

# **CITY CHARTER WEBSTER GROVES MISSOURI**

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# **CHARTER**

for Webster Groves, Missouri

## **PREAMBLE**

In order to secure the benefits and advantages of the Constitution of the State of Missouri, adopted in the year 1945, and to establish Home Rule for the City under the provisions thereof, the people of Webster Groves hereby adopt the following Charter.

## **ARTICLE I**

### **INCORPORATION - FORM OF GOVERNMENT - POWERS**

#### **Section 1.1 INCORPORATION.**

The inhabitants of the City of Webster Groves 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 Webster Groves”.

#### **Section 1.2 FORM OF GOVERNMENT.**

The municipal government provided by this Charter shall be known as a “council-manager government” Pursuant to the provisions of this Charter and subject only to the limitations imposed hereby and by the Constitution of Missouri, all powers of the City shall be vested in an elective Council which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the City. As used in this Charter, the terms “the Council” and “members of the Council” shall include the Mayor and the Council members.

#### **Section 1.3 POWERS OF THE CITY.**

The City shall have all powers of local self-government and home rule, and all powers possible for a city to have under the Constitution and laws of Missouri, or which it would be competent for the Legislature to grant; and except as prohibited by the Constitution or laws of Missouri, the City may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever. Such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as may be prescribed by the Council.

The enumeration of particular powers in this Charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this Article impair a power granted in any other part of this Charter; and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the Council to exercise freely any one or more such powers as to any one or more such objects for any one or more such purposes.

## **ARTICLE 2**

### **THE COUNCIL**

#### **Section 2.1 NUMBER AND TERM.**

The Council shall consist of six council members and a mayor. Council members shall be elected at large for a term of four years (except as herein otherwise provided), and each shall serve until a successor council member shall be elected and qualified.

#### **Section 2.2 MAYOR.**

The Mayor shall be elected at large for four years. The Mayor shall have no regular administrative duties. The Mayor shall preside at all meetings of the Council, and shall be recognized as head of the city government for all legal and ceremonial purposes and by the Governor for purposes of military law. The Mayor shall have the same right to vote as any other member of the Council, but shall have no veto power.

#### **Section 2.3 QUALIFICATIONS**

Each member of the Council shall be an elector of the City, and shall have been a resident of the city for at least 12 months immediately preceding election. No Council member shall hold any other public office, except that a Council member shall not be disqualified by reason of being a member of the National Guard, or naval or military reserve, or a notary public. No Council member shall hold any office which does or may conflict with that member's Council duties.

#### Section 2.4 COMPENSATION.

The compensation of each member of the Council shall be sum of \$20.00 for each regular or special meeting of the Council attended by such member, not exceeding, however, the sum of \$600.00 in any twelve consecutive months, and the compensation of the Mayor shall be the sum of \$25.00 for each regular or special meeting of the Council attended by the Mayor, not exceeding, the sum of \$750.00 in any twelve consecutive months, provided no Council member or Mayor presently serving as such shall receive any such increased compensation during the term for which that member is now elected.

#### Section 2.5 RULES OF ORDER.

The Council shall determine by ordinance its own rules and order of business. It shall keep a journal of its proceedings, which shall be open to public inspection. It shall be the judge of the election returns and of the qualifications of its members, except as otherwise provided by law. It shall select from among the Council members a “mayor pro-tempore” who shall act as Mayor during the Mayor's absence or the Mayor's inability to act. The Council member selected as “mayor pro-tempore” shall serve as such for one year and may be re-elected from time to time for one-year periods if the Council desires so to do.

A majority of the Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the Council may provide.

The affirmative vote of a majority of the entire Council shall be necessary to adopt any ordinance, resolution or motion unless a higher percentage or majority may otherwise be required by law. The “ayes” and “nays” on any question shall, at the request of any member, be entered in the journal and the “ayes” and “nays” shall be recorded on the final passage of every ordinance or resolution.

#### Section 2.6 VACANCIES.

All vacancies in the Council shall be filled by the Council for a period running to the next regular municipal election, at which time a successor shall be elected for the unexpired term.

## Section 2.7 APPOINTMENT AND REMOVAL OF CITY MANAGER.

The Council shall appoint an officer who shall have the title of City Manager, and who shall have the powers and perform the duties provided in this Charter. No member of the Council shall receive such appointment during the term for which that member shall have been elected or within one year after the expiration of that member's term. The appointment of the City Manager shall be for an indefinite term. The City Manager may be removed by vote of a majority of the entire Council; however, prior to the City Manager's removal, the Council shall deliver to the City Manager a written statement setting forth the reasons for removal. The City Manager shall have fifteen days to reply thereto in writing, and upon the City Manager's request shall be afforded a public hearing. After such public hearing, the Council shall take final action.

## Section 2.8 PROHIBITION OF INTERFERENCE.

Neither the Council nor any of its members shall direct or request the appointment of any person to office, or the removal from office by the City Manager, or by any of the City Manager's subordinates, or in any way interfere with the appointment or removal of officers or employees of any administrative service of the City. Except for the purpose of inquiry, unless specifically otherwise provided in this Charter, the Council and its members shall deal with the administrative officers and employees solely through the City Manager, and neither the Council nor any member thereof shall give orders to the subordinates of the City Manager, either publicly or privately. No individual member of the Council shall give orders to the City Manager. Any member of the Council violating the provisions of this section shall forfeit that member's office. Whether a violation has occurred shall be determined by the members of the Council, provided any Council member thus charged shall be entitled, upon request, to a public hearing after due and proper notice and any such Council member shall have the right of appeal if the same be provided by law to the Circuit Court of the County of St. Louis.

## Section 2.9 CITY CLERK.

The Council shall appoint an officer who shall have the title of City Clerk. The City Clerk shall keep the journal of its proceedings, authenticate by signature all ordinances and resolutions, and record them in full in a book kept for that purpose. The City Clerk shall notify all members of the Council and the City Manager of all special meetings of the Council. The City Clerk 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.

## Section 2.10 CREATION OF NEW DEPARTMENTS OR OFFICES - CHANGE OF DUTIES.

The Council upon recommendation of the City Manager, by ordinance may create, change, and abolish departments or offices, other than the departments and offices established by this Charter, and may assign additional functions or duties to departments or offices established by this Charter. The Council may not discontinue or assign to any other department or office, any function or duty assigned by this Charter to a particular department or office, except as otherwise provided in this Charter.

## Section 2.11 MEETINGS.

The Council shall meet regularly and especially at such times as prescribed by its rules, but not less frequently than once each month. All meetings of the Council shall be open to the public.

## SECTION 2.12 LEGISLATIVE PROCEEDINGS.

In the transaction of legislative business, whenever the Council shall act by ordinance, the following procedure shall be used: every ordinance shall be by bill, which shall be in written or printed form, and the enacting clause shall be "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEBSTER GROVES". No bill, except those making appropriations and those codifying or rearranging existing ordinances, shall relate to more than one subject, which subject shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject matter of the appropriation.

All bills shall be read by title at least twice, and at least one week shall elapse between the time a bill is introduced and its final passage; however a bill may be passed on the day the bill is introduced if there is a compelling reason to do so as determined by the unanimous vote of all members of the City Council present and voting. Notwithstanding the foregoing, no ordinance granting, enlarging or affecting any franchise shall be passed on the day it is introduced.

Every bill introduced shall be filed with the City Clerk and shall be posted at City Hall and at the public library for public inspection at least 24 hours in advance of its consideration by the City Council, unless otherwise permitted by Chapter 610 of the Revised Statutes of Missouri, and whenever reasonably possible posted on the City's internet web site in advance of its introduction. No less than ten (10) copies of a bill shall be available for inspection by the public at the location of the Council meeting at which the bill is to be read. A bill shall remain on file in the office of the City Clerk for public inspection until it is finally adopted or fails passage. Prior to the final passage of any bill, all persons interested therein shall be

given an opportunity to be heard before the Council in accordance with such rules and regulations as the Council may adopt. After compliance with the provisions herein, the Council may finally pass a bill with or without amendment; except that if the Council shall make an amendment which, in the opinion of at least three members of the Council, constitutes a change in substance, the bill as amended shall be filed in the office of the City Clerk and posted for public inspection in the manner stated above for at least one additional week, and an opportunity afforded interested persons to be heard, as provided above, after which final action may be taken thereon.

An ordinance, when passed by the Council, shall be signed by the presiding officer and attested by the City Clerk and shall be immediately filed and thereafter preserved in the office of the City Clerk. Legislative ordinances shall be subject to the permissive referendum as provided in Section 14.2 of this Charter. Unless otherwise specified, every ordinance shall become effective upon final passage. Any legislative ordinance submitted at a referendum election shall become effective upon the certification of the favorable vote of a majority of those voting thereon.

#### Section 2.13 POWERS.

Without limitation of the powers conferred upon the City in Section 1.3, or by any other provision hereof, the Council shall have power by ordinance, not inconsistent with this Charter, to:

- (1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, not expressly prohibited by law; provide for penalties for delinquency thereof; and adopt such classifications of the subjects and objects of taxation as may not be contrary to law.
- (2) Furnish all public services; purchase, hire, construct, own, maintain, and operate or lease public utilities; acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes; and grant public utility franchises and regulate the exercise thereof.
- (3) Make public improvements and acquire, by condemnation or otherwise, property within or without the corporate limits necessary for such improvements.
- (4) Adopt police, sanitary, safety, and other similar regulations not in conflict with the law, and provide for their enforcement.
- (5) Expend the money of the City for all lawful purposes.



