provided by law. Any tax for park purposes shall be levied and collected in like manner with other

general taxes of the city, but the funds received therefrom shall be kept separate and apart from all other funds of the city and shall be deposited in a fund designated "park fund."

Section 6.3. Police Department.

- (a) Merit System Required. A system of personnel administration based on merit principles and designed to secure efficient administration shall be established by ordinance for all officers, positions and employees of the police department.
- (b) Merit Provisions. Any ordinance concerning the merit system police department shall observe the following provisions for the appointment, promotion, suspension, demotion, or discharge of members of the police department:
 - 1. A personnel board shall be created and whose members shall be prescribed by ordinance.
 - 2. The personnel board shall give examinations to candidates for appointment or promotion and shall certify lists of eligibles to the mayor.
 - 3. The mayor, with the consent of a majority of the council, shall appoint or promote all personnel in the police department, solely from the list of eligibles certified by the personnel board.
 - 4. All persons so appointed or promoted shall be at will employees of the City subject to the provisions herein.
 - 5. Any person suspended, demoted, or discharged for misbehavior or inefficiency shall, upon his application, be granted a public or closed hearing before the personnel board.

Section 6.4. Firemen's Pension Fund.

- (a) Fund. There shall be a fund which shall be under the exclusive management and control of a board of trustees known as the "Firemen's Pension Fund of the City of Jefferson, Missouri." The purpose of the fund shall be to provide pension benefits to members of the Fire Department and their dependents. Nothing in this charter shall be construed as prohibiting the City Council from creating more than one method for providing pension benefits to firefighters so long as no vested rights are abridged without the consent of the employee or retiree.
- (b) Members. The board shall consist of the City Administrator of the City of Jefferson, the City Finance Director, the Chief of the Fire Department, three members chosen from the citizens at large appointed for three year terms by the Mayor with the consent and approval of the City Council, and three members of the Fire Department elected for three year terms by the members thereof, such elections to be held on the first Monday in June of each year. The three citizens at large to be appointed by the Mayor shall be appointed from a list of at least three individuals per position. The list shall be furnished to the Mayor by the board. Any person appointed to the board as a citizen at large shall have a background in a field of endeavor relevant to pension plans and shall not have a personal pecuniary interest, either present or potential, in the fund. The terms of the citizens at large members appointed by the Mayor and the members elected from the Fire Department shall be staggered. The compensation of all persons engaged by the board of trustees, and all other expenses of the board necessary for the operation of the firemen's pension system shall be paid at such rates and in such amounts as the board of trustees shall approve. The members of the board of trustees shall serve without compensation.
- (c) Fund Custodian. The City Finance Director shall be custodian of all money, securities and other property of the fund, subject to the control and direction of the board. As prescribed by

the board, he shall keep separate books and complete accounts of the fund, and his books and accounts shall always be subject to the inspection of the board or any of its members. He shall be liable on his bond executed to the municipality as Finance Director of the City of Jefferson, Missouri, for all his acts concerning the fund. On the expiration of his term of office he shall deliver to his successor all unexpended money, securities, books, records and other property which may have come into his possession as treasurer of the fund.

- (d) Legal Advisor. The City Counselor shall be legal advisor of the board of trustees.
- (e) Organization, Powers. The members shall immediately after their appointment or election, meet and organize by election of one of their number chairman, and by the election of such other officers as they deem necessary. The Chief of the Fire Department shall serve as secretary of the board. The City Finance Director shall serve as treasurer of the board and deposit all money in the City depository. The board shall make and adopt such bylaws, rules and regulations for its guidance and for the operation of the fund. The board shall have the exclusive control of the expenditures and investment of all money collected for and deposited to, or appropriated to the credit of the pension fund and of the supervision, care and custody of the pension fund. All money received for the fund shall be deposited in the City treasury to the credit of the fund and shall be kept separate and apart from other money of the City and drawn upon by the Director of Finance upon the proper authorization. The board may determine the manner and method of providing benefits, the level of benefits and any assessment against the wages of the Fire Department necessary to maintain actuarial soundness of any plans in effect by and with the consent of the Council.
- (f) Annual Report. The board shall make an annual actuarial report to the council stating the condition of their trust, the various sums of money deposited to the fund and how much money has been expended from the fund and for what purposes, with such statistics, information and suggestions as they may deem of general interest. All portions of the report relating to the receipt and expenditure of money shall be verified by affidavit.
- (g) Tax Levy. Any tax levy previously adopted by the people of the City for firemen's pension purposes is hereby continued in full force and effect until modified or discontinued in the manner provided by law. Any tax for firemen's pension fund purposes shall be levied and collected in like manner with other general taxes of the City, but the funds received therefrom shall be kept separate and apart from all other funds of the City and shall be deposited in a fund designated "Firemen's Pension Fund." Any such tax shall continue notwithstanding any changes made by the board of trustees in the manner in which benefits are provided to members of the Fire Department.
- (h) Transition to the New Board. The members serving on the board of trustees as of the date of the adoption of this amendment shall serve until their successors are duly chosen or April 15, 1988, whichever is later.

