



# **City Charter**

**2025  
WORKING  
DRAFT**

Adopted November 7, 1995  
Amended November 7, 2006  
Amended November 8, 2016

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# 2025 Charter Review Commission Comments

The Charter Review Commission is responsible for evaluating potential amendments to the City Charter to ensure it remains effective, clear, and aligned with the city's needs. Any proposed change should be assessed not only for its necessity but also for its impact and feasibility.

To guide this process, we will apply the following key questions to each proposed amendment:

- How important is the proposed change? Does it solve a problem, introduce a new approach, clarify existing language, or is it simply a "nice to have" update?
- Does this belong in the charter, or would it be better suited for an ordinance?
- What are the pros, cons, and potential risks of this change?
- How do similar provisions appear in sample charters, when applicable?
- What is the simplest and most understandable way to implement the change? Amendments must be independent of each other.
- Crestwood staff and the City Attorney are available to assist in drafting the correct language.

## Topics for Review

### *Document-wide / General Topics*

Proposed Change	Status
Clarification - Capitalizing the C in City should be consistent	
Clarification - Update references of the Board of Election Commissioners to Board of Elections.	
Clarification – Consider reduction in gender-specific language (e.g. he/she → their, Alderman → Alderperson, etc.)	

**NOTE – This page is NOT part of the Charter and will be removed after the Commission completes its work.**

# CHARTER OF THE CITY OF CRESTWOOD, MISSOURI

## PREAMBLE

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

## ARTICLE I INCORPORATION, NAME AND BOUNDARIES

### ***Section 1.1. INCORPORATION, NAME AND BOUNDARIES.***

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

## ARTICLE II POWERS

### ***Section 2.1. POWERS.***

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

### ***Section 2.2 CONSTRUCTION.***

The powers of the city shall be liberally construed. The specific mention of a particular power in this Charter shall not be construed as limiting the powers of the city.

## ARTICLE III BOARD OF ALDERMEN

### **Section 3.1 WHERE POWERS VESTED.**

Except as otherwise provided by this Charter, all powers of the city shall be vested in the Board of Aldermen which shall provide for the exercise of these powers and for the performance of all duties and obligations imposed upon the city by law.

### **Section 3.2 COMPOSITION AND REPRESENTATION.**

The Board of Aldermen shall consist of two (2) Aldermen from each ward. Aldermen shall be nominated and elected by the qualified voters of their respective wards as provided in **Article VIII**. References in this Charter to the Board of Aldermen's "authorized members" or "authorized membership" means the Board of Aldermen's entire membership (8) as established by the Charter, regardless of vacancies.

Proposed Change	Status
Consistency - Update the <b>Article VIII</b> reference, should be "as provided in <b>Sections 8.1-8.4 of this Charter</b> "	
Grammar - Add "eight" (8)	

### **Section 3.3 QUALIFICATIONS.**

No person shall be elected or appointed to the Board of Aldermen who is not at least twenty-one (21) years of age, a citizen of the United States, an inhabitant and a qualified voter of the City for at least one (1) year, and a resident of the respective ward for at least ninety (90) days. Candidates must meet all qualifications as of the date of filing for election or on the date of appointment to office. No person may be elected or appointed to the Board of Aldermen who is either delinquent in the payment of any Crestwood taxes or fees, or a convicted felon.

A person recalled from the office of alderman may again run for such office from which recalled following the expiration of the term in which such person was recalled, or may at any time run for a different office.

Proposed Change	Status
NLC model charter recommends removing length of residency requirements - City Administrator	
Discuss eliminating the option of someone running again if recalled from office?	

### **Section 3.4 ELECTION AND TERMS.**

Aldermen shall be elected to terms of three (3) years in duration. The terms of the two (2) Aldermen representing each ward shall be staggered.

An alderman shall be limited to three (3) successive, full three (3) year terms, not including time served to complete an unexpired term. Such person cannot serve again as alderman in that ward for three (3) years.

Proposed Change	Status
NLC recommends staggered 4-year terms - City Administrator	
If staggered 4-year terms, follow guidance from similar cities that no person shall be eligible to be elected to more than two (or three) consecutive terms	
An elected official's term limit is not reset by resignation or recall during their term - BoA	
Discuss eliminating term limits. This was previously rejected by the voters, but may be worthy of discussion.	

### **Section 3.5 COMPENSATION AND EXPENSES.**

The compensation of the members of the Board of Aldermen shall be fixed by ordinance, and shall not be increased or diminished during the alderman's term of office. Aldermen may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen, provided that such expenses are supported by appropriate documentation.

### **Section 3.6 PROHIBITIONS.**

- (a) HOLDING OTHER OFFICE** - Except where authorized by law, or pursuant to a written agreement between the city and another governmental agency, no member of the Board of Aldermen shall hold any other elective or appointive office of the city, or elective office of the state or its political subdivisions, or be employed by the city during the term for which the person was elected to the Board of Aldermen. No former member of the Board of Aldermen shall hold any compensated city employment until two (2) years after the expiration of the term for which the person was elected or appointed to the Board of Aldermen.
- (b) APPOINTMENTS, HIRING AND REMOVALS** - Neither the Board of Aldermen nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the City Administrator or any of the City Administrator's subordinates are empowered to appoint.
- (c) INTERFERENCE WITH ADMINISTRATION** - Except for the purpose of inquiries and investigations under **Section 3.11** of this Charter, the Board of Aldermen or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Administrator

solely through the City Administrator, and neither the Board of Aldermen nor its members shall give orders to any such officer or employee, either publicly or privately.

### ***Section 3.7 VACANCIES; CENSURE/FORFEITURE OF OFFICE; FILLING OF VACANCIES.***

- (a) VACANCIES** - The office of a member of the Board of Aldermen shall become vacant upon the member's death, resignation, removal from office in any manner authorized by law, or forfeiture of the member's office.
- (b) CENSURE/FORFEITURE OF OFFICE** - A member of the Board of Aldermen shall forfeit the office if such member lacks at any time during the term of such office any qualification for the office prescribed by this Charter (except as provided in **Section 8.4 (c)** of this Charter) or required by law. A member of the Board of Aldermen shall be subject to either censure or forfeiture of office for violating any prohibition of this Charter.
- (c) FILLING OF VACANCIES** - A vacancy in the Board of Aldermen shall be filled for the remainder of the unexpired term, if any, at the next general municipal election. Until the person elected to serve the remainder of the unexpired term takes office, the Mayor, with the approval of a majority of the remaining members of the Board of Aldermen, shall appoint a qualified person to serve in such position. If the person nominated by the Mayor is not selected, the Board of Aldermen shall nominate and by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy.

### ***Section 3.8 JUDGE OF QUALIFICATIONS.***

The Board of Aldermen shall be the judge of the election and qualifications of the Mayor and members of the Board of Aldermen and of the grounds for either censure or forfeiture of their office and for such purposes shall have power to subpoena witnesses, administer oaths and require the production of evidence. Any person charged with conduct constituting grounds for either censure or forfeiture of office shall be entitled to a public hearing on written request. Decisions made by the Board of Aldermen under this Section shall be subject to review by the courts.