- (6) Issue and give, sell, pledge or in any manner dispose of, negotiable or non-negotiable, interest bearing or noninterest bearing bonds of the City, upon the credit of the City, or solely upon the credit of specific property owned by the City, or solely upon the credit of income derived from the property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more of such credits.
- (7) Exercise the power of eminent domain, including the power of excess condemnation, as authorized by the Constitution or by law, and condemn private property, real or personal, or any use therein for public use within or without the City.
- (8) Take and hold property within or without the City upon trust, and administer trusts.
- (9) Acquire and receive by gift, bequest, or devise all kinds of property, real, personal, or mixed, or any estate or interest therein, within or without the City, absolutely or in trust, for all public, charitable, or municipal uses or purposes; perform all acts necessary to carry out the purposes of such gifts, bequests, or devises, with power to manage, sell, lease, or otherwise handle or dispose of such property, in accordance with the terms of the gifts, bequests, or devises.
- (10) Acquire, receive, hold, provide for by contract or otherwise, construct, operate, regulate, manage, maintain and improve all kinds of public buildings, structures, airports, off-street parking facilities, cemeteries, hospitals, parks and other recreational facilities, all other public improvements, and any other property, real or personal, within or without the City, for all such uses or purposes, or for any other public or municipal use or purpose; acquire, receive and hold any estate or interest in any such property; and sell, lease, mortgage, pledge, or otherwise dispose of the same or the products thereof. The power herein granted shall be limited only by prohibitions contained in the Constitution and laws of Missouri and other provisions of this Charter.
- (11) Collect and dispose of sewage, offal, ashes, garbage, and refuse, or license and regulate such collection and disposal.

- (12) Prescribe limits within which businesses, occupations, and practices apt to be nuisances or detrimental to the health, morals, safety, security, or general welfare of the people may lawfully be established, conducted, or maintained.
- (13) License and inspect weights and measures; and inspect, test, measure and weigh any article offered for sale within the City for consumption or use.
- (14) Regulate the construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety; and when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean and safe; and provide procedures and methods to condemn and, if necessary, to tear down or destroy unsafe or unhealthful places, buildings, or structures.
- (15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, bridges, viaducts, subways, tunnels, sewers and drains, and regulate the use thereof.
- (16) Abolish or prevent grade crossings, provide for safe crossings, and compel any street, steam, electric railroad, or other transportation company or companies affected thereby to pay all or a part of the cost thereof; regulate and control the location of aviation fields, hangars and aircraft landing places; regulate and control the use of all aircraft within or over the City; and regulate and control the location, construction, operation and use of all types of communication facilities.
- (17) Invest funds of the City in any type of investment permitted in Article IV of the Missouri Constitution and as provided in a written investment policy, which the Council shall adopt, and which it shall periodically review and, if the Council deems necessary, amend.
- (18) Extend or diminish the limits of the City by ordinance, subject to the approval of a majority of the electors of the City voting thereon at any general or special election, and as otherwise provided by law.
- (19) Suppress nuisances and do all things whatsoever expedient for promoting, and maintaining the comfort, education, morals, safety, peace, government, health, welfare, trade, commerce, or industry, in or of the City or its inhabitants.

- (20) Enforce any ordinance, rule or regulation by means of fines, forfeitures, penalties, and imprisonment, or by action or proceeding in its own courts or in any other court of competent jurisdiction, or by any one or more of such means, and impose costs as a part thereof.
- (21) License, tax, and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the laws of Missouri now or hereafter applicable to constitutional charter cities or cities of the First, Second, Third or Fourth Class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax and regulate; and prohibit or suppress all businesses, occupations, professions, vocations, activities, or things whatsoever set forth and enumerated by the laws of Missouri now or hereafter applicable to constitutional charter cities or cities of the First, Second, Third or Fourth Class, or of any population group, and which any such cities now or may hereafter be permitted by law to prohibit or suppress.
- (22) Compel, by the issuance of process, the attendance of witnesses and the production of papers and records relating to any subject under investigation in which the interest of the City is involved, and call upon the proper officers of the City or County to execute such process.
- (23) Contract and be contracted with, and sue and be sued.
- (24) Make and collect special assessments on public or private property for public improvements, and provide for enforcing the prompt payment thereof by any appropriate means.
- (25) Cooperate, or join by contract with other cities, counties, states, the United States, or other governmental bodies singly or jointly, or in districts or associations, for promoting or carrying out any of the powers of the City, or for the acquisition, construction or operation of any property, works, plants or structures convenient or necessary for carrying out any of the purposes or objects authorized by this Charter.
- (26) Improve water courses and regulate the use thereof.

- (27) Direct, regulate, and control the location and construction of all poles, wires, conduits, subways, pipes, mains, or other structures or erections of any kind, in or under or over public streets, alleys, highways, or places in the City.
- (28) Divide the City into districts and for each of such districts impose regulations, restrictions, or prohibitions designed to promote the public health, safety convenience, comfort, morals, prosperity, or general welfare, governing the erection of buildings and other structures and of premises to be used for trade, industry, residence, or other specified purposes, designate the kinds or classes of trade, industries, residences or other purposes for which buildings or other structures or premises may be permitted to be erected, constructed, reconstructed, altered, repaired or used; regulate and limit the height and bulk of buildings and other structures; regulate building lines and limit the percentage of lot occupancy, and regulate and limit the area of courts and other spaces.
- (29) Provide for the purchase by the City of property levied upon, under execution or process in favor of the City, and of property sold for delinquent taxes and assessments; and for the sale and conveyance of the same.
- (30) Enact, adopt, and enforce all ordinances, rules, and regulations; do all things and exercise all governmental and municipal authority necessary, needful, and convenient, contributing to, or bearing a substantial relation to the full and complete exercise of all the powers enumerated in this Charter.

#### Section 2.14 CONFLICT OF INTEREST.

The Council shall enact an ordinance within one hundred twenty days prohibiting any elected or appointed officer, employee, or member of any board or commission of the City from any conduct or act which does or may conflict with its official duties or employment.

## **ARTICLE 3**

### **THE CITY MANAGER**

#### **Section 3.1 QUALIFICATIONS AND TERM OF OFFICE.**

The City Manager shall be chosen by the Council on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office of City Manager. The City Manager may or may not be a resident of the City at the time of selection, but within a reasonable time after appointment, as determined by the Council, the City Manager shall live therein during the City Manager's tenure of office. The City Manager shall be appointed for an indefinite term, subject to removal as herein provided, and shall devote full time to the duties of the City Manager's office. The City Manager may appoint an Assistant City Manager, whose duties shall be as directed by the City Manager. The City Manager shall designate in writing, filed with the City Clerk, the Assistant City Manager or director of a department to perform the duties of the City Manager in the event of absence or disability; if the City Manager should fail to do so, the Council shall make such designation.

#### **Section 3.2 COMPENSATION.**

The City Manager shall receive such compensation as shall be fixed by ordinance.

#### **Section 3.3 POWERS AND DUTIES.**

The City Manager shall be the chief executive and administrative officer of the City, and shall be responsible to the Council for the proper administration of all affairs of the City. To that end, the City Manager shall have the power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, remove any officer or employee of the City except as otherwise provided by this Charter. The City Manager also may authorize the director of a department or an office head to appoint subordinates in such department or office.
- (2) Prepare the budget annually, submit it to the Council, and be responsible for its administration after adoption.
- (3) Prepare and submit to the Council, as of the end of each fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

- (4) Keep the Council advised of the financial condition and future needs of the City, and make such recommendations as may seem desirable.
- (5) Serve as the director of one department and, with the consent of the Council, serve as the director of two or more departments.
- (6) Attend all meetings of the Council and, insofar as possible, its committees, except when the Council may be considering the City Manager's removal. The City Manager shall have the right to take part in discussions, but shall have no vote.
- (7) See that all laws and ordinances are enforced, and that all contracts and franchises are faithfully performed.
- (8) Perform such other duties as may be prescribed by this Charter, or required of the City Manager by the Council, not inconsistent with this Charter.

The City Manager may assign particular officers and employees, to one or more departments as may be necessary or proper for the efficient and economical administration of the City.

## **ARTICLE 4**

### **ADMINISTRATIVE SERVICE**

#### **Section 4.1 ADMINISTRATIVE DEPARTMENTS.**

There shall be the following administrative departments: Finance, Law, Public Works, Police, Fire, Personnel, and such other departments as may be established by ordinance upon recommendation of the City Manager.

#### **Section 4.2 DIRECTORS OF DEPARTMENTS.**

At the head of each department, there shall be a director who shall be an officer of the City, and who shall have supervision and control of the department, subject to the City Manager, except as otherwise provided by this Charter. The Director of the Police Department shall be the Chief of Police, and the Director of the Fire Department shall be the Fire Chief. The City Manager may designate the same individual as the director of two or more departments and may require the director of a department to serve as head of one or more offices.

### Section 4.3 BOARDS AND COMMISSIONS.

There shall be the following boards and commissions, the members of which shall serve without compensation: Personnel Board, City Plan Commission, Board of Adjustment, Library Board as provided by law, Board of Trustees of the Police and Firemen's Retirement Fund, Parks and Recreation Commission, and such other advisory boards and commissions as the Council may by ordinance prescribe.

## **ARTICLE 5**

### **DEPARTMENT OF FINANCE**

### Section 5.1 DIRECTOR - QUALIFICATIONS.

There shall be a Department of Finance, the head of which shall be the Director of Finance, who shall be, or be appointed by the City Manager. The Director of Finance shall have knowledge of municipal accounting and taxation, and shall have experience in budgeting and financial control.

