

PART I

CHARTER*

Article I. Incorporation, Name, Boundaries and Form of Government

- Sec. 1.1. Incorporation, name and boundaries.
- Sec. 1.2. Form of government.

Article II. Powers

- Sec. 2.1. Powers.
- Sec. 2.2. Construction.

Article III. The Council

- Sec. 3.1. Where powers vested.
- Sec. 3.2. Composition, eligibility, election and terms.
- Sec. 3.3. Compensation; expenses.
- Sec. 3.4. Mayor.
- Sec. 3.5. Prohibitions.
- Sec. 3.6. Vacancies; forfeiture of office; filling of vacancies.
- Sec. 3.7. City clerk.
- Sec. 3.8. Independent audit.
- Sec. 3.9. Legislative proceedings.

Article IV. City Manager

- Sec. 4.1. Appointment; qualifications; compensation.
- Sec. 4.2. Removal.
- Sec. 4.3. Acting city manager.
- Sec. 4.4. Powers and duties of the city manager.

Article V. Administrative Organization and Personnel System

- Sec. 5.1. Administrative organization.
- Sec. 5.2. Personnel system.
- Sec. 5.3. Personnel board.
- Sec. 5.4. Powers and duties of the city manager.

Article VI. Financial Procedures.

- Sec. 6.1. Fiscal year.
- Sec. 6.2. Budget.
- Sec. 6.3. Submission of operating budget and message.
- Sec. 6.4. Council action on operating budget.
- Sec. 6.5. Capital program.
- Sec. 6.6. Council action on capital program.
- Sec. 6.7. Public records.
- Sec. 6.8. Amendments after adoption.

***Editor's note** -Published in this part is the Charter for the City of St. Joseph, Missouri, adopted by the voters on August 4, 1981, and effective April 19, 1982. Amendments are indicated by parenthetical history notes following amended provisions, which give the date of the election at which the voters approved the amendment. The absence of a history note indicates that the provision derives unchanged from the original Charter. The Charter has been formatted in a manner consistent with the Code of Ordinances. Obvious misspellings have been corrected without notation and material in brackets [] has been added for clarity.

ST. JOSEPH CODE

- Sec. 6.9. Administration of budget.
- Sec. 6.10. Purchasing procedure.
- Sec. 6.11. Tax rates and tax rolls.
- Sec. 6.12. Borrowing in anticipation of revenues.

Article VII. Parks and Recreation

- Sec. 7.1. Park districts.
- Sec. 7.2. Each park district to include a park; how purchased.
- Sec. 7.3. Real estate and park districts may be assessed to keep up repairs in parks and boulevards.
- Sec. 7.4. Right to expend funds outside of corporate limits.

Article VIII. Public Improvements and Special Assessments

- Sec. 8.1. Improvements.
- Sec. 8.2. Special assessments.
- Sec. 8.3. Procedures.
- Sec. 8.4. Bids.
- Sec. 8.5. Public notice and hearing.

Article IX. Municipal Division of Circuit Court

- Sec. 9.1. Municipal division of circuit court.
- Sec. 9.2. Judge, staff, and court facilities.
- Sec. 9.3. Fines and costs.

Article X. Nominations and Elections

- Sec. 10.1. Municipal elections.
- Sec. 10.2. Nominating petitions and accompanying documents.
- Sec. 10.3. Preparation of ballots.
- Sec. 10.4. Certification of candidates.
- Sec. 10.5. Determination of election results.

Article XI. Initiative and Referendum

- Sec. 11.1. General authority.
- Sec. 11.2. Commencement of proceedings; petitioners' committee; affidavit.
- Sec. 11.3. Petitions.
- Sec. 11.4. Procedure after filing.
- Sec. 11.5. Referendum petitions; suspension of effect of ordinance.
- Sec. 11.6. Action on petitions.
- Sec. 11.7. Results of elections.
- Sec. 11.8. Conduct of elections.

Article XII. Recall

- Sec. 12.1. General authority.
- Sec. 12.2. Commencement of proceedings; petitioners' committee; affidavit.
- Sec. 12.3. Petitions.
- Sec. 12.4. Procedure after filing.
- Sec. 12.5. Action on petitions.
- Sec. 12.6. Effect of recall.
- Sec. 12.7. Conduct of recall elections.

CHARTER

Article XIII. Franchises.

- Sec. 13.1. Definitions.
- Sec. 13.2. Granting of franchises.
- Sec. 13.3. Right of regulation.
- Sec. 13.4. Revocable permits.
- Sec. 13.5. Operation beyond franchise period.
- Sec. 13.6. [Exclusive or limiting franchise prohibited.]

Article XIV. Licenses

- Sec. 14.1. Objects of licensing, taxation and regulation.
- Sec. 14.2. Licensing period.

Article XV. General Provisions

- Sec. 15.1. Personal financial interest.
- Sec. 15.2. Prohibitions.
- Sec. 15.3. Persons in arrears for city taxes not qualified to hold office or employment.
- Sec. 15.4. Official bonds.
- Sec. 15.5. Security of deposits.
- Sec. 15.6. Charter amendment.
- Sec. 15.7. Proof of ordinance.
- Sec. 15.8. Separability.
- Sec. 15.9. Remitting taxes prohibited.

Article XVI. Transitional Provisions

- Sec. 16.1. Personnel system.
- Sec. 16.2. Ordinances to remain in force.
- Sec. 16.3. Pending actions and proceedings.
- Sec. 16.4. Continuance of contracts, public improvements and taxes.