### ***Section 3.9 PRESIDENT OF BOARD OF ALDERMEN.***

The Board of Aldermen shall choose a President within forty-five (45) days following the date of each general municipal election. The President of the Board of Aldermen shall preside at meetings of the Board of Aldermen in the absence of the Mayor and shall serve as Acting Mayor in accordance with **Article 4.7 (c)** of this Charter.

Proposed Change	Status
Allow for Mayor delegation of authority for extended absences (or allow by ordinance)	
Consistency - Reference to <b>Article</b> 4.7(c) should be <b>Section</b> 4.7(c)	

### **Section 3.10 LEGISLATIVE PROCEEDINGS.**

**(a) MEETINGS** - The Board of Aldermen shall hold a regular meeting at least once each month at such times and places as the Board may prescribe. Regular meetings shall start no earlier than 7:00 P.M. The Mayor may, or at the request of three (3) aldermen shall, call a special meeting of the Board of Aldermen for a time not earlier than 24 hours after notice is given to all members of the Board of Aldermen then in the city.

All meetings of the Board of Aldermen shall be public meetings, at which the Board of Aldermen shall provide for public comments, unless public access has been restricted pursuant to law. In no event shall any meeting of the Board of Aldermen be held outside the city limits.

Proposed Change	Status
Revise to allow for meetings to be in-person, virtual, or hybrid - Staff	
Allow city code to specify start time for meetings (remove from charter or provide greater flexibility) - BoA	
During COVID, there was a discussion about the timing of emergency meetings. The Code and the Sunshine law both allow meetings on less than 24-hour notice in an emergency. However, the Charter requires 24-hour notice. It may be beneficial to consider amending the Charter to insert an emergency provision consistent with the Sunshine law (and the Code) to eliminate any inconsistencies.	
Grammar – add “ <b>twenty-four</b> ” (24)	

**(b) QUORUM** - A quorum shall constitute one (1) more than half of the total number of authorized members of the Board of Aldermen. If a quorum fails to attend any meeting, it shall stand adjourned until the next regular or special meeting.

Proposed Change	Status
In 2018, when the Board revised Chapter 2 of the Code, there was some discussion about whether there should be larger quorum for a special meeting than a regular meeting. There was even discussion of a charter amendment to 3.10(b) to provide this, specifically, “A quorum shall constitute one (1) more than half of the total number of authorized members of the board of aldermen, provided however that at any special meeting a quorum shall consist of three-fourths of the authorized members of the board of aldermen.”	
Clarify - If a quorum fails to attend any meeting <b>or leaves any meeting early</b> , it shall stand adjourned until the next regular or special meeting.	

- (c) **RULES AND ORDER OF BUSINESS** - The Board of Aldermen shall by ordinance determine its own rules and order of business. It shall cause a record of its proceedings to be kept and this record shall be open to public inspection. A separate record shall be kept of closed sessions, which record shall remain closed to public inspection or to legal process, except as otherwise provided by law.
- (d) **VOTING** - The "ayes" and "nays" shall be entered on any question at the request of any two (2) members, provided however, that on the vote on final passage of any ordinance, the "ayes" and "nays" shall in all cases be entered in the record showing the vote of each alderman in attendance. In all roll call votes the names of the members of the Board of Aldermen shall be called in random order. Except as otherwise provided in this Charter, an affirmative vote of a majority of the authorized members of the Board of Aldermen shall be necessary to adopt any ordinance.
- (e) **FORM OF ORDINANCES** - Proposed ordinances and resolutions shall be introduced in the Board of Aldermen only in written or printed form. The enacting clause of all ordinances shall be:

*"Be it Ordained by the Board of Aldermen of the City of Crestwood."*

- (f) **PROCEDURE** - Every proposed ordinance shall be read by title in an open Board of Aldermen meeting two (2) times before final passage, and at least one (1) week shall elapse between introduction and final passage unless an immediate second reading is approved by unanimous vote of the Board of Aldermen. A copy of each proposed ordinance shall be provided for each member of the Board of Aldermen at the time of its introduction, and at least three (3) copies shall be provided for public inspection in the office of the City Clerk until such time as the proposed ordinance is either adopted or rejected.

Persons interested in a proposed ordinance shall be given an opportunity to be heard before the Board of Aldermen in accordance with such rules and regulations as the Board of Aldermen may adopt. If the Board of Aldermen adopts an amendment to a proposed ordinance on the second reading that constitutes a change in substance, the proposed ordinance as amended shall be placed on file for public inspection in the office of the City Clerk for an additional one (1) week before the next consideration.

Proposed Change	Status
Eliminate requirement to read every ordinance by title twice if on consent agenda. – City Administrator	
Requiring 3 copies for public inspection should be eliminated (outdated practice). – City Administrator	
Clarify the timing of “at the time of its introduction” in the first paragraph to be when agenda is publicly posted - Staff	

**(g) EFFECTIVE DATE** - Every ordinance shall become effective upon its adoption or at any later date specified therein.

Proposed Change	Status
Clarification: Every ordinance shall become effective upon its adoption <b>and approval by the Mayor in accordance with Section 4.4(b)</b> or at any later date specified therein. – 2005 CRC	

### **Section 3.11 INVESTIGATIONS.**

Upon approval by three-quarters (3/4) of its authorized membership, the Board of Aldermen may make investigations into the affairs of the city and the conduct of any city department, office or agency. For such purpose the Board may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a subpoena issued in the exercise of these powers by the Board of Aldermen shall be subject to such penalties as provided by ordinance.

### **Section 3.12 INDEPENDENT AUDIT.**

The Board of Aldermen shall provide for an independent audit of all city accounts at least once a year. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the audit shall be kept in the City Clerk's Office and shall be open to public inspection. No certified public accountant or firm shall conduct the audit for more than five consecutive years.

Proposed Change	Status
The requirement that no CPA firm conduct the city's audit for more than 5 consecutive years has posed problems in numerous cities with this requirement, including Crestwood, due to the lack of CPA firms doing municipal auditing work. No one bid last time for Crestwood, and staff had to search but she eventually found one who would do it. Suggest adding “, unless approved by three-fourths of the Board of Aldermen” to the end of this section.	

## **ARTICLE IV MAYOR**

### **Section 4.1 MAYOR.**

The Mayor shall be recognized as the head of the city for all legal and ceremonial purposes and by the Governor of Missouri for all purposes of military law.

Proposed Change	Status
Discuss NCL model recommendations to allow Mayor voting power, eliminated tie-breaking vote and veto) – City Administrator	
Clarification – per RSMo 44, correct term should be “for all purposes of <b>emergency management</b> ” instead of “military law” - Staff	

#### ***Section 4.2 QUALIFICATIONS.***

No person shall be elected to the office of Mayor who is not at least twenty-five (25) years of age, a citizen of the United States, an inhabitant and a qualified voter of the city for at least two (2) years. Candidates must meet all qualifications as of the date of filing for election. No person may be elected to the office of Mayor who is either delinquent in the payment of any Crestwood taxes or fees, or a convicted felon.

A person recalled from the office of Mayor may again run for such office following the expiration of the term in which such person was recalled, or may at any time run for a different office.