Section 6.5. City Counselor.

- (a) Office Established; Appointment and Tenure. There shall be a department of law, the director of which shall be known as the city counselor who 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) Removal. 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) Compensation. The city counselor shall be paid a salary of an amount established by the mayor, with the approval of a majority of the council, or by a two-thirds vote of the council on its own initiative.
- (d) Qualifications. 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) Duties. The city counselor shall have the following duties:
 1. Litigation. Direct the management of all litigation in which the city is a party or is interested.
 2. Represent City. Represent the city in all legal matters and proceedings in which the city is an interested party.
 3. Advise. 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 Documents. 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. Other Duties. Perform such other duties as the council may, by ordinance or resolution, require.
- (f) Additional Counsel. Nothing in this section shall prevent the council from employing special or additional legal counsel.

Section 6.6. City Prosecutor.

- (a) Office Established; Election and Tenure. A city prosecutor shall be elected by the qualified voters of the city. The term of office shall be two years and he shall hold his office until his successor is duly elected and qualified.
- (b) Qualifications. The city prosecutor shall be a person licensed to practice law in Missouri and a resident of the city at the time of his election. No person shall be eligible to the office of city prosecutor 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) Duties.
 1. Attend Meetings. Attend the meetings of the council when the city counselor is unavailable upon request by the mayor or council.
 2. Prosecute Violations. Prosecute all violations of city ordinances and handle appeals in connection therewith.
 3. Draft Bills. Make written recommendations and draft bills and ordinances in connection with the proper administration of justice as related to the violations of city ordinances.
 4. Other Duties. Perform other duties as may be required by request of the mayor or council.
- (d) Vacancy. Should a vacancy occur in the office of city prosecutor, the mayor, with the advice and consent of the council, shall appoint a person to fill the vacancy. The successor shall serve for a period extending to the next municipal general election.
- (e) Compensation. The city prosecutor shall receive such compensation as shall be set by ordinance.

Section 6.7. Municipal Court.

- (a) Municipal Court Required. There shall be a municipal court which shall have jurisdiction to hear and determine all cases involving violations of the ordinances of the city.
- (b) Judge of Municipal Court.

1. Election. The municipal court shall be presided over by a municipal judge of the Nineteenth Judicial Circuit Court, who shall be elected to his position by the qualified voters of this city for a term of two years.
2. Qualifications. The qualifications for office shall be set by ordinance.
3. Vacancy. If a municipal judge vacates his office, the mayor, with the advice and consent of the council, shall appoint a person to fill the vacancy. The successor shall serve until the next municipal general election.
4. Powers and Duties. The municipal judge shall have such powers and duties as shall be prescribed by law or by ordinance. 5. Compensation. The municipal judge and any temporary judge shall receive such compensation as determined by ordinance.

Section 6.8. Personnel System.

Within twelve months after the adoption of this charter, the council shall adopt by ordinance a personnel code providing a comprehensive personnel system for city officers and employees.

ARTICLE VII—FINANCIAL PROCEDURES

Section 7.1. Establishing Financial Procedure.