Article XVII. Schedule

- Sec. 17.1. Election to adopt charter.
- Sec. 17.2. First election.
- Sec. 17.3. Time of taking full effect.
- Sec. 17.4. Incumbent councilmembers, mayor and municipal judge; first meeting of newly elected council.
- Sec. 17.5. Temporary ordinances.
- Sec. 17.6. Budget.
- Sec. 17.7. Initial salary of members of the council and mayor.
- Sec. 17.8. Purpose of schedule.

Article XVIII. Museum Oversight Board

- Sec. 18.1. Museum oversight board.

Appendix to Charter Article I

ST. JOSEPH CODE

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

**ARTICLE I. INCORPORATION,
NAME, BOUNDARIES, AND
FORM OF GOVERNMENT**

Sec. 1.1. Incorporation, name and boundaries.

The inhabitants of the City of St. Joseph 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 St. Joseph, a copy of said corporate limits being found in Appendix A attached hereto and made a part hereof by reference.

Sec. 1.2. Form of government.

The municipal government provided by this Charter shall be known as a "Council-Manager Government."

ARTICLE II. POWERS

Sec. 2.1. Powers.

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

Sec. 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. THE COUNCIL

Sec. 3.1. Where powers vested.

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

Sec. 3.2. Composition, eligibility, election and terms.

(a) *Composition.* There shall be a City Council which shall consist of nine (9) members, being a Mayor and three (3) Councilmembers, nominated and elected by the qualified voters of the City at large and one (1) Councilmember to be nominated and elected from each of the five (5) Council districts herein provided, by the qualified voters of each respective district. Unless otherwise clearly indicated by the context, the terms "Councilmembers" and "Councilmember" as used in this Charter shall be deemed to include the Mayor as well as other Councilmembers.

(b) *Eligibility.* All Councilmembers shall be a qualified voter of the City and shall have been a resident of the City for at least one year immediately prior to his/her election. It is further provided that a district Councilmember shall be a resident of his/her district at least six (6) months prior to his/her election. If a district Councilmember changes residence from his/her district during their term, then it shall be deemed that they have vacated their office and the Council shall by ordinance declare the office vacated and their unexpired term shall be filled pursuant to Section 3.6(c).

(c) *Election and terms.* Members of the Council shall be elected at each regular election to serve concurrent four (4) year terms. Members of the Council shall serve until his/her successor shall be elected and qualified.

(d) *Council districts.* For the purpose of electing district Councilmembers, the City shall be divided in five (5) districts. Each district shall be entitled to elect one (1) member of the Council. The boundaries of such districts shall be initially fixed by the Council according to the following plan:

ST. JOSEPH CODE

§10.4

District I

First Ward

- Precinct A
- Precinct B
- Precinct C

Second Ward

- Precinct A
- Precinct AA
- Precinct B

Third Ward

- Precinct A

Eleventh Ward

- Precinct A
- Precinct B

District II

Third Ward

- Precinct B

Fourth Ward

- Precinct A
- Precinct B

Fifth Ward

- Precinct A
- Precinct C

Sixth Ward

- Precinct A
- Precinct B

Seventh Ward

- Precinct C

Eighth Ward

- Precinct A

District III

Seventh Ward

- Precinct D
- Precinct E

Eighth Ward

- Precinct B
- Precinct C

Ninth Ward

- Precinct A
- Precinct B
- Precinct C

Tenth Ward

- Precinct A
- Precinct B

Fourteenth Ward

- Precinct A

District IV

Second Ward

- Precinct C

Fourth Ward

- Precinct C

Eleventh Ward

- Precinct C

Twelfth Ward

- Precinct C

Fifteenth Ward

- Precinct A
- Precinct D

District V

Sixth Ward

- Precinct C
- Precinct D

Eighth Ward

- Precinct D
- Precinct E

Twelfth Ward

- Precinct B

Thirteenth Ward

- Precinct A
- Precinct B

Upon the adoption of any Charter amendment extending the City limits, the Council shall adopt a new and revised plan of redistricting, formulated in the manner hereinbefore provided, at such time as shall permit residents of the annexed areas to have the opportunity to vote at the next succeeding primary and City election following the effective date of such extension and, in order that the

(Editor's Note: S.O. 5664, passed 7-23-01, made technical changes to the "Council Distrists" due to the 2000 Census making a more equitable population balance.)

population of the several Council districts thus defined shall remain substantially equal, the Council shall adopt a new and revised plan of redistricting, based upon the last official federal census, and formulated in the manner hereinbefore provided, not later than the first day of January of the year following the federal census and not later than the first day of January each fifth year thereafter; provided, however, that except in years following the publication of said census, the Council may utilize reasonably accurate and current population estimates in addition to the population figures contained in such census, in determining the population of the city and of the several Council districts. (Election, 8-8-89)

Sec. 3.3 Compensation; expenses.

Except as provided in Article XVII, the Council may determine the annual compensation of the members the Council by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of the members of the Council elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. The Mayor and members of the Council shall receive their actual and necessary expensed incurred in the performance of their duties of office.

Sec. 3.4. Mayor.

A Mayor shall be elected at each regular election for a term of four (4) years. He/she shall be a member of the Council and shall have the same qualifications as are required for other members of the Council. The Mayor shall preside at meetings of the Council, shall have the right to vote, 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 no administrative duties and shall have no veto power. The Council shall elect from among its members a Deputy Mayor who shall act as Mayor during the absence or disability of the Mayor, and, if a vacancy occurs, shall become Mayor for the remainder of the unexpired term.