Proposed Change	Status
Discuss eliminating the option of someone running again if recalled from office - Staff	

#### ***Section 4.3 ELECTION AND TERM.***

The Mayor shall be elected by the qualified voters of the city at large at the general municipal election. The Mayor shall hold office for a term of three (3) years.

The Mayor shall be limited to three (3) successive, full three (3) year terms, not including time served to complete an unexpired term. Such person cannot serve again as Mayor for three (3) years.

Proposed Change	Status
NLC recommends staggered 4-year terms - City Administrator	
If staggered 4-year terms, follow guidance from similar cities that no person shall be eligible to be elected to more than two (or three) consecutive terms)	
An elected official’s term limit is not reset by resignation or recall during their term – BoA	

#### ***Section 4.4 POWERS AND DUTIES.***

- (a) **BOARD OF ALDERMEN MEETINGS** - The Mayor shall preside at meetings of the Board of Aldermen, but shall not vote on any question except in case of a tie. The Mayor shall neither preside over the Board's deliberations nor vote in cases where the Mayor's personal or financial interest in the issue being considered by the Board conflicts with the interest of the city. The Mayor may call meetings of the Board of Aldermen as provided in **Section 3.10(a)** of this Charter.
- (b) **APPROVAL OF LEGISLATION** - An ordinance or resolution adopted by the Board of Aldermen shall be presented to the Mayor for approval. The Mayor shall either sign the same, or within seven (7) days of receipt of the ordinance or resolution, return it with a written statement explaining the reasons for disapproval. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Board of Aldermen, and the Board of Aldermen may pass the ordinance or resolution over the veto by an affirmative vote of three-fourths (3/4) of the authorized membership.

Proposed Change	Status
Eliminate requirement for Mayor to approve legislation (eliminates "veto power"). Instead, ordinances are effective 30 days after adoption or at any later date specified therein (See Sec 2.14 (b) and (c) of model charter) – City Administrator	
Allow for automatic adoption of bills if Mayor does not veto or sign within 7 days of receipt or follow Section 79.140, RSMo (adopts at next regular BoA meeting)	

- (c) **SUPERVISORY AUTHORITY** - The Mayor shall exercise a general supervision over the affairs of the city, and shall take care that the ordinances of the city and the state laws relating to such city, are complied with. The Mayor may require oral or written reports from the City Administrator regarding the operations of all departments of the city and may require oral or written reports and opinions from the boards and commissions of the city, excluding the Judge of the Municipal Court.
- (d) **APPOINTMENTS** - The Mayor with the advice and consent of a majority of the Board of Aldermen present, shall appoint all members of committees, boards and commissions.
- (e) **ADMINISTRATIVE POLICY MATTERS** - The Mayor shall have no authority to intervene or otherwise interfere with the exercise by the City Administrator of the powers and duties provided by **Section 5.2** of this Charter.
- (f) **REVIEW CITY ADMINISTRATOR** - The Mayor shall preside over the review of the City Administrator's performance as provided in **Section 5.3** of this Charter.
- (g) **OTHER DUTIES** - The Mayor shall exercise such other powers and perform such other duties as may be prescribed either by this Charter, by ordinance, or by law.

#### **Section 4.5 COMPENSATION AND EXPENSES.**

The compensation of the Mayor shall be fixed by ordinance, and shall not be increased or diminished during the Mayor's term of office. The Mayor may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen, provided that such expenses are supported by appropriate documentation.

#### **Section 4.6 PROHIBITION ON HOLDING OTHER OFFICE.**

Except where authorized by law, or pursuant to a written agreement between the city and another governmental agency, no Mayor shall hold any other elective or appointive office of the city, or elective office of the state or its political subdivisions or be employed by the city during the term for which such person was elected to the office of Mayor. No former Mayor shall hold any compensated city employment until two (2) years after the expiration of the term for which such person was elected or appointed to the office of Mayor.

#### **Section 4.7 VACANCIES; CENSURE/FORFEITURE OF OFFICE; FILLING OF VACANCIES.**

- (a) VACANCY** - The office of Mayor shall become vacant upon the Mayor's death, resignation, removal from office in any manner authorized by law, or forfeiture.
- (b) CENSURE/FORFEITURE OF OFFICE** - The Mayor shall forfeit such office if at any time during the term of office the Mayor lacks any qualifications prescribed by this Charter or by law. The Mayor shall be subject to censure or forfeiture of office for violating any prohibition of this Charter.
- (c) FILLING OF VACANCY** - If a vacancy occurs in the office of Mayor, the President of the Board of Aldermen shall have all the powers and perform all the duties of the office until a special municipal election is held for the purpose of electing a Mayor for the remainder of the unexpired term. Said election shall be called for the next legally available election day, except that when the vacancy occurs within twelve (12) months immediately preceding the expiration of the Mayor's term, the President of the Board of Aldermen shall continue to act as Mayor until a Mayor is elected at the general municipal election. As Acting Mayor, the President of the Board of Aldermen shall continue to have a vote in the Board, but shall not have the veto power.

Proposed Change	Status
Review the requirements for next legally available election day vs next municipal election?	

#### **Section 4.8 CITY ATTORNEY.**

There shall be a City Attorney nominated by the Mayor and appointed with the advice and consent of the majority of the Board of Aldermen. The City Attorney shall be licensed to practice law in the State of Missouri, but need not reside within the city. The City attorney shall be the chief legal officer for the city and shall have such duties as may be assigned by law, the City Administrator and the Board of Aldermen.

Assistant city attorneys may be appointed from time to time by the Mayor with the consent of the Board of Aldermen, if deemed necessary.

The City Attorney shall receive compensation as determined by ordinance. The City Attorney may be removed on recommendation of the Mayor with the advice and consent of the majority of the Board of Aldermen or by a three-fourths (3/4) vote of the authorized membership of the Board of Aldermen on its own initiative, with no right of appeal.

## **ARTICLE V CITY ADMINISTRATOR**

### ***Section 5.1 CITY ADMINISTRATOR.***

There shall be a City Administrator nominated by the Mayor and appointed with the advice and consent of a majority of the authorized membership of the Board of Aldermen. The person appointed shall serve for an indefinite term. The City Administrator may be removed on recommendation of the Mayor with the consent of a majority of the authorized membership of the Board of Aldermen, or by a three-fourths (3/4) vote of the authorized membership of the Board of Aldermen on its own initiative, with no right of appeal.

The City Administrator shall be paid a salary in an amount established by the Mayor, with the approval of a majority of the authorized membership of the Board of Aldermen or by a three-fourths (3/4) vote of the authorized membership of the Board of Aldermen on its own initiative. The person appointed to the office of City Administrator shall possess such qualifications as provided by ordinance. If the City Administrator becomes incapacitated, a temporary city administrator shall be appointed by the Mayor with the advice and consent of a majority of the authorized membership of the Board of Aldermen.