### Section 5.2 DUTIES.

The Director of Finance shall have charge of the administration of the financial affairs of the City, and to that end the Director of Finance shall have authority and be required to:

- (1) Compile the current expense and capital estimates for the budget for the City Manager.
- (2) Supervise and be responsible for the disbursement of all monies, and have control over all expenditures to insure that budget appropriations are not exceeded.
- (3) Immediately notify the City Manager if the Director of Finance ascertains at any time during the fiscal year that the total appropriations for any fund, under the direct control of the City, are greater than the revenue to be actually received during the year, plus any unencumbered balance, or less any deficit at the beginning of the year.
- (4) Maintain a general accounting system for the City and each of its departments and offices; exercise financial control over the same; keep such books and

records and submit such financial statements to the City Manager and Council as they may require.

- (5) Collect all taxes, special assessments, license fees, and other revenues or monies due the City from any source whatever; and receive from the various departments and offices all fees and revenues collected by them.
- (6) Serve as City Treasurer, and in that capacity shall draft and submit an investment policy for action by the City Council as provided in Section 2.13(17) of this Charter. The Director of Finance shall also review such policy periodically and may recommend changes to the Council. The Director of Finance shall deposit and adequately secure all funds received in a manner consistent with the investment policy then in effect.
- (7) Make and have custody of all investments of the funds of the City, including those held in a fiduciary capacity, under such regulations as the Council may prescribe.
- (8) Prescribe the forms of all financial records, receipts, vouchers, bills, and claims used by all the departments and offices of the City.
- (9) Certify, before any contract, order, or other document has been executed by which the City incurs financial obligation, that the expenditure is within the purpose of the appropriation ordinance and the work program contemplated thereby, and that there is an unencumbered balance in the appropriation sufficient to pay the obligation.
- (10) Audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the City. The Director of Finance shall draw checks and vouchers in payment, which checks shall be valid only when countersigned by the City Clerk.
- (11) Inspect and audit any accounts or records of financial transactions which may be maintained in the department of the Director of Finance and in any department or office of the City apart from or subsidiary to the accounts kept in the Finance department.
- (12) Perform such other duties as may be prescribed by the City Manager.



### Section 5.3 APPROVAL OF EXCESS EXPENDITURES A MISDEMEANOR.

Any officer or head of any department of the City who shall audit and approve for payment any expenditure in excess of the amount provided for in the budget then effective shall forfeit office, and in addition thereto shall be guilty of a municipal infraction and upon conviction thereof in any court of competent jurisdiction shall be subject to a fine not exceeding the maximum amount allowed by state law for municipal infractions.

### Section 5.4 PURCHASING AGENT.

There shall be, within the Department of Finance, a Purchasing Agent who may be the City Manager, or someone appointed by the City Manager. Pursuant to rules and regulations established by ordinance, the Purchasing Agent shall contract for, purchase, store, and distribute all supplies, materials, and equipment required by any department or office of the City. The Purchasing Agent shall also have power and be required to:

- (1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the City.
- (2) Inspect or supervise the inspection of all deliveries of supplies, materials, and equipment, and determine their quality, quantity, and conformance with specifications.
- (3) Have charge of such general storerooms and warehouses as the City may maintain.
- (4) Transfer to or between departments and offices, or sell, with the approval of the Council, surplus, obsolete, or unused supplies, materials, or equipment.

### Section 5.5 PURCHASES.

Before the Purchasing Agent makes any purchase or contract, or before the City lets any contract for improvements, there shall be given ample opportunity for competitive bidding, under such exceptions as the Council may prescribe by ordinance; provided, however, that the Council shall not except individual contracts, purchases, or sales from the requirement of competitive bidding, nor permit the subdivision of contracts or purchases for the purpose of evading the requirements of competitive bidding.

## Section 5.6 AUDITS.

An independent audit shall be made of all accounts of the City at least annually, and more frequently if deemed necessary by the Council. Such audits shall be made by a certified public accountant who has knowledge of municipal accounting and who shall be selected by the Council. The report of such audit shall be completed and submitted to the Council not later than the forty-fifth day after the close of the fiscal year, and shall be made public in such manner as the Council may determine.

## Section 5.7 FISCAL YEAR.

The fiscal year of the City, beginning with the year 1955, unless otherwise provided by ordinance, shall begin on the first day of July and shall end on the last day of June of each year. Such fiscal year shall also constitute the budget year.

## Section 5.8 PREPARATION OF BUDGET.

The City Manager, not later than thirty-five days before the beginning of the fiscal year, shall submit to the Council a budget for the following fiscal year, accompanied by such explanatory budget message as is advisable. For such purpose, estimates of revenue and expenditure shall be obtained from the director of each department or office head, detailed by organization units, and character and object of expenditure. The City Manager shall obtain, in addition, an estimate of all capital projects pending, or which the director of each department believes should be undertaken within the fiscal year, and within the five next succeeding years. Composition of the budget shall include comparative figures for the three preceding years. Estimates so submitted shall be reviewed by the City Manager and revised as the City Manager deems advisable.

## Section 5.9 PROPOSED EXPENDITURES.

Proposed expenditures shall be itemized in such form and to such extent as shall be provided by law, and, in the absence of such provision, by regulations established by ordinance. Separate provisions in the budget shall include at least the following:

- (1) Interest, amortization, and redemption charges on the public debt for which the faith and credit of the City is pledged.
- (2) Other statutory expenditures.
- (3) The payment of all judgments.

- (4) The amount by which the total receipts of miscellaneous revenue in the last completed fiscal year failed to equal the total of the budget requirements from such sources in that year.
- (5) An amount equal to the aggregate of all tax anticipation notes which it is estimated will be outstanding at the end of the current fiscal year.
- (6) An amount equal to the aggregate of all cancellations, remissions, abatements, and refunds of taxes, that have been made during the current fiscal year.
- (7) An amount equal to the deficit arising from the operation of any public service enterprise owned by the City.
- (8) An amount equal to the estimates of expenditure necessary for the administration, operation, and maintenance of each department and office of the City, itemized by character and object of expenditure.
- (9) Contingent expense in an amount not to exceed five percent of Item 8 above.
- (10) Expenditures for proposed capital projects as provided in this Charter.

#### Section 5.10 PUBLIC HEARING.

At the meeting of the Council at which the budget and the budget message are submitted, the Council shall determine the time and place of a public hearing on the budget, not less than ten days thereafter, and the City Clerk shall immediately provide by advertisement or otherwise for general notice to the public of such hearing. At the time and place of such public hearing, or at the time and place to which the same may from time to time be adjourned, all interested persons shall be given an opportunity to be heard.

#### Section 5.11 PUBLIC RECORD.

The budget, the budget message, and all supporting schedule shall be a public record in the office of the City Clerk and open to inspection. The City Manager shall cause sufficient copies to be prepared for distribution to interested persons.

## Section 5.12 ADOPTION OF THE BUDGET.

After the conclusion of the public hearing, the Council may insert new items or may increase or decrease the items of the budget, except for specified fixed expenditures. The Council may not vary the titles, descriptions, or methods of expenditure specified in the budget. Where it shall increase the total proposed expenditures, the Council shall also increase the total anticipated revenue to at least equal such total proposed expenditures.

The budget shall be adopted by the favorable vote of a majority of the Council not later than the fourth day prior to the commencement of the fiscal year. Should the Council fail to take action by this date, the budget as submitted, with any revisions therein, shall be deemed to have been finally adopted. Immediately after the budget is finally adopted, the necessary tax levy ordinance shall be passed.

## Section 5.13 EFFECTIVE DATE - CERTIFICATION - COPIES.

Upon final adoption of the budget, it shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be certified by the City Manager and the City Clerk, and filed in the office of the Director of Finance. The budget so certified shall be printed, mimeographed, or otherwise reproduced, and sufficient copies thereof shall be made available for the use of all departments and offices, and for the general use of financial institutions, civic organizations, and other interested persons.

## Section 5.14 APPROPRIATIONS.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named.

#### Section 5.15 EXPENDITURE CONTROLS.

Whenever notified by the Director of Finance that the total appropriations for any fund are greater than the revenue to be actually received during the year, plus any unencumbered balance, or less any deficit at the beginning of the year, the City Manager shall reconsider the entire program of expenditures authorized by the budget. The City Manager shall prepare and submit to the Council, within ten days after receiving such notice, a revised program of expenditures that will prevent expenditures in excess of said revenues and cash balance. The Council shall consider the revised program and may, by resolution, approve or amend it, provided that the Council may not make the total revised program of expenditures greater than the total amount proposed by the City Manager. Such program shall be approved by a majority vote of all the members of the Council and shall become effective immediately upon such approval. Failure of the Council to approve a revised expenditure program within fifteen days after receipt of the program proposed by the City Manager shall constitute approval of the City Manager's program.

#### Section 5.16 TRANSFER OF UNEXPENDED APPROPRIATIONS.

The City Manager may transfer any unencumbered appropriation balance or portion thereof from one classification of expenditures to another within a department or office. At the request of the City Manager and within the last three months of the fiscal year, the Council may by resolution transfer any un-encumbered appropriation balance or portion thereof from one department or office to another. No transfer shall be made of specified fixed appropriations. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

#### Section 5.17 INCURRING INDEBTEDNESS.

The City may incur indebtedness and issue its negotiable bonds in evidence thereof for any purpose that may be authorized by the laws of the State of Missouri, and by this Charter. Bonds may be so issued as to be payable serially or subject to call or both.