The financial procedures of the city shall be established by ordinance and shall incorporate the following:

1. Fiscal Year. The council shall determine the fiscal year of the city.
2. Budget Form. The form of the budget shall be as the mayor deems desirable subject to applicable ordinances and state law.
3. Council Approval of Budget. No budget shall take effect until the same has been approved by the council. The vote of the council on any annual budget shall occur prior to the last day of the last month of the fiscal year.
4. Public Hearing. At least one public hearing on the budget shall occur prior to its adoption by the council.
5. Supplemental Appropriations, Deficit Avoidance, Transfer of Appropriations. The budget may be amended by the appropriation of additional sums which become available during the course of the fiscal year after certification to the council by the mayor of availability of such sums. If at anytime during the fiscal year it becomes apparent that there will be insufficient revenues and reserves to meet the amount appropriated, the mayor shall so report to the council and the council shall take such action as is necessary to prevent any deficit and may reduce any one or more prior appropriations. The mayor shall have authority to transfer part or all of any unencumbered appropriation within a department, and the council may by ordinance transfer part or all of any unencumbered appropriation between departments and funds upon written request to do so by the mayor.
6. Budget of Preceding Fiscal Year Governs, When. In adopting a budget for a fiscal year, failure to comply with every requirement prescribed by the preceding paragraphs of this section for the adoption of a budget shall invalidate the budget. If a valid budget for a fiscal year is not approved and adopted by the council prior to the last day of the last month of the preceding fiscal year, the budget for the preceding fiscal year shall be deemed to have been readopted and shall be in effect, so far as it relates to operation and maintenance expenses, until such time as a budget for the fiscal year is adopted in conformity with the requirements of this charter other than the date by which approval is to be granted.
7. Fiscal Officer. The fiscal affairs of the city shall be the responsibility of the finance department. The head of the finance department shall be designated the fiscal officer of the city. Qualifications, duties and powers of the fiscal officer shall be set by ordinance.

ARTICLE VIII—NOMINATIONS AND ELECTIONS

Section 8.1. City Elections.

- (a) Regular Elections. The municipal general election shall be held as provided by ordinance and applicable state law.
- (b) Special Elections. The council may by resolution order special elections, fix the time for such elections, and provide for holding such elections subject to applicable state laws.
- (c) Conduct of elections. All city elections shall be governed by the provisions of this charter and of applicable state laws. The council by ordinance may further regulate elections, subject to the provisions of the charter and applicable state law.

Section 8.2. Nominations.

- (a) Declaration of Candidacy, Independent Candidates. Nomination of candidates for election to elective city offices shall be made by declaration of candidacy filed with the clerk in the form and manner prescribed by ordinance. No declaration of candidacy shall indicate the affiliation or membership of the nominee with any political party organized or recognized under the laws of the State of Missouri.
- (b) Primary Elections. A primary election shall be held if there are two or more candidates for nomination to the same city office. If during a primary election one candidate gets a majority of all votes cast for that office, then that candidate shall be declared the winner of the office without a General (runoff) election. If no candidate receives a majority of all votes cast then the two candidates receiving the highest vote totals in the primary election shall compete in the General (runoff) election.
- (c) Regulation By Council. Nothing contained in this charter shall prevent the council from further regulating the conduct of nominations and elections consistent with the provisions of this charter and applicable state laws.

Section 8.3. Tie Vote.

If at any municipal election no choice is made between or among the candidates by reason of two or more having received an equal number of votes, and a higher number of votes than any other candidate for the same office or nomination, the council shall call a special election at which the candidates receiving the equal number of votes shall be the only candidates. The incumbent shall remain in office until his successor has been duly elected and qualified.

Section 8.4. Council Wards.

There shall be five council wards, bounded and numbered the same as the wards which exist at the time of adoption of this charter. Ward boundaries shall be established by ordinance following each decennial census. Wards shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants.

ARTICLE IX—INITIATIVE, REFERENDUM, AND RECALL

Section 9.1. General Authority.

- (a) Initiative. The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to any ordinance relating to appropriation of money, levy of taxes, or zoning. No proposed initiative ordinance shall contain more than one subject which shall be clearly expressed in its title.
- (b) Referendum. The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program, any emergency ordinance designed as such by the council at the time of adoption, any ordinance levying a special assessment or providing for the issuance of special tax bills, or any ordinance relating to zoning, appropriation of money, or levy of taxes.

Section 9.2. Commencement of Proceedings; Petitioners' Committee; Affidavit.

Any five qualified voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee, are responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Persons other than committee members may circulate the petition.

Section 9.3. Filing and Approval of Petitions.

Prior to circulation, petitions must be submitted for approval as to form by both the clerk and city counselor. They shall approve or disapprove any petition within ten days following its submission. If approved the clerk is responsible for preparing ballot language which must be in question form and approved by the counselor. If disapproved the clerk and counselor shall provide an itemized list of needed corrections at the time of issuance of the disapproval.

Section 9.4. Petitions.