### ***Section 5.2 POWERS AND DUTIES.***

The City Administrator shall be responsible to the Mayor and the Board of Aldermen for the administration of all city affairs placed in the City Administrator's charge by or under this Charter. Such person shall have the following powers and duties:

- (a) CITY CLERK** - The City Administrator shall appoint an officer who shall have the title of City Clerk and who shall be a civil service employee. The City Clerk shall keep the record of proceedings of the Board of Aldermen, authenticate by the City Clerk's signature all ordinances and resolutions and record them in full as a permanent record. The City Clerk shall perform such other duties as may be required by law, this Charter, ordinance or the City Administrator.
- (b) APPOINTMENT AND REMOVAL OF EMPLOYEES** - The City Administrator shall appoint and, when the City Administrator deems it necessary for the good of the city, suspend or remove all city

employees including appointed department heads. Appointment of department heads is subject to the approval of the Mayor and a majority of the Board of Aldermen. The City Administrator may authorize any administrative officer who is subject to the City Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency, subject to the right of appeal as provided by ordinance.

- (c) ADMINISTRATION OF DEPARTMENTS** - The City Administrator shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.
- (d) ATTENDANCE AT BOARD OF ALDERMEN MEETINGS** - The City Administrator shall attend all meetings of the Board of Aldermen unless excused by the Board of Aldermen. The City Administrator shall have the right to take part in discussions at meetings of the Board of Aldermen, but shall have no power to vote. The City Administrator shall receive notice of all meetings.
- (e) ENFORCEMENT OF LAWS** - The City Administrator shall see that all laws, provisions of this Charter and acts of the Board of Aldermen, unless otherwise provided by law, are faithfully enforced.
- (f) BUDGET AND CAPITAL PROGRAM** - The City Administrator shall submit annually a recommended budget and a projected five (5) year capital improvement, replacement, and personnel needs program to the Mayor and Board of Aldermen.

Proposed Change	Status
Provide for possibility of biennial (2-year) budget – City Administrator	

- (g) FINANCE AND ADMINISTRATIVE RECORD** - The City Administrator shall submit to the Mayor and Board of Aldermen a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (h) REPORT OF FINANCIAL CONDITION OF CITY** - The City Administrator shall keep the Mayor and Board of Aldermen fully apprised of the financial condition and future needs of the city and make recommendations to the Mayor and Board of Aldermen concerning the affairs of the city.
- (i) OTHER REPORTS** - The City Administrator shall make such other reports as the Mayor and Board of Aldermen may require concerning the operations of city departments, offices and agencies which are subject to the City Administrator's direction and supervision.
- (j) OTHER DUTIES** - The City Administrator shall perform such other duties as are specified in this Charter or may be required by the Board of Aldermen.

### **Section 5.3 PERFORMANCE REVIEW.**

The City Administrator shall receive a performance review from the Mayor and Board of Aldermen at least once a year. Each performance review shall be made a part of the confidential personnel file of the City Administrator.

## **ARTICLE VI ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM**

### ***Section 6.1 ADMINISTRATIVE ORGANIZATION.***

- (a) DEPARTMENTS, ETC.** Existing departments, agencies, authorities and offices shall be continued as constituted on the effective date of this Charter until thereafter changed pursuant to this Charter or by ordinance.
- (b) BOARDS, COMMISSIONS.** Existing boards and commissions shall remain in effect unless changed pursuant to this Charter or by ordinance.

### ***Section 6.2 PERSONNEL SYSTEM.***

The personnel code shall provide that all appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence without regard to race, sex, age, disability, national origin, or political or religious opinions or affiliations, in accordance with applicable state and federal law. The city personnel code in effect on the effective date of this Charter shall remain in effect except as it may be amended by ordinance from time to time.

## **ARTICLE VII FINANCIAL PROCEDURES**

### ***Section 7.1 FISCAL YEAR.***

The fiscal year of the city shall begin on the first day of July and end on the last day of June, unless otherwise set by ordinance.

Proposed Change	Status
Clarification - Update fiscal year language January through December – City Administrator	

### ***Section 7.2 BUDGET.***

**(a) SUBMISSION; CONTENTS** - At least forty-five (45) days prior to the beginning of each fiscal year, the City Administrator shall submit to the Board of Aldermen a proposed final budget and accompanying written narrative. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or by this Charter, shall be in such form as the City Administrator deems desirable or the Board of Aldermen may require. The budget shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year and the method of financing such expenditures; and
- (2) Proposed capital expenditures during the ensuing fiscal year and the proposed method of financing each such capital expenditure.

In no event shall the total proposed expenditures for any fund defined by city ordinances exceed the estimated available revenues. Revenue estimates shall be adjusted to reflect any unencumbered or undesignated balance from the previous year.

Proposed Change	Status
Provide for possibility of biennial budget. – City Administrator	

**(b) CAPITAL PROGRAM** - At least forty-five (45) days prior to the beginning of each fiscal year, the City Administrator shall submit to the Board of Aldermen a capital and personnel needs program for at least a five (5) year period, including a list of all proposed capital improvements, replacement and personnel needs with appropriate supporting information, cost estimates, methods of financing, time schedules and the estimated annual cost of operating and maintaining the proposed facilities. The program shall be reviewed and extended each year.

**(c) PUBLIC HEARING** - After a fifteen (15) day public notice, the Board of Aldermen shall hold a public hearing on the proposed budget prior to its adoption.

**(d) AMENDMENT BEFORE ADOPTION** - After the public hearing, the Board of Aldermen may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenues and unencumbered or undesignated balance from any previous fiscal year.

**(e) ADOPTION** - The budget and capital program shall be adopted by ordinance on or before the last day of the current fiscal year. If the Board of Aldermen fails to adopt the budget by this date, amounts appropriated for existing city operations during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a pro-rated month-to-month basis until the Board of Aldermen shall adopt a budget.

- (f) BUDGETED ITEMS APPROPRIATED** - Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures.
- (g) SUPPLEMENTAL APPROPRIATIONS** - During the course of the fiscal year, the Board of Aldermen may by ordinance make supplemental appropriations if the City Administrator certifies that funds will be available for such expenditures.
- (h) INSUFFICIENT REVENUES** - If at any time during the fiscal year it appears probable to the City Administrator that the revenues available will be insufficient to meet the amount appropriated, it shall be reported to the Mayor and Board of Aldermen without delay. The City Administrator shall indicate the estimated amount of the deficit and any remedial action taken, and recommend further steps to be implemented. The Board of Aldermen shall then take such further action as it deems necessary to prevent any deficit, and for that purpose it may by ordinance reduce appropriations.
- (i) TRANSFERS AFTER ADOPTION** - The City Administrator may transfer all or any part of any unencumbered appropriation balance among accounts within a department. The Board of Aldermen may by motion of the Board transfer part or all of an unencumbered appropriation balance from one department to another. Monies held in reserve, contingency or undesignated funds shall be transferred or encumbered by motion of the Board of Aldermen.
- (j) APPROPRIATIONS LAPSE** - All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been spent, lawfully encumbered or authorized for prorata expenditure in a fiscal year for which a budget has not been adopted pursuant to the provisions of **Section 7.2(e)**, of this Charter.
- (k) PROHIBITED PAYMENTS AND OBLIGATIONS** - No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made shall be illegal. Such action shall be cause for removal of any city employee or elected official who knowingly authorized or made such payment or incurred such obligation, and the employee or elected official shall also be liable to the city for any amount so paid. Except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.
- (l) PUBLIC RECORDS** - Copies of the budget and capital program as adopted shall be public records and shall be made available to the public.