Sec. 3.5. Prohibitions.

(a) *Holding Other Office.* Except where authorized by law, or pursuant to an agreement

between the City and another entity of government, no member of the Council shall hold any other City office or employment during the term for which he/she was elected to the Council, and no former member of the Council shall hold any compensated appointive City office or employment until one (1) year after the expiration of the term for which he/she was elected or appointed to the Council.

(b) *Appointments and Removals.* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his/her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with Administration.* The Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Sec. 3.6. Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of a member of the Council shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law, or forfeiture of his/her office. In the case of a district Councilmember, change of residence from his/her district shall cause a vacancy in that position.

(b) *Forfeiture of office.* The Mayor or member of the Council shall forfeit his/her office if he/she:

- (1) Lacks at any time during his/her term of office any qualifications for the office prescribed by this Charter or by law,
- (2) Violates any express prohibition of this Charter,
- (3) Is convicted of a felony,
- (4) Is absent from the Council meetings for 150 consecutive calendar days.

(c) The Council shall be the judge of the qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records. The decision of the Council in any such case shall be by ordinance and require a majority vote of the remaining members of the Council. Such decision of the Council shall be subject to judicial review.

The Council, by a majority vote of its remaining members, shall in a timely manner fill a vacancy in its own membership, excluding the office of Mayor, by appointing a person to serve until the office is filled by election.

A member chosen to fill a vacancy, except in the office of Mayor and at-large Councilmembers, must reside in the district in which the vacancy occurs.
(Election, 8-8-89)

Sec. 3.7. City clerk.

The Council shall appoint an officer who shall have the title of City Clerk. He/she shall keep the journal of Council proceedings, authenticate by his/her signature all ordinances and resolutions, and record them in full, properly indexed, in a book or books kept for that purpose, or cause them to be photographed, microfilmed, photostatted, or reproduced by such other means of reproduction which are then available. Such book, microfilm, photostat or reproduction shall be deemed to be the official record book and shall be an original record for all purposes, and shall be admissible in evidence in all proceedings. He/she shall perform such other duties that may be required by law, by this Charter, or by the Council. The City Clerk shall hold office at the pleasure of the Council.

Sec. 3.8. Independent audit.

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

Sec. 3.9. Legislative proceedings.

(a) *Meetings.* The Council shall meet regularly and specially at such times as it may prescribe by ordinance, resolution, or by rules of the Council, but not less frequently than once every month. Except as otherwise provided by law, all meetings of the Council shall be open to the public. The first meeting of each newly elected Council, for induction into office, shall be held at 12:00 noon on the third Monday in April.

Any five (5) members of the Council may cause a special meeting of the Council to be called by filing a written request for the same with the City Clerk stating the time and purpose or purposes of such meeting. The call for such special meeting shall be issued by the City Clerk and shall state the time and place of such special meeting, and shall include in the matters to be considered all matters set forth in the request for such special meeting. No matter may be considered at a special meeting of the Council except such as are set forth in the call. The manner in which such notice of a special meeting shall be given may be provided by ordinance.

(b) *Rules and Journals.* The Council shall determine its own rules and order of business. It shall cause a journal of its proceedings to be kept, and this journal shall be open to public inspection.

(c) *Voting.* Voting shall be by roll call, except on procedural motions, and the "ayes" and "nays" shall be recorded in the journal. A Council member may pass on any vote and may state the reasons therefor. A majority of members of the Council shall constitute a quorum for its business, but a smaller number may adjourn from time to time and meet and compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. Except as otherwise provided by law, or in this Charter, the affirmative vote of a majority of the entire Council shall be necessary to adopt any ordinance or resolution.

(d) *Form of Ordinances.* Proposed ordinances and resolutions shall be introduced in the Council only in written or printed form. The enacting clause of all ordinances shall be: Be It Ordained By the Council of the City of St. Joseph.

The enacting clause of all ordinances submitted by initiative shall be: Be It Ordained By the People of the City of St. Joseph.

No ordinance, except those making appropriations of money and those codifying or revising existing ordinances, shall contain more than one subject which shall be clearly expressed in its title. Ordinances making appropriations shall be confined to the subject matter of the appropriations.

(e) *Procedure.* Except in the case of emergency ordinances, every proposed ordinance shall be read by title in open Council meeting two (2) times before final passage, not more than one (1) of which readings shall be at the same legislative session, and at least one (1) week shall elapse between introduction and final passage. Every proposed ordinance shall remain on file in the office of the City Clerk for public inspection until it is finally adopted or fails of adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the Council in accordance with such rules and regulations as the Council may adopt. If the Council adopts an amendment to a proposed ordinance which constitutes a change in substance, the proposed ordinance as amended shall be placed on file for public inspection for one (1) additional week, and 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.

(f) *Emergency Ordinances.* An ordinance may be passed as an emergency measure on the day of its introduction, if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the vote of two-thirds (2/3rds) of the members of the Council, or the unanimous vote of those members of the Council present, whichever is less. An ordinance granting, reviewing, or extending a franchise shall not be passed as an emergency ordinance.

(g) *Effective Date.* Every adopted ordinance shall become effective at the expiration of ten (10) days after adoption, unless otherwise specified therein. Emergency ordinances shall become effective upon adoption or at any later date specified therein.