- (a) Number of Signatures. Initiative petitions shall be signed by qualified voters of the city equal in number to at least twenty percent of the total number of votes cast for mayor in the last municipal general election at which a mayor was elected or by not less than four hundred qualified voters of the city, whichever is the larger number. Referendum petitions shall be signed by qualified voters of the city equal in number to at least twenty-five percent of the total number of votes cast for mayor in the last municipal general election at which a mayor was elected or by not less than five hundred qualified voters of the city, whichever is the larger number.
- (b) Form and Content. All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) Affidavit of Circulator. Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number

of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

- (d) Time for Filing Referendum Petitions. Referendum petitions must be filed with the city clerk prior to an expiration of forty-five days after adoption by the council of the ordinance sought to be reconsidered.

Section 9.5. Procedure after Filing.

- (a) Certificate of Clerk; Amendment. Within twenty days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective. The clerk shall promptly send a copy of the certificate to the petitioners' committee by registered mail. If petitioners do not file an amended petition as herein authorized and do not request council review under subsection (b) of this section within the time allowed, the clerk shall promptly present his certificate to the council. Such certificate shall be a final determination as to the sufficiency of the petition. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intent to amend with the clerk within two days after receiving the copy of the clerk's certificate. Such amended petition shall comply with the requirements of subsections (b) and (c) of section 9.4 and shall be filed within ten days after the committee receives the copy of the clerk's certificate. Within five days after the amended petition is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy thereof to the petitioners' committee by registered mail. If petitioners' committee does not request council review under subsection (b) of this section within the time allowed, the clerk shall promptly present his certificate to the council. Such certificate shall be a final determination as to the sufficiency of the petition as amended.
- (b) Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intent to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) Court Review; New Petition. A final determination as to the sufficiency of the petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 9.6. Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition sufficient on its face is timely filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or The petitioners' committee withdraws the petition, or The council repeals the ordinance, or
2. The results of the election on the referred ordinance is certified by the election authority.

Section 9.7. Action on Petitions.

- (a) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article 111 or reconsider the referred ordinance by voting its repeal. If the council

fails to adopt a proposed initiative ordinance without any change in substance within sixty days or fails to repeal the referred ordinance within thirty days after the date the petition is finally determined sufficient, it shall submit the proposed or referred ordinance to the qualified voters of the city.

- (b) Submission to Voters. The election on a proposed or referred ordinance shall be held not less than thirty days and not later than one year after the expiration of the time limited by subsection (a) of this section for the adoption or repeal of ordinance, as the case may be.
- (c) An initiative or referendum petition may be withdrawn by filing with the city clerk at any time prior to the thirtieth day next preceding the day scheduled for the election on the proposed or referred ordinance a written request that the petition be withdrawn signed by at least four members of the original committee. Upon the filing of the request, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. The signatures on the request to withdraw shall be notarized.

Section 9.8. Results of Election.

- (a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall become effective on certification of the election results and shall be treated in all other respects in the same manner as ordinances adopted by the council and approved by the mayor. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of the conflict.
- (b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 9.9. Resubmission of Initiative Petitions.

Initiative petitions proposing the adoption of an ordinance having the same general subject and purpose of a measure once defeated by the voters under the provisions of this article, shall not again be filed until after the expiration of one year from the date of the election at which the measure was defeated.

Section 9.10. Recall.

The holder of any elective office in the city may be removed by the qualified voters of the city by recall petition in accordance with the procedure set out in sections 9.11 through 9.15 of this chapter subject to the following limitations:

1. The officer has held office for at least six months prior to commencement of recall;
2. In the case of an office the term of office which is of two years or less, only one recall petition may be filed during a term;
3. In case of an office the term of office which is greater than two years, additional recall petitions may be filed but not within six months after voter disapproval of the last recall petition;
4. The recalled officer may not be a candidate to succeed himself at a special election to fill the vacancy created by his recall, nor may he be appointed by the appointing authority to fill the vacancy;
51. The grounds for recall are misconduct in office, incompetence or failure to perform official duties of the office prescribed by law or by ordinance. The petition must contain a statement of the ground or grounds for the recall in two hundred words or less.

Section 9.11. Recall Petition.

A petition demanding the removal of an officer shall be filed with the city clerk, the petition shall be signed by voters qualified to participate in the election of such officer equal in number to at least forty percent of the number of votes cast for such office in the last election, or by four hundred of such voters in case of recall of a councilman, or two thousand of such voters in case of any citywide office, whichever is greater. The petition shall be executed, verified, and filed, and may be amended in the manner provided for initiative and referendum petitions.