### ***Section 7.3 TAXATION POWERS.***

Taxes as authorized by law shall be levied by ordinance.

Proposed Change	Status
Clarification - Add “, and approved by taxpayers”	

#### ***Section 7.4 SALE OF BONDS.***

The city shall be authorized to sell any bonds as may now or hereafter be authorized by law. Bonds sold by the city may be sold at private or public sale as authorized by law. In the event such bonds are to be sold at public sale, the same shall be sold upon sealed proposals after reasonable public notice has been given as provided by ordinance or otherwise by law. Any public sale shall be conducted according to such terms and conditions as may be provided by ordinance.

## ARTICLE VIII NOMINATIONS AND ELECTIONS

### ***Section 8.1 CITY ELECTIONS.***

- (a) GENERAL MUNICIPAL ELECTIONS.** The general municipal election shall be held annually on the date provided by state law.
- (b) SPECIAL ELECTIONS.** The Board of Aldermen may, by resolution, order special elections, fix the time for such elections and provide for holding such elections on any of the dates provided for elections by state law.
- (c) CONDUCT OF ELECTIONS.** All city elections shall be non partisan and governed by the provisions of this Charter and applicable state law. The Board of Aldermen may further regulate elections by ordinance, subject to the provisions of this Charter and applicable state law.

### ***Section 8.2 NOMINATIONS.***

- (a) DECLARATION OF CANDIDACY.** Nomination of candidates for elective city offices shall be made by declaration of candidacy filed with the City Clerk in the form and manner prescribed by ordinance. No person shall be allowed to file for more than one office.
- (b) REGULATION BY BOARD OF ALDERMEN.** Nothing contained in this Charter shall prevent the Board of Aldermen from further regulating the conduct of nominations consistent with the provisions of this Charter and applicable state laws.

### ***Section 8.3 DETERMINATION OF ELECTION RESULTS.***

- (a) NUMBER OF VOTES.** At the election for Mayor each voter shall be entitled to vote for one candidate. At the election for Aldermen, each voter shall be entitled to vote for one candidate to represent the ward in which the voter resides. If two aldermen are to be elected from any ward at a regular election where only one alderman normally would be elected, there shall be placed on the ballot two separate propositions, one office for the unexpired term, and one office for the full three-year term.
- (b) RETURNS.** The candidate receiving the highest number of votes for each office, as certified by the St. Louis County Board of Election Commissioners, shall be declared elected. Installation into office shall be no more than three weeks following receipt of certification.
- (c) GENERAL AND SPECIAL ELECTIONS TIE VOTE.** If at any general or special election there shall be two (2) or more candidates receiving an equal number of votes as certified by the St. Louis County Board of Election Commissioners, and if that number of votes would otherwise qualify each such tied candidate for election to office, then the Board of Aldermen shall call a special election at the

next available election date at which said candidates shall be the only candidates. The incumbent shall remain in office until a successor has been elected and duly installed.

Proposed Change	Status
Charter mandates that if there is a tie of 2 or more candidates at any general or special election, “then the Board of Aldermen <u>shall</u> call a special election at the next available election date....” It should be considered whether to amend this to make it consistent with state laws, which allows the drawing of lots.	

## ***Section 8.4 WARDS.***

**(a) ESTABLISHMENT AND CHANGES.** There shall be four (4) wards, bounded and numbered the same as the wards that exist at the time of adoption of this Charter. Ward boundaries shall be established by ordinance following each decennial census. A Redistricting Committee, appointed in accordance with **Section 8.4 (b)** shall recommend any changes in ward boundaries.

Proposed Change	Status
Consistency - Adding “of this Charter” after Section 8.4	

**(b) REDISTRICTING COMMITTEE.** The Redistricting Committee shall consist of seven (7) members: Four (4) members, one from each of the existing wards, appointed by the Mayor and individually approved by three fourths (3/4) of the authorized members of the Board of Aldermen; the Director of Public Works, the City Clerk, and the City Administrator. The committee shall submit its findings to the Board of Aldermen for consideration.

**(c) REPRESENTATION AFTER BOUNDARY CHANGES.** Whenever any change in the boundaries of any ward shall be made, an existing alderman who no longer resides in that ward shall remain in office until the next general municipal election.

## **ARTICLE IX INITIATIVE AND REFERENDUM**

### ***Section 9.1 GENERAL AUTHORITY.***

Proposed Change	Status
Several places in this section use the term “city election” which may be other than the general municipal election (in April). Should it be limited to that election? Placing item on ballot for other elections has a cost of approximately \$15K.	

- (a) INITIATIVE.** The qualified voters of the city shall have power to propose ordinances to the Board of Aldermen. If the Board of Aldermen fails to adopt an ordinance so proposed without any change in substance, the qualified voters may adopt or reject it at a city election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, levy of a special assessment, zoning, or salaries of city officers or employees. No proposed initiative ordinance shall contain more than one subject, which shall be clearly expressed in its title. An initiative petition may be utilized to amend or repeal any ordinance other than those excluded above.
- (b) REFERENDUM.** The qualified voters of the city shall have power to require reconsideration by the Board of Aldermen of any adopted ordinance, except as hereinafter provided. If the Board of Aldermen fails to repeal an ordinance so reconsidered, the qualified voters may approve or reject it at a city election. Such power shall not extend to the budget or capital program, or any ordinance relating to appropriation of money, levy of taxes, zoning, or salaries of city officers or employees. No referendum shall contain more than one subject, which shall be clearly expressed in its title.

### ***Section 9.2 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.***

Any five (5) qualified voters of the city may commence initiative or referendum proceedings by filing with the City Clerk an affidavit, on a form provided by the city, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state their names, addresses and phone numbers and specify the address to which all notices to the committee are to be sent, and set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered.

Not more than seven (7) days after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition forms to the petitioners' committee.

### ***Section 9.3 PETITIONS.***

- (a) NUMBER OF SIGNATURES.** Initiative and referendum petitions shall be signed by qualified voters of the city equal in number to at least twelve percent (12%) of the total number of voters registered to vote at the last general municipal election.
- (b) FORM AND CONTENT.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered and shall also state the approximate cost of the election.

**(c) AFFIDAVIT OF CIRCULATOR.** When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

#### **Section 9.4 TIME FOR FILING PETITIONS.**

**(a) INITIATIVE PETITIONS.** Initiative petitions shall be filed within sixty (60) days of the issuance of the appropriate petition forms to the petitioners' committee.

**(b) REFERENDUM PETITIONS.** Referendum petitions shall be filed within forty-five (45) days after adoption by the Board of Aldermen of the ordinance sought to be reconsidered.

#### **Section 9.5 PROCEDURE AFTER FILING.**

Proposed Change	Status
Grammar - Rephrase "subsections (b) and (c) of Section 9.3" to "sections 9.3(b) and 9.3(c)" (or just "section 9.3")	

**(a) CERTIFICATE OF CITY CLERK: AMENDMENT.** Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars in which it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. A petition certified as insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) business days after receiving a copy of the City Clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of **Section 9.3** of this Charter. Within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, return receipt requested, as in the case of an original petition. If a petition is certified to be insufficient and no timely amended petition is filed, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.