#### Section 5.18 SPECIFIC PURPOSES.

Some of the purposes hereby specifically authorized for which the bonds of the City may be issued and given, sold, pledged or disposed of on the credit of the City, or solely upon the credit of specific property owned by the City, or solely upon the credit of income derived from the property used in connection with any public utility owned or operated by the City, or upon any two or more such credits, are the following:

- (1) For the acquiring of land; for the purchase, construction, reconstruction or extension of water works, public sewers, buildings and equipment for the police and fire departments, equipment for the collection and disposal of garbage and refuse, bridges and viaducts, subways, tunnels, railroads, street railroads, terminals for bus, air, and railroad travel, warehouses, gas or electric light systems, power plants, telephone and telegraph systems, radio and television broadcast and reception, or any other public utilities.
- (2) For hospitals, insane asylums, orphan asylums, poorhouses, industrial schools, jails, workhouses, and other charitable, corrective, and penal institutions.
- (3) For public buildings, golf courses, swimming pools, recreational facilities, parks, parkways, streets, boulevard grounds, squares, river and other public improvements which the City may be authorized or permitted to make.
- (4) For paying, refunding, or renewing any bonded indebtedness of the City; and for the establishment of a revolving public improvement fund to be used for the purpose of paying cash for local improvements, such fund to be replenished from time to time by the payment into it of the proceeds of special assessments made on account of such local improvements.

The foregoing enumeration shall not be construed to limit any general provision of this Charter authorizing the City to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purposes had been mentioned, and the authority to issue such bonds for any purpose aforesaid is cumulative and shall not be construed to impair any authority to make any public improvements under any provision of this Charter or any law.

#### Section 5.19 VOTE REQUIRED FOR ISSUANCE OF BONDS.

No bonds, except bonds for paying, renewing, or refunding bonded indebtedness, shall be issued without the assent of two-thirds of the electors of the City voting thereon at an election held for that purpose; provided, however, that the City by a vote of four-sevenths of the electors thereof voting thereon, may issue and sell its negotiable interest bearing bonds, for the purpose of paying all or part of the cost of purchasing, constructing, extending, or improving any revenue producing water, gas, or electric light systems, heating or power plants, or airport to be owned exclusively by the City, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenue derived by the municipality from the operation of such utility. And, provided further, that similar revenue bonds may be issued for the purpose of paying all or part of the cost of purchasing, constructing, extending or improving any revenue producing property or utility to be owned exclusively by the City, upon the favorable vote of four-sevenths of the electors voting thereon. Provided, further, the majorities above required shall be reduced to the level of majority required in similar circumstances by the Constitution or any statute of the State of Missouri.

#### Section 5.20 CONDUCT OF ELECTIONS.

Notice of any bond election shall be given, and such election shall be held, conducted, and the returns thereof made, canvassed, and declared in the manner provided by the Constitution and laws of the State of Missouri.

#### Section 5.21 DEBT STATEMENT.

Prior to the adoption of an ordinance calling or providing for the holding of an election at which any question of the incurring of any tax-secured indebtedness shall be submitted, the Director of Finance shall prepare, swear to, and file for public inspection in the office of the City Clerk, a special debt statement which shall set forth:

- (1) The aggregate principal amount of all outstanding bonds and notes of the City.
- (2) Deductions, if any, permitted by the Constitution and general laws.
- (3) The amount of existing net indebtedness.
- (4) The amount of net indebtedness after the issuance of the bonds authorized by such bond ordinance.

- (5) The assessed valuation of all taxable tangible property within the City as shown by the last completed assessment for State and County purposes.
- (6) The aggregate principal amount of bonds and notes that the City may issue pursuant to law.

This debt statement, after approval by a majority of the Council, shall be published with the notice of the bond election and shall be presumed to be accurate.

#### Section 5.22 FINALITY OF BOND ORDINANCE AND ELECTION.

When twenty days shall have elapsed after adoption of an ordinance declaring the result of any election hereunder:

- (1) Any recitals or statements of fact contained in such ordinance, or in the preamble or recitals thereof shall be deemed to be true for the purpose of determining the validity of the bonds, and the City and all other interested shall forever thereafter be estopped from denying the same.
- (2) Such ordinance shall be conclusively presumed to have been duly and regularly passed by the City, and to comply with the provisions of this Charter and of all laws.
- (3) The validity of such ordinance, or of such election, or of the bonds authorized thereby, or of the tax necessary to pay such bonds and the interest thereon, shall not thereafter be questioned by either a party plaintiff or a party defendant, except in a suit, action, or proceeding commenced prior to the expiration of such twenty days.

#### Section 5.23 LIMIT OF INDEBTEDNESS.

No indebtedness shall be incurred in an amount exceeding any limit imposed by the Constitution or laws of the State of Missouri.



## Section 5.24 ANNUAL TAX REQUIREMENTS.

Before incurring any indebtedness hereunder, provision shall be made for the collection of an annual tax on all taxable tangible property within the City sufficient to pay the interest on, and principal of, the indebtedness as they fall due, and to retire the same within twenty years from the date contracted; provided, however, that the provisions hereof shall not apply in the case of the issuance of revenue bonds as herein defined.

## Section 5.25 SALE OF BONDS.

All bonds issued by the City shall be sold at public sale upon sealed proposals and a notice published in a newspaper having a general circulation within the City of Webster Groves, such publication to be made at least ten (10) days prior to the date of sale. The Director of Finance shall mail notices by direct mail to parties and financial institutions that may be interested in the purchase of such bonds.

## Section 5.26 ISSUANCE OF REFUNDING BONDS.

For the purpose of refunding, extending, and unifying the whole or any part of its valid bonded indebtedness, the City, under the terms and conditions prescribed by law, may issue refunding bonds not exceeding in amount the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of such refunding.

## Section 5.27 GENERAL PROVISIONS.

- (1) No contract to be financed by bonds shall be executed for the acquisition of any property or the construction of any improvement until the issuance of the bonds shall have been duly authorized, by ordinance, following an election.
- (2) Upon recommendation of the City Manager, the Council may, pursuant to this section, make emergency appropriations to meet the pressing need for public expenditures for other than a regular or recurring requirement, to protect the public health, safety or welfare. The total amount of all emergency appropriations made in any fiscal year shall not exceed five per cent of the total operating appropriations made in the budget for that year.
- (3) In any fiscal year, the Council may, by resolution or ordinance, issue and sell negotiable notes of the City, each of which shall be designated "tax anticipation note for the fiscal year" and shall be payable within one year from the date thereof; provided, however, that the amount of all notes so issued in

any fiscal year shall not exceed ninety per cent of the estimated revenues then remaining to be collected and applied to the appropriations budgeted for that year, and shall never exceed fifty per cent of the amount of ad valorem taxes levied in that year for City purposes and other revenue reasonably certain of collection. All such notes shall be paid from the first revenues thereafter collected for that year.

- (4) All such tax anticipation notes so issued may be sold at not less than par and accrued interest at private sale, upon such terms and conditions as may be provided by the Council in the resolution or ordinance authorizing the issuance thereof.

## **ARTICLE 6**

### **DEPARTMENT OF PUBLIC WORKS**

#### **Section 6.1 DIRECTOR - QUALIFICATIONS.**

There shall be a Department of Public Works, the head of which shall be the Director of Public Works. He shall be appointed by the City Manager, shall be a graduate of an accredited school of engineering or architecture, shall be registered under the laws of Missouri, and qualified to perform the duties required by this Charter and the ordinances of the City.

#### **Section 6.2 POWERS AND DUTIES.**

The Director of Public Works shall have such powers and duties as are prescribed by the City Council by ordinance or by the City Manager.

## **ARTICLE 7**

### **DEPARTMENT OF PERSONNEL**

#### **Section 7.1 OFFICERS.**

The Department of Personnel shall consist of a Personnel Director and a Personnel Board of three members.

## Section 7.2 APPOINTMENT AND TERM OF OFFICE.

The City Manager shall serve as Personnel Director or appoint a Personnel Director. Members of the Board shall be appointed by the Council, which shall designate one of the three as chairperson. They shall be appointed for a term of three years, except that of the members first appointed, one shall be appointed to serve for one year, and one for two years. The Council shall fill vacancies for any unexpired term. A member of the Board may be removed by the Council for cause, after being given a written statement of the charges asserted, and after a public hearing thereon, if requested by the member. A certified copy of the charges, and a transcript of the record of any hearing thereon, shall be filed with the City Clerk.

## Section 7.3 QUALIFICATIONS.

Each member of the Personnel Board shall be an elector of the City, and shall have resided therein for at least two years immediately prior to appointment. Members of official political party committees shall be ineligible to serve as members of the Board. Members of the Board shall be required to take the oath of office hereinafter prescribed for city officers, including a statement therein that they are in sympathy with the merit principle as it applies to the classified service provisions for city employees.

## Section 7.4 POWERS AND DUTIES OF THE PERSONNEL DIRECTOR.

The Personnel Director shall have authority and be required to:

- (1) Hold competitive examinations for all appointments in the classified service.
- (2) Give general publicity to all announcements of competitive examinations.
- (3) Establish training programs for municipal employment.
- (4) Report annually to the Personnel Board regarding the operation of the Department.
- (5) Prepare and recommend to the Personnel Board such rules as may be appropriate to carry out the provisions of this Article.
- (6) Prepare and maintain a job classification system.

- (7) Prepare and submit to the Council and, upon its approval, maintain a pay plan in the City service.
- (8) Perform such other duties as may be prescribed by the City Manager.

#### Section 7.5 POWERS AND DUTIES OF THE BOARD.

The Personnel Board shall have authority and shall be required to:

- (1) Advise the Council, the City Manager, and the Personnel Director on problems concerning personnel administration.
- (2) Make any investigation which it may consider desirable concerning the administration of personnel in the City service, and report to the Council at least once a year, its findings, conclusions, and recommendations.
- (3) Approve merit system rules.
- (4) Hear appeals from disciplinary actions and make recommendations thereon.
- (5) Perform such other duties with reference to personnel administration, not inconsistent with this Charter, as the Council may prescribe by ordinance.