Section 9.12. Recall Elections.

When a sufficient petition is filed it shall be submitted to the council without delay. The council shall fix the date for holding the election, on the next date authorized by law for holding such election; provided the election shall not be held less than thirty days after the council has received a report from the city clerk on the sufficiency of the petition. If the office becomes vacant prior to the election, the election shall be canceled and the vacancy shall be filled as provided in section 3.6 or section 4.3 of this charter, whichever is applicable.

Section 9.13. Recall Ballot.

The ballot shall be in the following form:

Shall (Name of Officer) be removed from office of (Title of Office)?

Yes

No

Voters in favor of the removal place across (X) in the square opposite the word "YES." Voters opposed to the removal place a cross (X) in the square opposite the word "NO."

Section 9.14. Effect of Election.

If a majority of the qualified voters voting on the question at the election shall vote for the removal of the officer, regardless of any defect in the recall petition, a vacancy shall exist in the office. The vacancy shall be filled as provided in sections 3.6 or section 4.3 of this charter, whichever is applicable. If a majority of the qualified voters voting on the question at the election vote against the removal of the officer, the officer shall continue to serve the term for which he was elected unless sooner removed or recalled. An official who has been recalled shall be ineligible to serve in the city government in any capacity at any time during the remainder of the term of office from which he was recalled.

Section 9.15. Propositions to be Separately Submitted.

No petition shall seek the recall of more than one officer, but several propositions for recall may be separately submitted at the same election on the same ballot.

ARTICLE X—FRANCHISES

Section 10.1. Granting of Public Utility Franchises.

A public utility franchise and any renewals, extensions or amendments thereof shall be granted only by ordinance submitted to the qualified voters of the city and approved by the majority of the qualified voters voting thereon. No such ordinance shall be adopted within less than thirty days after application therefor has been filed with the council, nor until a full public hearing has been held thereon. No exclusive franchise shall ever be granted, and no franchise shall be granted for a longer term than twenty years. No such franchise shall be transferable directly or indirectly, unless authorized by ordinance adopted after a full public hearing on the issue. This section shall not be construed to prohibit the council from granting temporary permits.

Section 10.2. Right of Regulation.

All public utility franchises, whether it be so provided in the ordinance or not, shall be subject to proper regulation by the council in the exercise of its powers, and to repeal by the council for misuse or nonuse, or for failure to comply therewith.

Section 10.3. Operation Beyond Franchise Period.

Any operation of a public utility by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted shall under no circumstances be construed as a renewal or extension of the franchise. Any such operation shall at most be regarded as a mere temporary permit, subject, like other permits, to amendment, alteration, or revocation at any time at the will of the council.

**ARTICLE XI—LICENSING, TAXATION, AND REGULATION OF BUSINESSES,
OCCUPATIONS, PROFESSIONS, VOCATIONS, AND OTHER ACTIVITIES OR
THINGS**

Section 11.1. Objects of Licensing, Taxation, and Regulation.

- (a) The council by ordinance may license, tax and regulate all businesses, occupations, professions, vocations, activities and things whatsoever which statutes of this state now or hereafter authorize constitutional charter cities, cities of the first, second, third or fourth class, or cities of any population group to license, tax or regulate.
- (b) No increase in any existing tax and no new tax shall be effective until approved by a majority of the qualified voters voting on the proposition. This provision shall not apply to any tax rate which has been lowered after December 4, 1980, and then raised back to its former level.

ARTICLE XII—GENERAL PROVISIONS

Section 12.1. Personal Financial Interest.

- (a) Any city officer or employee who has a substantial financial interest in any contracts with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known such interests and shall not vote on or otherwise participate in his capacity as a city officer or employee in the making or performance of the contracts or in the making of the sale. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the provisions of this subsection shall be guilty of malfeasance in office or employment, and upon being found guilty thereof by a court of competent jurisdiction shall forfeit his office or employment.
- (b) If any person, firm or corporation contracts with the city, or makes such a sale to the city or to a contractor supplying the city, having knowledge, express or implied, that the contract or sale is made in violation of subsection (a) of this section, the contract or sale shall be voidable by the mayor or the council.
- (c) As used in subsection (a) of this section the term "substantial financial interest" shall include ownership by the officer or employee, by the officer or employee and his spouse, or by the spouse of the officer or employee, directly or indirectly or by reason of ownership of stock in a corporation, of ten percent or more of the business entity contracting with the city or selling to the city, or to a contractor supplying the city, or of any interest therein having a value of ten thousand dollars or more, or the receipt by an officer or employee, by the officer or employee and his spouse, or by the spouse of the officer or employee of salary, gratuity, or other compensation or remuneration of six thousand dollars or more per year from any business entity contracting with the city or selling to the city or to a contractor supplying the city.