**(b) JUDICIAL REVIEW; NEW PETITION.** A final determination as to the sufficiency of a petition shall be subject to judicial review, instituted in the manner provided by law. A final determination of insufficiency, even if sustained upon judicial review, shall not prejudice the filing of a new petition for the same purpose, subject to provisions of **Section 9.4 (b)** of this Charter.

## **Section 9.6 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE.**

When a petitioners' committee files its affidavit with the City Clerk, the ordinance sought to be reconsidered by Referendum shall be suspended from effectiveness. Such suspension shall terminate when:

- 1) The petition is not filed in accordance with provisions of **Section 9.4(b)** of this Charter; or
- 2) There is a final determination by the City Clerk of the insufficiency of the petition; or
- 3) The petitioners' committee withdraws the petition; or
- 4) Election results sustaining the ordinance have been certified by the St. Louis County Board of Election Commissioners.

## **Section 9.7 ACTION ON PETITIONS.**

**(a) ACTION BY BOARD OF ALDERMEN.** When an initiative or referendum petition has been finally determined sufficient, the Board of Aldermen shall promptly consider the proposed initiative ordinance in the manner provided in **Section 3.10(f)** of this Charter, or reconsider the referred ordinance by voting on its repeal. If the Board of Aldermen fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, at the next meeting thereafter it shall submit the proposed or referred ordinance to the voters of the city, in accordance with the provisions of **Section 9.7 (b)** of this Charter.

**(b) SUBMISSION TO THE VOTERS.** The vote by the qualified voters of the city on a proposed or referred ordinance shall be held on the next legally available election date following the expiration of the date for final action by the Board of Aldermen. Copies of the proposed or referred ordinance shall be made available at the polls.

Proposed Change	Status
Since residents can now vote at polls throughout the county – need to revise the requirement of providing copies of the ordinance at the polls. Perhaps making it available electronically and in City Clerk's office for 30 days prior to election?	

**(c) WITHDRAWAL OF PETITIONS.** An initiative or referendum petition may be withdrawn at any time prior to the ballot certification date established by the St. Louis County Election Board by filing with the City Clerk a notice of withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such notice of withdrawal, the petition shall have no further force or effect and proceedings thereon shall be terminated.

## ***Section 9.8. RESULTS OF ELECTION.***

**(a) INITIATIVE.** If a majority of those voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results by the St. Louis County Board of Election Commissioners and shall be treated in all respects in the same manner as an ordinance adopted by the Board of Aldermen.

If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. In the event of a tie, there shall be a run-off election to be held on the next legally available election date.

Proposed Change	Status
Recommend changing the “tie vote” process... instead of holding another costly election, instead provide that Board of Aldermen vote to determine which ordinance prevails. Both ordinances received equal support, and BoA is the city’s legislative body and should resolve it.	

**(b) REFERENDUM.** If a majority of those voting on a referred ordinance vote to repeal the ordinance, it shall be considered repealed upon certification of the election results by the St. Louis County Board of Election Commissioners.

## **ARTICLE X RECALL**

### ***Section 10.1 GENERAL AUTHORITY.***

The qualified voters of the city shall have power to recall any elected official of the City of Crestwood. No elected official shall be subject to recall during the first one hundred twenty (120) days after the official's induction into office. No elected official shall be subject to recall during the last one hundred twenty (120) days of the official's term. If the elected official is retained in office upon any recall election, the official shall not be again subject to recall during the same term of office. Recall of the Mayor shall be by petition and vote of the qualified voters of the city. Recall of a member of the Board of Aldermen shall be by petition and vote of the qualified voters of that member's ward.

### ***Section 10.2 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.***

Any five (5) qualified voters of the city eligible to vote at the recall election may commence recall proceedings by filing with the City Clerk an affidavit, on a form to be provided by the city, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state their names, addresses and phone numbers and specify the address to

which all notices to the committee are to be sent, and set out in full the name and office of the person to be recalled.

Not more than seven (7) days after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition forms to the petitioners' committee.

### **Section 10.3 PETITION.**

Proposed Change	Status
Grammar - Rephrase "subsections (b) and (c) of Section 10.3" to "sections 10.3(b) and 10.3(c)" (or just "section 10.3").	

**(a) NUMBER OF SIGNATURES.** A petition for recall of the Mayor shall be signed by that number of qualified voters of the city equal to at least twenty percent (20%) of the total number of voters registered to vote at the last general city election. A petition for recall of a member of the Board of Aldermen shall be signed by that number of qualified voters eligible to vote at the recall election equal to at least twenty percent (20%) of the total number of voters registered to vote at the last general city election in that member's ward.

Proposed Change	Status
Consider revising "at the last general <b>city</b> election" to "at the last general <b>municipal</b> election" (two references in this section) – should recall elections be held as soon as possible or wait for April to save cost?	

**(b) FORM AND CONTENT.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Recall petitions shall state the name and office of the elected official sought to be recalled and shall also state the approximate cost of the election. No petition shall seek the recall of more than one officer.

**(c) AFFIDAVIT OF CIRCULATOR.** When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the name and office of the city official to be recalled.

### **Section 10.4 TIME FOR FILING PETITIONS.**

Recall petitions shall be filed within sixty (60) days of the issuance of the appropriate petition forms to the petitioners' committee.

### **Section 10.5 PROCEDURE AFTER FILING.**

- (a) CERTIFICATE OF CITY CLERK: AMENDMENT.** Within twenty (20) days after the recall petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars in which it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) business days after receiving the copy of the City Clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of **Section 10.3** of this Charter. Within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, return receipt requested, as in the case of an original petition. If a petition is certified to be insufficient and no timely amended petition is filed, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.
- (b) JUDICIAL REVIEW; NEW PETITION.** A final determination as to the sufficiency of a petition shall be subject to judicial review, instituted in the manner provided by law. A final determination of insufficiency, even if sustained upon judicial review shall not prejudice the filing of a new petition for the same purpose, subject to the provisions of **Section 10.1** of this Charter.

### **Section 10.6 ACTION ON PETITION.**

- (a) SUBMISSION TO THE VOTERS.** When a recall petition has been finally determined as sufficient, the Board of Aldermen shall at its next regular meeting after receipt of such final determination, fix a date for holding the election at the next legally available election date.
- (b) WITHDRAWAL OF PETITIONS.** A recall petition may be withdrawn at any time prior to the ballot certification date established by the St. Louis County Election Board by filing with the City Clerk a notice of withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such notice of withdrawal, the petition shall have no further force or effect and proceedings thereon shall be terminated.

### **Section 10.7 RESULTS OF RECALL ELECTION.**

If a majority of the qualified 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 this Charter.

## ARTICLE XI FRANCHISES

Proposed Change	Status
update to agree with state law – City Administrator	Refer to city attorney

### **Section 11.1 GRANTING OF FRANCHISES.**

All public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty (30) days after application therefor has been filed with the Board of Aldermen, nor until a public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a term longer than twenty (20) years. No such franchise shall be transferable directly or indirectly, except with the approval of the Board of Aldermen expressed by ordinance after a public hearing.