ARTICLE IV. CITY MANAGER

Sec. 4.1. Appointment; qualifications; compensation.

The Council shall appoint a City Manager for an indefinite term and shall fix his/her compensation and conditions of employment. The appointment shall be made by a vote of two-thirds (2/3rds) of the entire Council. The Manager shall be appointed solely on the basis of his/her executive and administrative qualifications. He/she need not be a resident of the city or state at the time of his/her appointment, but he/she shall reside within the city while in office.

Sec. 4.2. Removal.

The Council may remove the Manager from office in accordance with the following procedures:

(a) The Council shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty with or without pay for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the Manager.

(b) Within five (5) days after a copy of the resolution is delivered to the Manager, he/she may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written response to such resolution not later than five (5) days before the hearing.

(c) The Council may adopt a final resolution of removal, which may be effective immediately, by affirmative vote of a majority of its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if he/she has not requested a public hearing or at any time after the public hearing, if he/she has requested one.

The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency.

§10.4

Sec. 4.3. Acting city manager.

By letter filed with the City Clerk the Manager shall designate, subject to approval of the Council, a qualified City Administrative Officer to exercise the powers and perform the duties of Manager during his/her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his/her disability shall cease.

Sec. 4.4. Powers and duties of the city manager.

The City Manager shall be the chief Administrative Officer of the City. He/she shall be responsible to the Council for the administration of all City affairs placed in his/her charge by or under this Charter. He/she shall have the following powers and duties:

(a) He/she shall appoint and, when he/she deems it necessary for the good of the service, suspend or remove City employees and appointive Administrative Officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. Notwithstanding, neither the Police Chief nor the Fire Chief may be dismissed without the City Manager consulting with the Council concerning such impending dismissal. He/she may authorize any Administrative Officer, who is subject to his/her direction and supervision, to exercise these powers with respect to subordinates in that Officer's department, office or agency.

(b) He/she 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.

(c) He/she shall attend all Council meetings and shall have the right to take part in discussion but may not vote. He/she shall receive notice of all special meetings.

(d) He/she shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him/her or by officers subject to his/her direction and supervision, are faithfully executed.

(e) He/she shall prepare and submit the annual budget and capital program to the Council.

(f) He/she shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) He/she shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his/her direction and supervision.

(h) He/she shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he/she deems desirable.

(i) He/she shall perform such other duties as are specified in this Charter or may be required by the Council.

ARTICLE V. ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM

Sec. 5.1. Administrative organization.

Within twelve (12) months after this Charter is in full effect, the Council shall adopt by ordinance an Administrative Code providing a plan of organization and structure for the City government. The Administrative Code may authorize the City Manager to promulgate regulations dealing with questions of organization and structure. The Administrative Code and any regulations promulgated pursuant thereto shall be consistent with this Charter. Unless otherwise required by law, all boards and commissions provided for in the Administrative Code shall be appointed by the Council.

The Administrative Code shall provide for at least the following department, boards and commissions: Police Department, Fire Department, Department of Finance, Department of Personnel, Department of Law, Department of Public Works, Department of Public Health and Welfare, Department of Parks and Recreation, Department of Zoning and Planning, Department of Convention Facilities, Museum Board, Library Board, Board of Zoning Adjustment and Zoning

and Planning Commission. Departments may be combined, as long as the functions of the pre-existing departments are continued. Additional departments, boards, and commissions may be created by ordinance. Two (2) or more departments may be headed by the same person, and the City Manager may, with Council approval, head one (1) or more departments.

Sec. 5.2. Personnel system.

Within twelve (12) months after this Charter is in full effect, the Council shall adopt by ordinance a Personnel Code providing a comprehensive personnel system for City officers and employees. The Personnel Code shall provide that all officers and employees of the City shall be divided into classified and unclassified service and shall provide that all appointments and promotions in the classified service shall be made solely on the basis of merit and fitness; and removals, demotions, suspensions and layoffs shall be made solely for the good of the service.

Sec. 5.3. Personnel board.

(a) *Created; Membership.* There shall be a Personnel Board, which shall consist of five (5) members appointed by the Council, which shall designate one (1) member chairman. They shall serve for five (5) year staggered terms and without compensation.

(b) *Qualifications.* Each member of the Personnel Board shall be a qualified voter of the City and shall be a qualified voter of the city and shall be required to take the oath prescribed for City Officer, including a statement therein that he/she is a firm believer in the merit system for City employment. Members should have experience in personnel matters and shall neither hold nor be a candidate for any other public office or position.

Sec. 5.4. Powers and duties: the personnel board shall:

Advise the Council and the City Administration on matters involving the administration of personnel; review and recommend to the Council the merit system rules; hear appeals from disciplinary actions and make recommendations thereon; and shall have such other power and duties as may be provided by

this Charter, by ordinance, or by the Personnel Code.

ARTICLE VI. FINANCIAL PROCEDURES

Sec. 6.1. Fiscal year.

The fiscal year of the City shall begin on the first day of July and end on the last day of June, or such other dates as may be established by ordinance.

Sec. 6.2. Budget.

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 this Charter, shall be in such form as the Manager deems desirable or the Council may require. The budget shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year and the method of financing such expenditures, together with anticipated net surplus or deficit for the ensuing fiscal year of each enterprise fund operated by the City and the proposed method of funding any net deficits.