Section 12.2. Prohibitions.

- (a) Activities Prohibited.
 - 1. No person shall be appointed to or removed from employment with the city, or in any way be favored or discriminated against in such employment because of race, color, sex, political or religious affiliations.
 - 2. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this chapter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
 - 3. No person who seeks appointment or promotion to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.
- (b) Penalties. Any person who by himself or with others willfully violates any of the provisions of subsection (a) of this section shall be guilty of an offense and upon conviction thereof shall be punishable by a fine, imprisonment, or both, as may be provided by ordinance.

Section 12.3. Notice of Suits.

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the mayor within ninety days of the occurrence for which injury is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

Section 12.4. Official Bonds.

All officers and employees of the city who receive, disburse, or are responsible for city funds, and the other officers and employees whom the council by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering in the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance, and conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all moneys belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

Section 12.5. Charter Amendment.

Amendments to this charter may be framed and submitted to the qualified voters of the city by a commission in the manner provided by law and the state Constitution for framing and submitting a complete charter. Amendments may also be proposed by the council or by petitions of not less than ten percent of the qualified registered voters of the city, filed with the city clerk setting forth the proposed amendment. The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the qualified voters of the city at the next election held in the city not less than sixty days after its passage, or at a special election held as provided by law and the state Constitution for submission of a charter. Any amendment approved by a majority of the qualified voters of the city voting thereon shall become a part of the charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and the results determined as provided by law and the state Constitution for submission of a complete charter.

Section 12.6. Public Improvement and Special Assessments.

- (a) Improvements. The procedure for making, altering, vacating or abandoning a public Improvement shall be governed by general ordinance consistent with applicable state laws.
- (b) Special Assessments. The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or special tax bills evidencing such assessments shall be governed by general ordinance consistent with applicable state law.

Section 12.7. Word Construction, Gender, Etc.

Whenever such construction is applicable, words used in this charter importing singular may be construed to include several matters or persons, and words used importing plural number may be construed to include any single matter or person; words importing masculine gender may be construed to apply to feminine gender as well; and the word person may be construed to include persons, firms and corporations; provided that these rules of construction shall not apply to any part of this charter containing express provisions excluding such construction or where subject matter or content is contrary thereto.

Section 12.8. Severability.

It is the intent of the voters adopting this charter that provisions of this charter shall be severable. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other person or circumstances shall not be affected thereby.

Section 12.9. Computation of Time.

In construing provisions of this charter and ordinances enacted thereunder which contain time

limitations, for all periods of time longer than twenty-four hours and shorter than thirty-one days, the time within which an act is to be done shall be computed by excluding the first day, all Saturdays, Sundays and holidays observed by the city, and including the last day.

ARTICLE XIII—TRANSITIONAL PROVISIONS

Section 13.1. Personnel System.

An employee holding a city position at the time of this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established pursuant to Article VI.

Section 13.2. Ordinances to Remain in Force.

All ordinances, regulations and resolutions in effect at the time this charter takes full effect which are not inconsistent with the provisions of this charter shall continue in effect until lawfully altered, modified or repealed.

Section 13.3. Pending Actions and Proceedings.

No action or proceedings, civil or criminal, pending at the time this charter takes full effect, brought by or against the city or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this charter or by anything herein contained.

Section 13.4. Continuance of Contracts, Public Improvements and Taxes.

All contracts entered into by the city, or for its benefit, prior to the date this charter takes full effect, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes full effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the city which are uncollected at the time this charter becomes fully effective, shall continue in full force and effect and shall be collected as if no change had been made.

Section 13.5. Officials to Continue, exceptions.

All elected officials holding office at the time this charter takes full effect shall continue in office until their successors are duly elected and installed as provided by the charter with the exception of the treasurer. The office of treasurer shall cease to exist as an elective office when the term of the current treasurer expires. Thereafter the fiscal officer shall also serve as treasurer.

