

## **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, with any service resulting from an election or appointment occurring prior to the effective date of this amendment not counted toward the total number of years a person could 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.