#### Section 7.6 CLASSIFICATION OF EMPLOYEES.

The administrative service of the City is hereby divided into the classified and the unclassified services, as follows:

- (1) The unclassified service shall include the City Manager, Assistant City Manager, directors of all departments, members of the advisory and administrative boards, Municipal Court Judge, City Clerk, and secretary to the City Manager.
- (2) The classified service shall comprise all positions not specifically included by this Charter in the unclassified service.

## Section 7.7 MERIT SYSTEM RULES.

The Personnel Board, within six months after the appointment of the Personnel Director, shall hold a public hearing upon the rules recommended by the Personnel Director, at which all persons interested may be heard. After such hearing, the Board shall approve or reject the rules wholly, or in part, or may modify and approve them as modified. The rules approved by the Board shall then be submitted to the Council, and shall become effective when approved by the Council. The rules shall include provisions for:

- (1) Open competitive tests to ascertain the relative fitness of any applicant for appointment in the classified service. Such tests shall be practical, and shall relate to matters that fairly measure the relative fitness of any applicant to discharge the duties of the position that he seeks. Such tests also shall take account of the applicant's character, training, and experience. No question in any test shall relate to political or religious opinion, affiliations or service.
- (2) Standardization and classification of all positions in the classified service of the City, which classification into groups and subdivisions shall be made on the basis of duties and responsibilities, and so arranged as to promote the filling of the higher grades through promotion, so far as practicable.
- (3) Certification to the appointing authority of eligible persons, in order of rank, for the purpose of filling vacancies.
- (4) Temporary or emergency appointments, in the absence of an eligible list.

## Section 7.8 APPLICATION REGISTER.

There shall be kept in the office of the Personnel Director an application register, in which shall be entered the names and addresses, the order and date of applications of all applicants for the competitive examinations, and the offices or employments which they seek. All applications shall be upon forms prescribed by the Personnel Director.

## Section 7.9 PENSIONS.

Pension systems existing at the time of the effective date of this Charter shall be continued in force until lawfully changed. Additional pension plans may be established as provided by law.

#### Section 7.10 PRESENT EMPLOYEES CONTINUED IN OFFICE.

All persons who are holding positions hereby placed in the classified service of the City at the time this Charter takes effect, shall be deemed to hold such positions as though appointed in accordance with the provisions hereof. Any vacancies thereafter occurring shall be filled from eligible lists in the manner herein provided.

#### Section 7.11 RIGHTS OF EMPLOYEES.

Any employee in the classified service who shall be discharged, or reduced in rank or compensation, shall be presented with written reasons for such discharge or reduction, within five days after such discharge or reduction. The employee shall have the privilege of a public hearing before the Personnel Board. The Board, after such hearing, shall submit its recommendations to the City Manager, who shall make final disposition of the case.

#### Section 7.12 PROHIBITIONS.

No person in the classified service of the City, or seeking admission thereto, shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of race or political or religious opinions or affiliations. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made under the personnel provisions of this Charter; or in any manner commit, or attempt to commit, any fraud preventing the impartial execution of such personnel provisions, or of the rules and regulations made thereunder. No appointive salaried officer or employee of the City shall continue in such position after becoming a candidate for nomination or election to any public office. No person seeking appointment to or promotion in, the classified service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with any test, appointment, proposed appointment, promotion, or proposed promotion. No appointive salaried officer or employee of the City shall make any contribution to campaign funds of any political organization or any candidate for office of Council member or Mayor in the City of Webster Groves or take any part in a political campaign of any such candidate or any such political organization further than in the exercise of that person's rights as a citizen to express an opinion and to cast a vote.

### Section 7.13 VIOLATIONS.

Any person who shall willfully, or through culpable negligence, violate, or conspire to violate, any provision of Section 7.12, shall be guilty of a municipal infraction. Upon conviction thereof in any court of competent jurisdiction, such person shall be punished by a fine not exceeding the maximum amount permitted by Missouri law for municipal infractions. The conviction of any employee of any such offense shall operate automatically to terminate that employee's service and to vacate that employee's position. Any employee so removed from the service shall not be reinstated, reemployed, or reappointed, or in any manner reenter the service of the City.

## **ARTICLE 8**

### **DEPARTMENT OF LAW**

### Section 8.1 CITY ATTORNEY - APPOINTMENT - QUALIFICATIONS.

There shall be a Department of Law, the director of which shall be known as the City Attorney. The City Attorney shall be appointed by the City Manager with the consent of the Council. The City Attorney shall have been licensed to practice law in the State of Missouri for at least five (5) years, and shall have been actively engaged in the general practice of law during the five (5) year period immediately prior to appointment.

### Section 8.2 DUTIES.

The City Attorney shall represent the City, except as hereinafter provided, in all legal matters in which it is a party or is interested. The City Attorney shall advise the Council, any committee or members thereof, the City Manager, Directors of all departments, and the boards and commissions concerning any legal questions affecting the City's interest. The City Attorney shall serve as City Prosecutor in the Municipal Court and, any assistant, duly appointed by the City Manager with the approval of the Council, as above provided, shall possess all of the same powers and perform the duties as designated by the Director of the Department of Law, when directed so to do by the City Attorney. The compensation and qualifications of assistance to the City Attorney shall be prescribed by ordinance. Council may further provide for the appointment of temporary or special counsel to assist the City Attorney in matters requiring specialized knowledge such as, but not limited to, issuance of bonds of the City of Webster Groves.

## **ARTICLE 9**

### **THE MUNICIPAL COURT**

#### **Section 9.1 MUNICIPAL COURT.**

There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases arising under this charter or the ordinances of the City, and to assess punishment as therein provided. There shall be the right of appeal to the Circuit Court in like manner as provided by law for appeals in criminal cases. The Municipal Court may punish contempt of court by fine or imprisonment not exceeding the maximums permitted by state statutes for municipal infractions, or both. It may enforce its orders and judgments as a court of record may, and render final judgment on any forfeited bond or recognizance returnable to such court, subject to appeal as in other cases.

#### **Section 9.2 JUDGE OF THE MUNICIPAL COURT.**

The Municipal Court shall be presided over by a judge appointed by the City Council for a term of four years. The Judge shall be a resident and elector of the City, a licensed member of the Bar of this State, and shall have actively practiced law for not less than three years. The Judge shall be removable for cause at any time, by a majority vote of the entire Council after a public hearing before the Council. The Judge shall receive such compensation as may be fixed by ordinance. Whenever the Municipal Judge temporarily is absent or unable to act, the Council shall appoint an eligible person to act during such absence or disability. Whenever the office of Municipal Judge becomes vacant for any reason, the Council shall appoint an eligible person for the unexpired term.

#### **Section 9.3 Marshal.**

The Chief of Police and the Chief's subordinates shall serve as the marshal and deputy marshals of the Municipal Court and shall enforce its orders, judgments, and decrees.

#### **Section 9.4 PROCEEDINGS.**

The forms of complaints, and all proceedings in the Municipal Court shall be prescribed by ordinance except as otherwise provided in this Charter.



## **ARTICLE 10**

### **BOARDS AND COMMISSIONS**

#### **Section 10.1 POWERS AND DUTIES.**

All boards and commissions shall have such powers and perform such duties as are prescribed by law or by this Charter, and if not so prescribed, then such as may be prescribed by ordinance.

Each board and commission may establish such rules of procedure and organization, as it deems necessary, not inconsistent with this Charter, law or ordinance.

Any Mayor or Council member who serves on any board or commission of the City shall do so as a non-voting member of such board or commission, unless otherwise required by law.

#### **Section 10.2 PARKS AND RECREATION.**

The Council shall appoint seven members to a Parks and Recreation Commission. The Board of Education shall be requested to recommend two of its members to serve as additional members of the Commission, and if so recommended, such members shall be appointed. All members shall be electors of the City; shall not be officers or employees of the City; and shall serve for terms to be prescribed by the Council.

The Commission shall have power and be required to:

- (1) Act in an advisory capacity to the Council and City Manager in matters pertaining to parks and public recreation.
- (2) Assist in the planning of recreation programs; promote and stimulate public interest therein; and solicit to the fullest extent possible the cooperation of school authorities and public and private agencies.

The Council shall have power and authority, as may be now or hereafter authorized by law, to levy special taxes, by ordinance duly adopted, for the operation of public parks, and recreation grounds and facilities.

### **Section 10.3 BOARD OF TRUSTEES OF THE POLICE AND FIREMEN'S RETIREMENT FUND.**

There shall be a Board of Trustees of the Police and Firemen's Retirement Fund consisting of nine members, three of whom shall be the Chief of Police, the Fire Chief, and the Director of Finance, all ex-officio. The Director of Finance shall serve as Treasurer of the Fund. The other six members, to be appointed by the Council, shall be electors of the City; provided, however, that of the six, one shall be an employee of the Fire Department and one shall be an employee of the Police Department, each of whom shall have been elected by the members of his or her department to serve in such a capacity.

The six appointive members shall serve for three-year terms, except that of the members first appointed, two shall be appointed to serve for one year, two for two years, and two for three years. The Council shall fill vacancies for any unexpired term.

## **ARTICLE 11 PLANNING AND ZONING**

### **Section 11.1 ORGANIZATION.**

There shall be a City Plan Commission established and operated in a manner consistent with the controlling statutory or common law of the State of Missouri. The members shall be appointed by the Council to serve such terms as are prescribed by the Council and in a manner consistent with the controlling statutory or common law of the State of Missouri. The Council shall fill vacancies for any unexpired term, except as may otherwise be provided by controlling statutory or common law of the State of Missouri.