(b) Proposed capital expenditures during the ensuing fiscal year and the proposed method of financing each such capital expenditure.

The total of proposed expenditures shall not exceed the total of estimated income.

Sec. 6.3. Submission of operating budget and message.

Sixty (60) days before the beginning of fiscal year, the Manager shall submit to the Council an operating budget for the ensuing fiscal year and an accompanying message.

Sec. 6.4. Council action on operating budget.

(a) *Notice and hearing.* The Council shall publish in one (1) or more newspapers of general circulation in the City a general summary of the budget and a notice stating:

§10.4

- (1) The times and places where copies of the message and budget are available for inspection by the public; and
- (2) The time and place, not less than ten (10) days after such publication, for a public hearing on the budget.
- (3) Cost estimates, methods of financing, and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(b) *Amendment before adoption.* After the public hearing, the Council 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 income.

(c) *Adoption.* The Council shall adopt and appropriate the budget on or before the third (3rd) Monday of the month immediately prior to the beginning of the fiscal year. The appropriations, when made by the Council by a general appropriation ordinance separate for the budget document, need not be in as great detail as the proposed expenditures in the budget. If the Council fails to adopt the budget and make the appropriations on or before that day, the budget as submitted or as amended, shall go into effect and be deemed to have been finally adopted by the Council; and the proposed expenditures therein shall become the appropriations for the next fiscal year.

Sec. 6.5. Capital program.

(a) *Submission to Council.* The Manager shall prepare and submit to the Council a five (5) year capital program at least six (6) months prior to the final date for submission of the budget.

(b) *Contents.* The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 6.6. Council action on capital program.

(a) *Notice and hearing.* The Council shall publish in one (1) or more newspapers of general circulation in the City a general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital programs are available for inspection by the public, and
- (2) The time and place, not less than ten (10) days after such publication, for a public hearing on the capital program.

(b) *Adoption.* The Council, by resolution, shall adopt the capital program with or without amendment after the public hearing and on or before the last day of the month six (6) months prior to the beginning of the fiscal year.

Sec. 6.7. Public records.

Copies of the budget and the capital program as adopted shall be public record and shall be made available to the public at suitable places in the City.

Sec. 6.8. Amendments after adoption.

(a) *Supplemental Appropriations.* If, during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

(b) *Reduction of Appropriations.* If, at any time during the fiscal year, it appears to the Manager that the revenues available will be insufficient to meet the amount appropriated,

he/she shall report to the Council without delay, indicating the estimated amount of the deficit, and remedial action taken by him/her, and his/her recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(c) *Transfer of appropriation.* At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the Manager, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

(d) *Emergency appropriations; effective date.* The supplemental appropriations and reductions or transfer of appropriations authorized by this section may be made effective immediately upon adoption and may be made by emergency ordinance in accordance with the provisions of Section 3.9(f).

Sec. 6.9. Administration of budget.

(a) *Work programs and allotment.* At such time as the Manager shall specify, each department, office, or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments, with or without revision, as early as possible in the fiscal year. He/she may revise such allotments during the year if he/she deems it desirable and shall revise them to accord with any supplemental, reduced, or transferred appropriations made pursuant to Section 6.8.

(b) *Contracts and expenditures prohibited when.* No department, officer or agency of the City government shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated or authorized and available for expenditure. Any contract made in violation of this Charter shall be null and void. Also, such action shall be cause for removal of any officer, employee or elected official who knowingly authorized or made such payment or

incurred such obligation, and he shall also be liable to the City for any amount so paid.

This section shall not apply to contracts which are totally or partially funded by the State of Missouri or the United States of America. In those contracts, which are totally or partially funded by the State or Federal Government, the director of finance shall first certify in writing thereon that such contract or order is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance to the credit of such appropriation sufficient to pay for that portion of the contract which will constitute the City of St. Joseph's pro rata share and actual contribution to the project.

Nothing in this section shall prohibit the making of contracts or the spending of money for public improvements to be financed in whole or in part by the issuance of bonds after the issuance of said bonds has been duly authorized, or for public improvements to be financed in whole or in part by special assessments on benefited real property after said improvements have been duly authorized.

Any contract or lease providing for payments beyond the end of the fiscal year must be made by ordinance.

(c) *Appropriations to lapse at end of year.* Except as otherwise provided herein, all appropriations which have not been expended or lawfully encumbered, shall lapse at the end of the fiscal year for which such appropriations are made.

Sec. 6.10. Purchasing procedure.

Prior to making any purchase or entering into any sale or contract, provisions shall be made for competitive bidding, subject to such exceptions as the Council, on recommendation of the City Manager, may prescribe by ordinance or resolution.

Sec. 6.11. Tax rates and tax rolls.

Immediately after the budget is finally adopted, the Council shall, by ordinance, set the tax rates and levy on the various classes of property, and the levy so established shall be certified by the City Clerk to the appropriate

§10.4

official, who shall compute the taxes and extend them upon the tax rolls.

Sec. 6.12. Borrowing in anticipation of revenues.

In any fiscal year, in anticipation of the receipt of revenues estimated in the budget for any fund, the Council, by ordinance, may authorize the borrowing of money by the issuance of notes of the City. The total of such loans for any fund at any one time shall not exceed seventy-five (75) per cent of the estimated revenues of the fund for the year still outstanding and uncollected. Such revenue anticipation notes may be renewed from time to time, but all such notes and renewals thereof shall mature and be paid not later than the end of the fiscal year in which such borrowing occurred. The Council, by ordinance, may authorize the transfer of money from one fund to another fund with or without provisions for repayment or interest, except where prohibited by State law.