ARTICLE XIV—SCHEDULE

Section 14.1. First Election.

Sections 14.1, 14.2, 14.3, 14.4 and 14.5 of this article and the other provisions of this charter that are necessary in order that the first election of members of the council may be conducted in accordance with the provisions of this charter shall become effective on the adoption of this charter. The first election of members of the council shall be held on the first day of April 1986.

Section 14.2. Time of Taking Full Effect.

All of the provisions of this charter, except those designated in section 14.1 to become effective on the adoption of this charter, shall become effective on the convening of the first meeting of the newly constituted council held after the municipal general election on April 1, 1986.

Section 14.3. Incumbent Councilmen; First Meeting of Newly Constituted Council.

The mayor and each councilman in office on the date this charter is adopted shall continue in office until the expiration of his term of office and until his successor is elected and installed. Within seven days after the election of April 1, 1986, the council shall canvass the returns of the election, declare the results thereof, and induct into office the councilmen declared elected. Thereupon the newly elected councilmen, together with those who continue to serve their terms of office, shall forthwith become the official governing body of the city and shall conduct the first meeting of the newly constituted council.

Section 14.4. Temporary Ordinance.

At its first meeting, or at any meeting held within sixty days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed in Section 3.11 for ordinances of the kind concerned.

Section 14.5. Purpose of Schedule.

The purpose of the provisions of Article XIV is to provide a transition from the present government of the City of Jefferson, Missouri, to the new government provided for in this charter and to inaugurate the new government under the provisions of this charter. They shall constitute a part of this charter only to the extent and for the time required to accomplish that aim.

ARTICLE XV—GAMBLING PROHIBITIONS

Section 15.1. Certain Gambling Activity Prohibited.

Casino type gambling and riverboat gambling are prohibited within the City of Jefferson. Further, the City of Jefferson and its elected officials and its employees are prohibited from receiving any payment, bonus, gift, or any form of compensation or consideration from a gambling company or its representatives.

Section 15.1. Activities Outside Jurisdiction Not Prohibited.

Nothing contained in Section 15.1 shall be construed to prohibit an official or employee of the city from engaging in lawful gaming activities at gaming facilities operating outside the jurisdiction of the City of Jefferson.

**A HISTORY
OF THE
CITY CHARTER**

City of Jefferson, Missouri



CHARTER COMMISSION ELECTED

On February 5, 1985, voters in the City of Jefferson voted to elect a Commission to draft the City's Charter. To be elected to the Commission, those who filed petitions to have their names placed on the ballot had to be among the top thirteen vote-getters in the election. The top two vote-getters were subsequently named Chairman and Vice Chairman.

A letter outlining the final charter document was written to the citizens of Jefferson City by the Commission, and the charter was placed on the ballot for final voter approval on February 7, 1986. The letter, signed by all thirteen Charter Commission members, follows this synopsis.

The voters of the City approved the Charter by a vote of 5,525 to 1,070.

CHARTER AMENDMENTS

From the date of its adoption in 1986 until this publication, the City Charter has been amended as approved by the voters, and outlined below:

1. Sec. 6.4. Firemen's Pension Fund (Ordinance 10987)
2. Section 3.2 (d) and Section 4.1 (b) Limitation on Terms. (Ordinance 11858)
3. Section 9.4 (d) Time for Filing Referendum Petitions (Ordinance 12179)
4. Section 5.1 (c) and Section 6.5 (c) Compensation (Ordinance 12194)
5. Article XV - Gambling Prohibitions (Ordinance 12344)
6. Section 15.1 Activities Outside Jurisdiction Not Prohibited (Ordinance 12414)
7. Non-partisan elections: Sections 8.2(a), (b); 3.6(c); 6.6(d); 6.7(b)(3) (Ordinance 13179)
8. Section 6.4(a) Allowing Firemen's Pension Fund more than one pension method (Ordinance 13832)
9. Section 4.4 Clarifying President Pro Tempore's voting powers in the event of tie vote (Ordinance 13833)
10. Section 3.2 (d) Clarifying Council term limits following mid-term appointment (Ordinance 14610)
11. Section 4.1(a) and (b) Clarifying language pertaining to qualifications for Mayor (Ordinance 14610)

12. Sections 6.3, (1) Removing political partisanship requirement from Police Personnel Board members, (4) establish that Police are will employees, and (5) granting Police employee choice of public or closed hearing before Police Personnel Board. (Ordinance 14610)