### **Section 11.2 POWERS AND DUTIES.**

The City Plan Commission shall have full authority to advise the City Council regarding all planning and zoning matters as permitted by the controlling statutory or common law of the State of Missouri, including but not limited to zoning power over the property of persons, corporations, institutions, churches, and all other entities to the fullest extent permitted by the constitutions of Missouri and the United States.

Further, and without limiting the powers described above, the Plan Commission shall have authority to prepare and submit to the Council, for Council approval, such recommendations for modification of the City's master plan for the physical development of the City, as it may, from time to time, deem to be in the City's interest.

### Section 11.3 RECOMMENDATIONS TO THE COUNCIL.

The Commission shall hear applications for zoning amendments, modifications, or revisions, and shall forward such applications to the Council with its recommendations thereon. At least seven days prior to the first hearing on any proposed amendment, modification or revision, the Commission shall send a written notice, briefly describing the proposed amendment, modification or revision and stating the time and place of the hearing, to the last known place of abode of the owners of all property, according to City records, adjacent to or lying within 185 feet of all boundaries of the property under consideration, unless otherwise required by law. In the event of a general revision of the zoning ordinance, written notice to property owners shall not be required, unless otherwise required by law.

The recommendations of the Commission shall not be binding on the Council, which may approve or disapprove the Commission's findings; however, no city planning or zoning ordinance or any modification, amendment, or revision recommended by the City Plan Commission shall become effective unless and until a public hearing is held in relation thereto. The Council shall cause notice of the time and place of such hearing to be published, at least two times in a newspaper having a general circulation within the City of Webster Groves. The first publication shall be at least fifteen days prior to the date of the hearing. The Council may provide by ordinance for additional notice of any such hearing to interested persons and citizens of the City.

### Section 11.4 SUBDIVISION PLATS.

All plats of proposed subdivisions or resubdivisions to be presented to the Council for approval shall first be submitted to the City Plan Commission, which shall make recommendations to the Council regarding such subdivisions or resubdivisions.

### Section 11.5 BOARD OF ADJUSTMENT.

There shall be a Board of Adjustment, appointed by the Council as required by law. The Board shall have such powers and duties as are provided by law and ordinance.

## **ARTICLE 12**

### **PUBLIC IMPROVEMENTS**

#### **Section 12.1 POWER TO MAKE PUBLIC IMPROVEMENTS.**

The City may establish and improve public highways or sidewalks of every character and parts thereof by grading, re-grading, paving, repaving, macadamizing, surfacing, resurfacing, constructing, reconstructing, oiling, sprinkling, curbing, guttering, or repairing the same, constructing or repairing sidewalks thereon, or by sodding the same, or by planting and caring for trees and shrubbery on or along the same, or by constructing and maintaining bridges, viaducts, subways, culverts, drains, and sewers on or along any highway or right-of-way therefor; may acquire, construct, repair and maintain sewers, drains and all appurtenances thereto; may improve water courses and the banks thereof, and divert and change the channels of the same; and may acquire, construct, repair and maintain all other public improvements within the City. Such public improvements may be paid for in full or in part out of the general funds or out of a revolving improvement fund herein authorized, or out of the proceeds of bonds, or in whole or in part out of special assessments on benefited property, which assessments may be evidenced by special tax bills issued by the City. When not otherwise limited by law, the powers enumerated herein may be exercised by the City outside of the City limits for the benefit of the City and its inhabitants.

#### **Section 12.2 METHOD OF PAYMENT.**

All ordinances and contracts for public improvements shall specify the method of payment for the improvements. In case payment is to be made in whole or in part to the contractor by special tax bills or other evidences of assessments upon real property, the City shall in no event be liable for the part to be so paid.

#### **Section 12.3 LETTING OF CONTRACTS.**

All public improvements constructed or made at the expense of the City, and all work to be paid for by special tax bills or special assessments, shall be let by contract to the lowest responsible bidder; provided, however, that this shall not be so construed as to prevent the Council from providing that any such work may be done by the City's own departments and employees when no satisfactory bid is received therefor, or when deemed advisable by the City Manager.

#### Section 12.4 INSTITUTION OF PROCEEDINGS.

All proceedings to make any public improvements, except emergency work or repairs requiring prompt attention, and ordinary maintenance work, shall be initiated by the adoption of a resolution by the Council declaring the necessity of such improvement, and stating the nature thereof and the method of payment therefor. When payment is to be made by special tax bills or other evidences of assessments upon real property, or out of the revolving fund, as herein provided, the resolution shall state the proposed method of making assessments to pay therefor. The resolution shall also state the estimate of the probable cost of such improvements, but any error or inaccuracy in such estimate, as compared with the actual cost of the work, shall not affect the validity of the proceedings, or of any assessments made, or of special tax bills issued to pay for such work.

#### Section 12.5 PUBLIC HEARINGS.

Upon the adoption of such resolution, the Council shall fix a date for a public hearing in respect to such improvements not less than ten nor more than thirty days thereafter, at which all persons interested in such improvements may be heard. The Council shall cause a copy of such resolution, together with notice of date of public hearing, to be published for two consecutive issues in a newspaper having a general circulation within the City of Webster Groves. After such hearing the Council may determine that it is or is not in the public interest that such improvements or any part thereof be made.

#### Section 12.6 PLANS AND SPECIFICATIONS.

After such hearing, if the Council determines to proceed with such improvements, or any part thereof, the City Manager shall cause plans and specifications for the proposed improvements to be prepared and submitted to the Council for approval. Such plans and specifications shall not limit the materials to be used to those of any particular producer or manufacturer, but shall be so arranged as to permit materials and processes to enter into competition.

#### Section 12.7 BIDS AND CONTRACTS.

When work is to be done by contract, the City shall advertise for bids therefor upon such notice as may be prescribed by ordinance. Any or all bids may be rejected. Except for such right of rejection, the City Manager shall let the contract to the lowest responsible bidder, and shall cause the contract to be formally executed by the contractor and by the City Manager on behalf of the City. Such contract, before it becomes binding and effective shall be confirmed by an ordinance or resolution of the Council.

## Section 12.8 PAYMENT.

The ordinance authorizing the making of any public improvements shall prescribe the manner in which payment for the same shall be made. Such payment may be made in whole or in part by the City, or in whole or in part by special tax bills issued to the contractor, or by special assessment against private property. Whenever any portion of the cost of improvements is to be met by special tax bills or assessments, the ordinance shall specify the portion thereof and set forth the boundaries of the district within which private property is to be so assessed. Special assessments may be made and collected by the City as other taxes on real estate, or special tax bills may be issued to the contractor. Any such tax bills may be purchased by the City from the contractor out of any funds available for such purpose.

## Section 12.9 SPECIAL TAX BILLS.

Upon completion of any public improvements, the payment for which is to be made by special tax bills, the Council shall by ordinance direct the issuance of said tax bills. When said ordinance is approved, the tax bills authorized thereby shall become a lien upon the property charged therewith, which lien shall continue for ten years after the due date thereof, unless sooner paid, except in the case of tax bills payable in installments, the lien of which shall not expire until one year after the date of maturity of the last installment, and except in any case where it becomes necessary to bring suit to enforce the lien of any special tax bill, the lien of which shall continue until the determination of the litigation. There shall be no priority between special tax bills issued under the Charter, regardless of the date of such bills. They shall be payable to the party entitled thereto, either at the office of the Director of Finance or at some bank or trust company in St. Louis or St. Louis County, Missouri, at the option of the parties so entitled. They shall be promptly registered in the office of the Director of Finance and delivered to the person entitled. They shall be prima facie evidence of what they contain and of their own validity, and no mere informality or clerical mistake in any of the proceedings shall be a defense thereto. Such tax bills shall mature at such times and bear such rate of interest as may be prescribed by the ordinance directing the issuance thereof. At the request of a property owner, made thirty days prior to the issuance of the bills, a tax bill may be made payable in annual installments, not exceeding ten. In such case, the tax bills shall be paid in installments, as follows:

One-tenth in one year, one-tenth in two years, one-tenth in three years, one-tenth in four years, one-tenth in five years, one-tenth in six years, one-tenth in seven years, one-tenth in eight years, one-tenth in nine years, and one-tenth in ten years after the date of issue. Such tax bills shall provide that if any annual installment, or the interest thereon, is not paid when due, then all of the remaining installments shall, at the option of the holder of the tax bill,

become immediately due and payable. The owner of the property charged with the payment of such tax bill, or the owner of any interest therein, shall have the privilege of paying the whole of any tax bill in full at any time, or on any annual installment payment date of paying in full one or more of the remaining installments not of maturity date.

Whenever all or any part of the cost of establishing, bringing to grade, or improving public highways, including curbing, guttering and sidewalks, is to be paid for by special assessments or special tax bills, the entire amount of such assessments shall be levied ratably on each lot and tract of land fronting or abutting on the improvement, in proportion to the front footage thereof.

#### Section 12.10 ADDITIONAL PROVISIONS.

Upon recommendation of the City Manager, the Council may make further provision by general ordinance, not inconsistent herewith, for special assessments, the issuance of special tax bills, the collection thereof, and all matters incidental thereto.

#### Section 12.11 LEVY OF ASSESSMENTS.

When any public improvements to be paid for in whole or in part by special assessment are completed, the City Manager shall cause to be computed the entire cost and expense thereof, including any cost or expense incurred by the City, and the Council shall levy and assess such cost and expense or the part to be paid by special assessment, as a special tax, in accordance with the requirements of this article.