Sec. 6.13. Sale of bonds.

Except as otherwise required by law or this Charter, all bonds issued by the City shall be sold at public sale upon sealed proposals after ten (10) days notice shall be published at least once in a newspaper of general circulation in the City, which notice shall describe the nature and approximate amount of the issue, indicate the deadline for receipt of proposals, and designate the time and place for bid opening.

ARTICLE VII. PARKS AND RECREATION

Sec. 7.1. Park districts.

The Council shall, by ordinance, divide the City into one (1) or more Park Districts, and may from time to time, by ordinance, increase or decrease the number of such districts, or the extent and area thereof.

Sec. 7.2. Each park district to include a park; how purchased.

There shall be at least one (1) park in each Park District. The Council may provide, by ordinance, for the purchase, condemnation, or otherwise obtaining of land within or without the

City limits, for public parks, parkways and boulevards. Payment therefor may be made from the general fund, or by the issue and sale of bonds of the City as provided by the provisions of this Charter, or as otherwise provided herein.

Sec. 7.3. Real Estate and park districts may be assessed to keep up repairs in parks and boulevards.

The Council shall, at the time that the regular assessment is made by the City for the purpose of general taxation, specially assess all of the real estate, exclusive of improvements, in each Park District annually for maintaining, adorning, constructing, repairing, and otherwise improving the park or parks, parkway or parkways, road or roads, boulevard or boulevards, avenue or avenues, or portions thereof located therein. Such assessment may be made in accordance with the valuation and assessment for taxation of real estate in each Park District made for City purposes, provided that any real estate which shall not be listed on the City Assessor's books for taxation for general City purposes may, by order of the Council, be listed and valued by the City Assessor for the purpose of this assessment. The annual assessments authorized by this section shall not exceed in one (1) year five (5) mills upon each dollar of valuation as shown on the books of the City Assessor. Every such assessment shall be made and collected as provided by ordinance and the Council may provide penalties for failure to pay such assessments when due, and may provide for the sale of the property assessed to satisfy said assessments.

Sec. 7.4. Right to expend funds outside of corporate limits.

Whenever the City has acquired property outside of its corporate limits for the development of parks, recreation facilities, or the construction of boulevards, the Council may expend funds derived from the special assessment for the maintenance of such parks, recreation facilities and boulevards to the same extent that such funds may be expended within the corporate limits of the City.

**ARTICLE VIII. PUBLIC IMPROVEMENTS
AND SPECIAL ASSESSMENTS**

Sec. 8.1. Improvements.

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance, consistent with applicable State law.

Sec. 8.2. Special assessments.

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements, or special tax bills evidencing such assessments, shall be governed by general ordinance, consistent with applicable State law.

Whenever all or any part of the cost of establishing or improving public highways, except curbing, guttering and sidewalks, is to be paid for by special assessments or special tax bills, the entire amount of such assessment shall be levied ratably on all lots and tracts of land fronting, or abutting on, the improvement along the distance improved in proportion to the front footage thereof. The cost of so improving the areas formed by intersecting streets and highways, or other spaces fronting on other streets and highways shall be included as a part of the cost of the work done on the street or part thereof the improvement of which is provided for.

Whenever all or any part of the cost of curbing, guttering and sidewalks is to be paid for by special assessments or special tax bills, the entire amount of such assessment shall be levied ratably on all lots or tracts of land fronting, or abutting on, the improvement, in proportion to the front foot thereof, but the corner lots shall be liable for the cost of the extension of curbs, gutters, and sidewalks and the grading of the sidewalk portion of the streets, to the curblineline each way. Whenever all or any part of the cost of construction, reconstruction, or acquisition of a sewer or sewer district is to be paid for by special assessments or special tax bills, the entire amount of such assessment shall be levied ratably against the lots and pieces of ground exclusive of streets and alleys in the district in proportion to the square foot of area therein.

Sec. 8.3. Procedures.

Within twelve (12) months after this Charter is in full effect, the Council shall adopt by ordinance procedures for handling public improvements, assessments and special tax bills, including provisions for fair apportionment of costs, methods for notification to the public, and methods of providing for remonstrances.

Sec. 8.4. Bids.

Bids must be taken for any project where the total estimated cost exceeds Two Thousand Five Hundred Dollars (\$2,500.00), or such other amount that the Council may determine by ordinance from time to time. Subject to the right of the Council to reject any and all bids, the lowest and best bid shall be accepted. Nothing herein shall be construed to prevent any work being done by City employees.

Sec. 8.5. Public notice and hearing.

Notice of the necessity of a public improvement project, the method of payment, reference to any plans and specifications, and an estimated cost thereof, shall be published in a newspaper of daily circulation in the City for five (5) days. The Department of Public Works shall also give notice by mail of the necessity of a public improvement project to all of the owners of property liable to be taxed for such project prior to the first date of publication. Provided however, the failure of a property owner to receive said notice shall not affect the validity of the proceedings. If the owners on the first (1st) date of publication of a majority of the property liable to be taxed for such project do not within ten (10) days after final publication file with the City Clerk a remonstrance against such improvements, the Council may proceed with such improvements.

In the event sufficient valid remonstrances are filed in protest of such project, the Council shall call a public hearing for the purpose of considering such project. At such public hearing it shall take the two-thirds (2/3rds) vote of all the members of the Council to approve such project.