### **Section 11.2 RIGHT OF REGULATION.**

Every public utility franchise, whether it be so provided in the ordinance or not, shall be subject to the right of the Board of Aldermen to:

- 1) Repeal or shorten the term of a franchise for misuse or nonuse or failure to comply therewith; or failure to comply with the provisions of this section and regulations adopted in accordance with this section or with the provisions of the franchise ordinance.
- 2) Require proper and adequate extension of plant and service and the maintenance thereof at the highest practical standards of efficiency.
- 3) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- 4) Make an independent audit and examination of accounts at any time and require reports annually.
- 5) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- 6) Control and regulate the use of the city streets, alleys, bridges and public places, and the space above and beneath them.
- 7) Regulate rates, fares, and charges and make adjustments thereof from time to time if the same are not regulated by the state or federal governments.
- 8) Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.

### **Section 11.3 TEMPORARY PERMITS.**

Temporary permits for the operation of public utilities or like permits for a period not to exceed two (2) years but subject to being renewed for a period not to exceed one (1) year and subject to amendment, alteration, or revocation at any time by the Board of Aldermen may be granted only by ordinance on such terms and conditions as the Board of Aldermen shall determine. Such permits shall in no event be construed to be franchises or extensions or amendments of franchises.

#### ***Section 11.4 OPERATION BEYOND FRANCHISE PERIOD.***

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

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

#### ***Section 12.1 OBJECTS OF LICENSING, TAXATION AND REGULATION.***

The Board of Aldermen shall have power by ordinance to license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, statutory class cities or cities of any population group and which any such cities are now or may hereafter be permitted by law to license, tax and regulate.

### **ARTICLE XIII GENERAL PROVISIONS**

#### ***Section 13.1 PERSONAL FINANCIAL INTEREST:***

Any elected or appointed officer or employee of the city who has substantial financial interest, direct or indirect, as defined by Missouri statutes, in any transaction with the city, shall make known that interest in writing to the Board of Aldermen. Such officer or employee shall refrain from voting upon or otherwise participating as a city officer or employee in the making of any such transaction.

Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position, and shall

forfeit his or her office or position. Violation of this section with the knowledge, expressed or implied, of the person or corporation engaged in such transaction with the city shall render the contract or sale voidable by the Mayor or Board of Aldermen.

### ***Section 13.2 POLITICAL ACTIVITY.***

No city employee shall solicit any contribution for the campaign fund of any candidate for Crestwood city office or take part in the political campaign of any candidate for Crestwood city office. All employees may exercise their right as private citizens to express opinions and if a qualified voter in Crestwood, to sign a nominating petition for any city candidate, and to vote in any city election.

Political affiliation, participation or contribution shall not be considered in making any city employment decision. No city officer, employee or member of a board or commission shall use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for Crestwood city office. No city officer, employee or member of a board or commission shall directly coerce, attempt to coerce, command, advise, or solicit a city employee to pay, lend, or contribute anything of value to a committee, organization, agency or person for political or electoral purposes of any candidate for Crestwood city office.

Proposed Change	Status
State law now allows first responders to engage in political activities, may need revision to comply with state law.	Refer to city attorney

### ***Section 13.3 PROHIBITIONS.***

#### **(a) ACTIVITIES PROHIBITED.**

- 1) No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any city position, because of race, sex, age, disability, national origin, or political or religious opinions or affiliations, in accordance with applicable state and federal law.
- 2) No person who seeks appointment, promotion or retention with respect to any city position shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with such person's test, appointment, proposed appointment, promotion or proposed promotion.

#### **(b) PENALTIES.**

Any person who, individually or with others, willfully violates any of the provisions of **Section 13.3(a)** of this Charter, shall upon conviction, be deemed guilty of a misdemeanor and shall be subject to fine, imprisonment or both as may be provided by ordinance. Any person who violates any of the aforementioned provisions shall forfeit such person's office or employment with the city.

### **Section 13.4 NOTICE OF SUITS.**

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the City Administrator within ninety (90) days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

### **Section 13.5 OFFICIAL BONDS.**

All officers and employees of the city who receive, disburse, or are responsible for city funds, and such other appointed or elected officers and employees as the Board of Aldermen by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the Board of Aldermen, but not less than \$50,000, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all monies belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

Proposed Change	Status
The city now uses insurance instead of bonds. Recommended amendment to reflect current practice.	

### **Section 13.6 INDEMNIFICATION OF CITY OFFICIALS.**

The Board of Aldermen shall provide for the indemnification of city officials on such terms as shall be set forth by ordinance.

### **Section 13.7 CHARTER AMENDMENT.**

Amendments to this Charter may be framed and submitted to the voters by a commission as provided by law and the Constitution of the State of Missouri for a complete Charter; by the Board of Aldermen or by petition of not less than ten percent (10%) of the qualified voters of the City setting forth the proposed amendment and filed with the City Clerk.

The Board of Aldermen shall at once provide by ordinance that any amendment so proposed shall be submitted to the voters at the next election held in the city not less than sixty (60) days after its passage, or at a special election held as provided for a Charter.

Any amendment approved by a majority of those voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided for a complete Charter.

Proposed Change	Status
Clarification to match 13.8 – revise to state “next <b>general municipal</b> election” in second paragraph.	

### **Section 13.8 CHARTER REVIEW COMMITTEE.**

From time to time, but at least every ten (10) years, the Mayor and Board of Aldermen shall provide for a Charter Review Committee to consider whether any amendments to this Charter are appropriate. The ten (10) year period shall begin from the date of the previous Charter Review Committee’s first meeting. The members of the Charter Review Committee shall be appointed by the Mayor with the advice and consent of the Board of Aldermen.

The Charter Review Committee shall consist of at least nine (9) persons, not more than one of whom shall be an elected official of the city with at least two members from each ward. The Charter Review Committee shall, within twelve (12) months of its first meeting, report to the Board of Aldermen as many amendments to the Charter as it shall deem advisable. The Board of Aldermen shall by ordinance submit such proposed amendments to the voters at the next general municipal election.

Proposed Change	Status
Correction - Replace all uses of “committee” with “commission”	
Grammar – two “(2)” members from each ward	

### **Section 13.9 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 and published by authority of the city, shall be received in evidence in all courts, or other places, without further proof of authenticity.

### **Section 13.10 SEPARABILITY.**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

## **ARTICLE XIV TRANSITIONAL PROVISIONS**

### ***Section 14.1 CITY EMPLOYEES.***

An employee holding a city position at the time this Charter takes full effect, shall continue to be subject to the personnel code in force on the effective date of the Charter. The Board of Aldermen shall re-enact the city's personnel code promptly following the adoption of the Charter.

### ***Section 14.2 ELECTED AND APPOINTED OFFICIALS.***

All persons in elective and appointive positions in the City of Crestwood at the time of the adoption of this Charter shall continue to hold their offices until their successors are elected or appointed and qualified.

### ***Section 14.3 ORDINANCES TO REMAIN IN FORCE.***

All ordinances, regulations and resolutions in force at the time this Charter takes effect, which are not inconsistent with the provisions of this Charter, shall remain and be in force until altered, modified or repealed by or under authority of this Charter or ordinance.