#### Section 12.12 INVALID ASSESSMENTS MAY BE REASSESSED.

If any such special tax bill or special assessment shall fail to be valid in whole or in part, or if for any cause, mistake or inadvertence, the amount assessed shall not be sufficient to pay the cost of such improvements, the Council shall be and is hereby authorized to cause such assessment to be reassessed, and enforce or authorize the enforcement of its collection.

#### Section 12.13 REVOLVING FUND.

There is hereby created a fund to be known as the revolving public improvement fund. Said fund may be maintained from the following sources:

- (1) Appropriations from the general funds, when available.
- (2) The proceeds from bond issues as provided in this Charter.

- (3) Collections of special assessments or special tax bills and any interest thereon, levied or issued for public work or condemnation of land, theretofore paid for out of said revolving public improvement fund.
- (4) The proceeds from the sale of special tax bills.
- (5) Any other source permitted by law or provided by ordinance.

Whenever the Council shall authorize the cost of any public improvements, or the purchase of any tax bills issued for any public improvements, to be paid out of the revolving public improvement fund, any special assessment and interest thereon that may be levied and collected on account of such improvements, or the proceeds from the collection of any such tax bills and interests thereon, shall be credited to and paid into said fund.

#### **Section 12.14 PROPERTY SUBJECT TO SPECIAL ASSESSMENT.**

All property located within any benefit district established by the Council, whether publicly or privately owned, shall be liable for special assessments made, or special tax bills issued, against such property.

### **ARTICLE 13 NOMINATIONS AND ELECTIONS**

#### **Section 13.1 TIME OF ELECTIONS.**

A regular election for the choice of council members shall be held biennially on the first Tuesday in April of even numbered years or, if so provided by Missouri law, the first general municipal election of the year. By resolution, the Council may order, fix the time, and provide for holding special elections.

#### **Section 13.2 REGULATION OF ELECTIONS.**

The Council shall provide by ordinance all regulations which it considers needful or desirable, not inconsistent with the powers of the St. Louis County Board of Election Commissioners, with the charter or state law, for the conduct of municipal elections and for the prevention of fraud in all such elections.



### Section 13.3 NOMINATIONS BY PETITIONS.

Nominations of candidates for mayor and council member shall be by petition or petitions signed by not less than one hundred electors of the City. No elector signing petitions shall sign for more candidates for any office than the number to be elected to such office. Each signer of a petition shall designate the signer's residence by street and number, or by any other description sufficient to identify the signer's place of residence.

The signatures on the nominating petition need not all be appended to one paper, but each separate paper shall bear a statement setting forth the election date, the office to be filled, and the name of the candidate on whose behalf the petition is being filed. In addition, there shall be attached to each such paper a signed statement by the circulator thereof, stating the number of signers of such paper, that each signature appended thereto was made in the circulator's presence, that it is the genuine signature of the person it purports to be, that the circulator is an elector, and that the circulator believes each such signer to be an elector.

Nominating petitions shall not be filed with the City Clerk earlier than fifty (50) business days or later than ten (10) business days before the petitions must be filed in accordance with the election laws of the State of Missouri and the regulations of the election board having jurisdiction over the City of Webster Groves, and shall be in substantially the following form:

We, the undersigned registered voters of the City of Webster Groves, Missouri, respectfully petition and request that the name of \_\_\_\_\_, residing at \_\_\_\_\_, be placed upon the ballot as a candidate for the office of \_\_\_\_\_ to be voted for at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and we, individually, signify that our names have appeared on the roll of registered voters within the last year, and that we are qualified to vote for this candidate:

NAME

STREET AND NUMBER

(Spaces for signatures and addresses)

#### STATEMENT OF CIRCULATOR

The undersigned is the circulator of the foregoing paper containing \_\_\_\_\_ signatures. Each signature appended thereto was made in my presence, and is the genuine signature of the person whose name it purports to be. I am a registered voter, qualified to vote for this candidate, and I believe each signer is a registered voter qualified to vote for this candidate.

Signature of Circulator \_\_\_\_\_

Address \_\_\_\_\_

## ACCEPTANCE OF NOMINATION

I hereby accept the nomination for the office of \_\_\_\_\_ and agree to serve if elected.

Signature of Candidate \_\_\_\_\_

Date and hour of filing \_\_\_\_\_

This petition is filed by \_\_\_\_\_

Whose address is \_\_\_\_\_

Received by \_\_\_\_\_

(Signature of City Clerk)

Within five business days after the filing of a nominating petition, the City Clerk shall notify the candidate and the person who filed the petition whether or not it is procedurally sufficient. If a petition is not procedurally sufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying how it is insufficient. Not less than two business days before a nomination must be filed with the election authority under state law, such a petition may be amended and filed again or a replacement petition may be filed for a candidate whose nominating petition was found to be insufficient. The City Clerk shall keep on file all petitions found procedurally sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

### Section 13.4 PREPARATION OF BALLOTS.

The names of candidates for mayor and councilmen shall be printed on the ballot in rotation without party designation, as follows: the ballots shall be printed and distributed among the various voting places in as many series as there are candidates, so that the name of each candidate shall appear in each position on the ballots as printed and distributed substantially an equal number of times. The names of candidates in election notices shall be printed in alphabetical order.

### Section 13.5 VOTING MACHINES.

The Council shall have the power to provide for the use of mechanical or other devices for voting, or counting the votes, not inconsistent with law.

#### Section 13.6 RETURNS - CANVASS - INDUCTION INTO OFFICE.

Election returns shall be canvassed by the Council at a meeting not later than forty-eight hours after their receipt by the City Clerk, and the candidates receiving the highest number of votes for each office shall be declared elected. The newly elected candidates shall be inducted into office at a meeting of the Council called for that purpose, within one week after the date of the election.

#### Section 13.7 TIE VOTE.

If, at any municipal election, there shall be no choice between candidates by reason of two or more having received an equal number of votes, the Council shall proceed to determine the election by lot in a meeting open to the public, and to which all candidates have been invited.

### **ARTICLE 14**

#### **INITIATIVE, REFERENDUM AND RECALL**

#### Section 14.1 INITIATIVE.

The electors shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, unless otherwise provided by law, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the Council by a petition signed by electors of the City equal in number to at least ten per cent of the number of votes cast at the last regular municipal election.

## Section 14.2 REFERENDUM.

The electors shall have power to approve or reject at the polls any ordinance passed by the Council, or submitted by the Council to a vote of the electors, except for emergency ordinances as provided for in Section 2.12 of this Charter, ordinances for the levying of taxes, or ordinances for the issuance of special tax bills, as provided in this Charter, or except as otherwise provided by law, such power being known as the referendum. Ordinances submitted to the Council by initiative petition and passed by the Council shall be subject to the referendum in the same manner as other ordinances. Within fifteen days after the enactment by the Council of any ordinance which is subject to referendum, a petition signed by electors of the City equal in number to at least ten per cent of the number of votes cast at the last regular municipal election may be filed with the City Clerk, requesting that such ordinance be either repealed or submitted to a vote of the electors.

## Section 14.3 RECALL.

The electors of the City shall have the power to remove any member of the Council at any time, subject to the provisions of Section 14.14.

A petition requesting the removal of an incumbent shall be signed by electors of the City equal in number to at least twenty-five per cent of the number of votes cast at the last regular municipal election.

## Section 14.4 PETITIONS.

All papers comprising an initiative, referendum, or recall petition shall be assembled and filed with the City Clerk as one instrument. Every initiative petition shall contain the full text of the measure proposed, every referendum petition shall contain the full title of the ordinance referred, and every recall petition shall contain a general statement of the grounds for removal. Each signer shall state the signor's full name, residence address by street and number, or by any other description sufficient to identify the signor's place of residence. The signatures to any petition need not all be appended to one paper. In addition there shall be attached to each such paper a signed statement of the circulator thereof, stating the number of signers of such paper, that each signature appended thereto was made in the presence of the circulator and is the genuine signature of the person it purports to be, and that the circulator believes each such signer to be a registered voter of the City.

#### Section 14.5 FILING AND CERTIFICATION OF PETITION.

Within fifteen days after a petition is filed, the City Clerk shall determine whether each paper of the petition has a proper statement of circulator, and whether the petition is signed by a sufficient number of electors. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing the examination of the petition, the City Clerk shall certify the result thereof to the Council at its next regular meeting. If the City Clerk shall certify that the petition is insufficient, the City Clerk shall set forth in the certificate the particulars in which it is defective, and shall at once send a copy of the certificate to the person filing the petition.

#### Section 14.6 AMENDED PETITIONS.

An initiative, referendum, or recall petition may be amended at any time within ten days after the notification of insufficiency has been sent by the City Clerk, by filing a supplementary petition executed as provided in the case of an original petition. The City Clerk shall, within five days after such an amended petition is filed, make examination thereof. If the petition be still insufficient, the City Clerk shall file a certificate to that effect in the City Clerk's office and send a copy thereof to the person filing the petition, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

#### Section 14.7 EFFECT OF INITIATIVE PETITION.

When an initiative petition has been certified to the Council as sufficient by the City Clerk, the Council shall proceed at once to consider the proposed ordinance, taking final action thereon not later than thirty days after certification.

If the Council shall fail to pass an ordinance proposed by the initiative petition, it shall call a special election to be held within ninety days, unless a general election is fixed within such period. At such special or general municipal election, such ordinance shall be submitted without alteration to the vote of the electors of the City. The enacting clause of such ordinance shall be: "BE IT ORDAINED BY THE PEOPLE OF WEBSTER GROVES, MISSOURI"

#### Section 14.8 EFFECT OF A REFERENDUM PETITION.

When a referendum petition has been certified to the Council sufficient by the City Clerk, the ordinance specified in the petition shall not go into effect, or if it shall have gone into effect further action thereunder shall be suspended, until and unless approved by the electors, as hereinafter provided. The Council shall proceed at once to reconsider the referred ordinance, taking final action thereon not later than thirty days after certification. Its final vote upon such reconsideration shall be upon the question: "SHALL THE ORDINANCE SPECIFIED IN THE REFERENDUM PETITION BE REPEALED?"