ARTICLE IX. MUNICIPAL DIVISION OF CIRCUIT COURT

Sec. 9.1. Municipal division of circuit court.

There shall be a Municipal Division of the Circuit Court established in compliance with the provisions of the "Court Reform and Revision Act of 1978" and any subsequent amendments to or revisions thereof. The Court shall have jurisdiction to hear and determine all cases alleging violations of the City Charter or of the ordinances of the City. All proceedings of the Court shall be governed by the Constitution of the United States and the State of Missouri, the Revised Statutes of Missouri, the Rules of the Supreme Court of Missouri, the Rules of the Fifth Judicial Circuit of Missouri, the City Charter, and the Ordinances of the City of St. Joseph, Missouri.

Sec. 9.2. Judge, staff, and court facilities.

The Court shall be presided over by a Judge who shall be at least twenty five (25) years of age, licensed to practice law in the State of Missouri and shall have been a resident of St. Joseph for at least one year immediately prior to the date of his/her election. The Judge shall be nominated and elected as provided in this Charter and inducted in the manner provided for the members of the Council. He/she shall hold office for a term of four (4) years, during which he/she shall not practice law. The Judge shall receive such compensation as may be established by ordinance, but in no event less than seventy-five per-cent (75%) of the salary of an Associate Circuit Judge of Buchanan County, Missouri, and which shall not be decreased during the term of office.

In case of a vacancy, the City Council shall appoint a Municipal Judge to serve until the next regular City election.

The City shall provide the Court with such employees as are necessary to handle the work of the Court, and these employees shall be classified employees of the City. The Chief of Police and his subordinates shall serve as Marshals of the Court and enforce its orders, judgments and decrees. The City shall provide a suitable place for holding court, and such offices and chambers as are necessary.
(Election, 2-3-04)

(6/1/10)

Sec. 9.3. Fines and costs.

The staff of the Municipal Division of the Circuit Court shall collect and account for all monies due to the Court, and shall transmit them daily to the Director of Financial Services to be deposited in the City treasury for the use and benefit of the City.
(Election, 2-3-04)

ARTICLE X. NOMINATIONS AND ELECTIONS

Sec. 10.1. Municipal elections.

(a) *General Elections.* The general election shall be held on the first Tuesday after the first Monday in April in the year 2014 and each fourth year thereafter; or such other day as may be mandated by state or federal law, as may be amended from time to time.

(b) *Primary Elections.* The primary election shall be held on the first Tuesday after the first Monday in February preceding each general election, as set forth in Section 10.1(a) above, or such other day as may be mandated by state or federal law, as may be amended from time to time.

(c) *Special Elections.* The council may, by ordinance, order special elections, fix the time for such elections, and provide for holding such elections. If a special election is necessary, the council may, by ordinance, set forth the process that must be followed by individuals who wish to be considered as a candidate; provided such process is not inconsistent with this Charter or state law.

(d) *Regulation of Municipal Elections.* All municipal elections shall be non-partisan and governed by the provisions of this Charter and applicable state law. The Council may provide, by ordinance, additional regulations that it considers necessary for the conduct of municipal elections and the prevention of fraud in such elections; provided that such regulations are not inconsistent with this Charter or applicable state law. The City Clerk shall conduct municipal elections in conjunction with the Buchanan County Clerk. However, the county clerk, or such other election authority as may be designated pursuant to state law, may solely order

and conduct elections when necessary pursuant to Section 10.1(e) below.

(e) *When County Clerk May Solely Order and Conduct Election.* If at any time, by reason of non-acceptance, resignation, refusal to qualify, or for any other cause, there shall be no officers of the City to order and conduct an election, the County Clerk of Buchanan County or state election authority having jurisdiction in the City of St. Joseph, shall be empowered to order and conduct an election for city officers, declare the results thereof and install the newly elected officials.

(f) *Definition of Qualified Voter.* Wherever used in this Charter, the term “qualified voter” means a properly registered voter of the City who is eligible to vote in the City at-large or in a Council District; whichever is applicable.
(Election to amend held 8-8-89; Election to amend held 4-6-10, effective 5-1-10)

Sec. 10.2. Nominating petitions and accompanying documents.

(a) *Content; Rules and Regulations.* Nominations of candidates for all elective offices shall be by petition and the candidate shall declare at that time the particular office for which he or she is seeking to be elected, in the form as more specifically set forth in Section 10.2(b) below. No candidate may be nominated for more than one municipal office in the same election.

(1) *Number of Signatures Required.* Petitions for the mayor, the municipal judge and at-large council members shall be signed by not less than 250 qualified voters of the city. Petitions for district council members shall be signed by not less than 75 qualified voters of the district. Both the candidate and the qualified voter signing the petition on behalf of that candidate must be residents of the City or district, as applicable. 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 and residence of the candidate on whose behalf the petition is being filed.

(2) *Limitation on Signatures.* No voter shall sign more than one nominating petition for the office of mayor, municipal judge or district council member, and no more than three nominating petitions for at-large council members (other than the mayor). Should a voter do so, that voter’s signature shall be void except as to the first filed of the petitions signed by such voter for the office of mayor, municipal judge or district council member and for the first three filed of the petitions signed by such voter for at-large council members (other than the mayor). No voter shall sign more than one petition for the same candidate.