### ***Section 14.4 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 office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

### ***Section 14.5 CONTINUANCE OF CONTRACTS, PUBLIC IMPROVEMENTS AND 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 as nearly as practicable in accordance with the provisions of such existing laws.

All taxes and assessments levied or assessed, all fines and penalties imposed and all other obligations owing to the city which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

## ARTICLE XV TRANSITIONAL SCHEDULE

### ***Section 15.1 PURPOSE OF SCHEDULE.***

The purpose of the following provisions is to promote the orderly transition from the present government of the City of Crestwood, Missouri, to the new government provided for in this Charter and to inaugurate the new government under the provisions of this Charter. The provisions of this Article shall constitute a part of this Charter only to the extent and for the time required to accomplish that aim.

### ***Section 15.2 ELECTION TO ADOPT CHARTER.***

This Charter shall be submitted to a vote of the electors of the City of Crestwood at an election to be held on the 7th day of November, 1995. The election shall be administered by the officials charged with the responsibility for the conduct of city elections.

### ***Section 15.3 TIME OF TAKING EFFECT.***

This Charter shall be in full effect for all purposes on and after the date and time of the certification of the results of the election on the adoption of this Charter.

### ***Section 15.4 FIRST GENERAL MUNICIPAL ELECTION.***

The first general municipal election shall be held on the 2nd day of April, 1996.

One Alderman shall be elected from each ward to the seat expiring in 1996 for a term of two (2) years. This two-year term shall not be subject to the limitations imposed by ***Section 3.4*** of this Charter. Subsequent elections for all aldermanic seats shall be for three (3) year terms, in accordance with ***Section 3.4*** and ***Section 3.7*** of this Charter.

The Mayor shall be elected at large in 1996 with mayoral elections each three (3) years thereafter.

Proposed Change	Status
Grammar - "(1)" One Aldermen...and "(2)" Two-year term...	
NOTE - If 4-year term is proposed for Aldermen / Mayor – this section needs to be replaced as part of that amendment (with new transition schedule).	

## **SUPPLEMENTAL INFORMATION**

The following information is provided for historical and editorial context. It serves as a supplement to the City of Crestwood Charter but is not part of the official Charter itself, is not subject to voter approval, and does not carry the force of law.

### **CHARTER HISTORY**

Crestwood's first charter was adopted by the voters on November 7, 1995. It has a provision that requires a Charter Review Commission be created at least every ten years to review the Charter. After a comprehensive review, the Commission may recommend amendments to the Charter for consideration by the voters.

### **1995 CHARTER COMMISSION**

Members of the original Charter Commission were selected by Crestwood voters at the November 8, 1994, general election. The commission held 31 meetings met from December 5, 1994, through October 25, 1995, to develop the original charter and assist with citizen education.

#### Commission Members

Mr. Gerald L. Bratsch, Chair  
Mr. Robert Theiss, Vice Chair  
Ms. Deborah Murray, Secretary  
Ms. Jane Armbruster  
Ms. LaVerne C. Cannon  
Mr. Burt Droste  
Ms. Patricia Duwe

Alderman H. Tracy Huston  
Mr. Tom Killoren  
Mr. Ed Lang  
Ms. Madonna J. Laws  
Alderman John R. McGowan  
Alderman Bob Parsons

Assisted by  
Shulamith Simon, Crestwood City Attorney  
Carol A. Schneiderhahn, City Clerk  
Sandra Grave, Recorder



Seated: Deborah Murray; Gerald L. Bratsch; Robert Theiss;  
Standing: Jane Armbruster; John McGowan; LaVerne Cannon; H. Tracy Huston;  
Burt Droste; Madonna J. Laws; Tom Killoren, Patricia Duwe; Ed Lang;  
Sandra Grave; Bob Parsons; Carol Schneiderhahn

## **2005 CHARTER REVIEW COMMISSION**

Mr. James Brasfield - Char  
Mrs. Pat Kapsar - Vice Chair  
Alderwoman Pat Duwe - Elected Official  
Ms. Bernie Alexander  
Mr. John Bell

Mr. Rich Bland  
Dr. David Brophy  
Mr. Kevin King  
Mrs. Carol Wagner  
Ms. Char Braun

Assisted by:

Don Greer, City Administrator  
Rob Golterman, City Attorney  
Helen Ingold, Executive Secretary

The 2005 Charter Review Commission met from 2/15/2005 through 6/21/2005 and proposed amendments to sections 3.3, 3.4, 3.7(b), 3.8, 3.10(a), 3.10(g), 4.7(b), 4.8, 5.1, 5.2, 5.2(f), 7.1, 7.2, 9.3(a), 9.3(b), 10.3(a), 10.3(b), 13.8, 15.1, 15.2, 15.3, and 15.4.

The Board of Aldermen placed several items on the November 7, 2006, ballot:

**Proposition 1** – Technical (clean-up) Amendments to sections 3.3, 3.10(a), 3.10(d), 3.10(g), 4.4(a), 4.8, 5.1, 5.2(a), 5.2(f), 7.1, 7.2(b), 9.3(b), 10.3(b), 13.8, 15.1, 15.2, 15.3, and 15.4.

*This amendment failed 45% Yes, 55% No*

**Proposition 2** – Eliminate Aldermen Term Limits, updating section 3.4

*This amendment failed 37% Yes, 63% No*

**Proposition 3** - Creation of Censure Process, updating sections 3.7(b), 3.8, and 4.7(b).

*This amendment passed 58% Yes, 42% No*

**Propositions 4 & 5** – Reduce number of signatures required for Recall petitions, updating sections 9.3(a) and 10.3(a).

*Proposition 4 failed 35% Yes, 65% No*

*Proposition 5 failed 40% Yes, 60% No*

## **2015 CHARTER REVIEW COMMISSION**

Stephen Davis, Chair  
Christopher Pickel, Vice Chair  
Rich Bland  
Paula Kapfer  
Jerry Miguel

Harley  
Hartzog  
Steve Ippolitto  
Bob Parsons  
Alderman Darryl Wallach, Elected Official

Assisted by:  
Mark Sime, City Administrator  
Sarah Belcher, Administrative Assistant

The 2015 Charter Review Commission met from 4/29/2015 through 9/9/2015 and proposed amendments to sections 3.2, 4.2, and 13.8.

The Board of Aldermen placed three items on the November 7, 2016, ballot:

**Proposition 1** – Authorized Members clarification updating section 3.2

*This amendment passed 80% Yes, 20% No*

**Proposition 2** – Mayoral Candidate Qualifications clarification updating section 4.2

*This amendment passed 67% Yes, 33% No*

**Proposition 3** – Charter Review 10-year clarification updating section 13.8

*This amendment passed 81% Yes, 19% No*

## **2025 CHARTER REVIEW COMMISSION**

Lisa Bozdeck  
Matthew Koehler  
Christopher Pickel  
Robert Sweeney  
Megan Vedder

Dr. Ted Yemm  
Beth Johnson  
Angela Sebben  
Mayor Scott Shipley, Elected Official

Assisted by:  
Kris Simpson, City Administrator  
Jeff Faust, Deputy City Administrator  
Lisa Stump, City Attorney

The 2025 Charter Review Commission met from 2/10/2025 through...*(Meeting details and proposed amendments to be added)*