If the Council shall fail to repeal an ordinance specified in any referendum petition, it shall call a special election to be held within ninety days, unless a general election is fixed within such period. At such special or general municipal election, such ordinance shall be submitted without alteration to the vote of the electors of the City.

#### Section 14.9 VOTING.

Ordinances submitted to the electors, in accordance with the initiative and referendum provisions of this Charter, shall be submitted by ballot title, which shall be prepared by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any such ordinance, if a paper ballot, shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". Immediately at the left of each proposition there shall be a square in which, by making a cross (X), the elector may vote for or against the ordinance. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only.

If voting machines are used, the propositions shall be submitted to the elector for that person's vote in substantially the same manner.

#### Section 14.10 EFFECT OF VOTE.

If a majority of the electors voting on a proposed initiative ordinance or referred ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the City. No such ordinance shall be amended or repealed by the Council for at least six months and for the next eighteen months only by its unanimous vote. A referred ordinance that is not approved by a majority of the electors voting thereon, shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail. No election under the initiative or referendum procedure shall be set aside because of any defect in the petition.

#### Section 14.11 RECALL ELECTION.

When a recall petition has been certified to the Council as sufficient by the City Clerk, the Council shall fix a date for holding the election as soon as permitted under the election laws of Missouri. If such office becomes vacant prior to the election, such election shall be canceled, and the vacancy shall be filled as provided in Section 2.6 of this Charter.

#### Section 14.12 RECALL BALLOT.

The Ballot shall be in the following form:

SHALL \_\_\_\_\_ BE REMOVED FROM OFFICE?  
(NAME AND TITLE)

☐ YES

☐ NO

VOTERS IN FAVOR OF THE REMOVAL PLACE A CROSS (x) IN  
THE SQUARE OPPOSITE THE WORD "YES".

VOTERS OPPOSED TO THE REMOVAL PLACE A CROSS (X) IN  
THE SQUARE OPPOSITE THE WORD "NO"

If voting machines are used, the ballot shall be prepared in a form so as to give the elector an opportunity to vote substantially as set forth above.

#### Section 14.13 EFFECT OF ELECTION.

If a majority of the electors voting in such recall election shall vote in favor of the recall, then a vacancy shall exist, regardless of any defect in the recall petition. Such vacancy shall be filled as provided in Section 2.6 of this Charter. If a majority of the electors voting in such election shall vote against the recall, the member of the Council shall continue in office. Any such person who has been recalled shall be ineligible to serve in the City in any capacity at any time during the remainder of the term for which he was originally elected.

#### Section 14.14 LIMITATION ON RECALL.

No member of the Council shall be subject to recall within six months from that member's induction into office, nor during the last six months of that member's term; and if that member is retained in office upon any recall election, that member shall not be subject to recall within a period of six months thereafter.

#### Section 14.15 CONDUCT OF INITIATIVE, REFERENDUM, AND RECALL ELECTIONS.

Notice of initiative, referendum, and recall elections shall be given, the elections conducted, the returns canvassed, and the results declared in all respects in accordance with this Charter and Missouri law.

### **ARTICLE 15**

#### **MISCELLANEOUS PROVISIONS**

#### Section 15.1 JUDICIAL NOTICE OF THE CHARTER.

This Charter is declared to be a public act, and all Courts shall take judicial notice thereof.

#### Section 15.2 PROOF OF ORDINANCE.

Any ordinance may be proved by a copy thereof certified by the City Clerk under the seal of the City; or, when printed in book or pamphlet form and purporting to be published by authority of the City, shall be received in evidence in all courts, or other places, without further proof of authenticity.



### Section 15.3 PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the City or any department, office, or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

### Section 15.4 EXISTING ORDINANCES.

All ordinances, regulations, and resolutions in force at the time this Charter takes effect, and not inconsistent with the provisions thereof, shall remain and be in force until altered, modified, or repealed by the Council.

### Section 15.5 CONTINUANCE OF CONTRACTS - PUBLIC IMPROVEMENTS TAXES.

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, 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 effect may be carried to completion in accordance with the provisions of such existing laws, as nearly as practicable. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the City that are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

### Section 15.6 PERSONAL INTEREST.

No officer or employee elected or appointed in the City shall be interested directly or indirectly in any contract or job for work or materials, or the profits thereof, or in services to be furnished or performed for the City. Any violation of this section, with the knowledge expressed or implied of the persons or corporation contracting with the City, shall render the contract voidable by the City.

### Section 15.7 CONTINUITY OF DEPARTMENTS OR OFFICES.

Any department or office provided for in this Charter with a name or powers and duties the same, or substantially the same, as those of a department or office heretofore existing, shall be deemed to be a continuation of such department or office.

#### Section 15.8 TRANSFER OF RECORDS AND PROPERTY.

All records, property, and equipment whatsoever of any department or office or part thereof, the powers and duties of which are assigned to any other department or office by this Charter, shall be transferred and delivered to the department or office to which such powers and duties are assigned.

#### Section 15.9 SALARIES.

Unless otherwise provided in this Charter, the Council shall prescribe by ordinance the salaries or other compensation of all officers in the unclassified service of the City. The Council shall also, by ordinance, prescribe maximum and minimum salaries or other compensation for all officers, employees, or classes of employees in the classified service of the City. The City Manager may determine the compensation to be paid to each officer or employee within the limits so established. In no case shall the salary or compensation of any officer or employee be based upon or measured by fees.

#### Section 15.10 OATH OF OFFICE.

Before entering upon official duties, every person in the unclassified service of the City shall take, subscribe, and file with the City Clerk, an oath or affirmation that that person has all the qualifications, and is not subject to any of the disqualifications named in this Charter for the office or employment that person is about to assume; that the person will support the Constitution and the laws of the United States, of this State, and the Charter and ordinances of the City; that, in the appointment, promotion or discharge of officers or employees, that person will be influenced only by the consideration of fitness; and that in such matters, that person will act with impartiality and justice.

#### Section 15.11 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, until notice shall first have been given in writing to the City Manager. Notice shall be given within ninety days of the occurrence for which said damage is claimed, and it shall state the place, time, character, and circumstances of the injury, and that the person so injured will claim damages therefor from the City.

#### Section 15.12 JUDICIAL BONDS.

The City shall not be required to give bond in any judicial proceeding or appeal.

#### Section 15.13 OFFICIAL BONDS.

The City Manager, City Clerk, Director of Finance, all other officers and employees receiving, disbursing or responsible for City funds, and such other officers and employees as the Council by ordinance may designate, shall, within such time affect appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the City. Official bonds shall be in such sums and with such sureties as shall be prescribed by ordinance; shall be subject to approval by the Council, and shall be conditioned upon the faithful and proper performance of duties, and upon the prompt accounting for and paying over to the City of all monies or property belonging to the City that may be received. If any person appointed to any office or employment shall fail to give bond as herein required, that person shall forfeit that person's office or employment. The City shall pay the premiums on all such bonds. Unless otherwise provided by ordinance, the bond of the City Clerk shall be filed with the Mayor, and the bonds of all other officers and employees shall be filed with the City Clerk.

#### Section 15.14 RATES OF TAXATION.

The rates of taxation levied by the Council shall be within the limits prescribed by the Constitution and laws of Missouri.

#### Section 15.15 REMITTING TAXES PROHIBITED.

No general or special tax or assessment, or interest or penalty thereon, shall be remitted or abated, or the right to enforce payment thereof released, except in correction of errors.

#### Section 15.16 INVESTIGATION BY THE COUNCIL.

The Council shall have the power to enforce the attendance of witnesses, to enforce the production of books and papers, and to administer oaths in the same manner, and with like effect and under the same penalties, as in the case of magistrates exercising criminal or civil jurisdiction under the law of Missouri.

#### Section 15.17 OFFICERS - EMPLOYEES - QUALIFICATIONS.

No person shall be elected or appointed to any office or retained therein who is, or shall become, in arrears for any unpaid City taxes.

#### Section 15.18 POWER TO ADMINISTER OATH.

Any member of the Council and the City Clerk may administer oaths or affirmations in any matter pertaining to the affairs and government of the City.

#### Section 15.19 CONDEMNATION PROCEEDINGS.

All proceedings for the condemnation of property, or in the exercise of the right of eminent domain, shall be in accordance with the laws of the State now or hereafter applicable to Cities of the Third Class, or with such laws as may be provided for constitutional charter cities.

#### Section 15.20 EFFECT OF UNCONSTITUTIONAL PROVISIONS.

If any provision of this Charter be held to be unconstitutional or void, this shall not affect the validity, force, or effect of any other provision.

#### Section 15.21 AMENDING THE CHARTER.

Amendments to this Charter may be framed and submitted to the electors by a commission as provided for a complete Charter. Amendments may also be proposed by the Council, or by petition of not less than ten per cent of the electors 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 electors at the next election held in the City, not less than sixty days after its passage, or at a special election held as provided for a Charter. Any amendment approved by a majority of the electors voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided for a complete Charter.

#### Section 15.22

At least every eight (8) years, in conjunction with the Mayoral election, the Mayor and the City Council shall submit to the voters the question "shall there be a Charter Review Advisory Board to make recommendations to the City Council to revise and amend the Charter?". The Charter Review Advisory Board shall be convened pursuant to Chapter 4, Article 8 of the City Code, Section 4.410 through Section 4.430.

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