(3) *Information Required.* Petitions shall be signed in ink or indelible pencil. Each signer shall print his or her last, first, then middle name next to his or her signature and indicate the date on which he or she signed the petition, as well as the place of his or her residence, giving the street and number or other description sufficient to identify his or her place of residence.

(4) *Accompanying Documents.* The signatures on the nominating petition need not all be appended to one paper, but attached to each separate paper shall be a signed statement of the circulator thereof (Statement of Circulator), accompanied by a signed acceptance of the nomination (Acceptance of Nomination), in the forms as more specifically set forth in Section 10.2(b) below.

(b) *Form of Nominating Petitions and Accompanying Documents.* All nominating petitions and accompanying documents shall be in substantially the following form:

NOMINATING PETITION

(for Mayor, Municipal Judge and At-Large Council Members)

We, the undersigned registered voters of the City of St. Joseph, Missouri, respectfully petition and request that the name of _____, residing at _____, be placed upon the ballot as a candidate for the office of _____

ST. JOSEPH CODE

§10.4

to be voted for at the election to be held on _____, 2___; and we, individually, signify that our names appear on the roll of registered voters within the last year and that we are qualified to vote for this candidate:

Last First Middle ** *** Date
name name name of
* * * * *
_____ _____ _____ _____ _____
Signature

* (printed)
** Signature
*** Street & Number

(SPACES FOR SIGNATURES AND
REQUIRED DATA)

STATEMENT OF CIRCULATOR
(for Mayor, Municipal Judge and At-Large
Council Members)

I, the undersigned, am 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 Date

ACCEPTANCE OF NOMINATION
(for Mayor, Municipal Judge and At-Large
Council Members)

I, the undersigned, a qualified voter and resident of the City, do hereby accept the nomination for the office of _____ and agree to serve, if elected.

Signature of Candidate Address Date

Filed By: _____
Address: _____
Signature of City Clerk: _____

NOMINATING PETITION
(for District Council Members)

We, the undersigned registered voters of the City of St. Joseph, Missouri, respectfully petition and request that the

(6/1/10)

CHT:20

name of _____, who resides at _____ located in the ___ District, be placed upon the ballot as a candidate for the office of Council Member for the ___ District to be voted for at the election to be held on _____, 2___; and we, individually, signify that our names appear on the roll of registered voters within the last year and that we are qualified to vote for this candidate and reside in his/her District:

Last First Middle ** *** Date
name name name of
* * * * *
_____ _____ _____ _____ _____
Signature

* (printed)
** Signature
*** Street & Number

(SPACES FOR SIGNATURES AND
REQUIRED DATA)

STATEMENT OF CIRCULATOR
(for District Council Members)

I, the undersigned, am 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, who resides in this candidate's District and who is, thus, qualified to vote in said District. I believe each signer is a registered voter, who resides in the candidate's District and who is, thus, qualified to vote for this candidate.

Signature of Circulator Address Date

ACCEPTANCE OF NOMINATION
(for District Council Members)

I, the undersigned, a qualified voter and resident of the ___ District, do hereby accept the nomination for ___ District Council Member and agree to serve, if elected.

Signature of Candidate Address Date

Filed By: _____
Address: _____

Signature of City Clerk: _____

signed and attested, were filed with the City Clerk.

(c) *Filing of Nominating Petitions and Accompanying Documents.* All nominating petitions and accompanying documents, (which shall include the Statement of Circulator and the Acceptance of Nomination), shall be filed with the City Clerk not earlier than sixteen (16) weeks, nor later than eleven (11) weeks prior to the date set by state law for notifying appropriate election officials of an election. The City Clerk shall make a record of the date and the exact time when each nominating petition is filed. No nominating petition shall be accepted unless accompanied by the required Statement of Circulator and Acceptance of Nomination.

(d) *Sufficiency of Nominating Petition.* Within fourteen (14) 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 found to be sufficient. If a petition is found to be insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition was found to be insufficient. Within the regular time for filing petitions, such a petition may be supplemented or amended and filed again as a new petition, or a different petition may be filed for the same candidate. The City Clerk shall keep on file all petitions found sufficient at least until the expiration of the term of office for which the candidate has been nominated.

(e) *Withdrawal of Candidate.* A candidate shall be allowed to withdraw as a candidate up to ten (10) weeks prior to the primary election. A successful primary candidate may not withdraw prior to the general election. (Election to amend held 8-8-89; Election to amend held 4-6-10, effective 5-1-10)

Sec. 10.3. Preparation of ballots.

The categories for office that shall appear on the election notice and on the ballot shall be: "Mayor," "Municipal Judge," "Council Member At-Large," and "Council Member from _____ District." Ballots for district council members shall be prepared only for the names of candidates for district council member in their respective districts. The names of candidates for elective offices shall be printed on the ballot in the order of the date their nominating petitions, sufficiently

BALLOT FORM

(General Municipal) or (Primary) Election
St. Joseph, Missouri
_____, 2__

MAYOR
(Vote for One)

(Insert Names of Candidates)

MUNICIPAL JUDGE
(Vote for One)

(Insert Names of Candidates)

COUNCIL MEMBER AT-LARGE
(Vote for Three)

(Insert Names of Candidates)

COUNCIL MEMBER FROM _____ DISTRICT
(Vote for One)

(Insert Names of Candidates)

(Election to amend held 8-8-89; Election to amend held 4-6-10, effective 5-1-10)

Sec. 10.4. Certification of candidates.

(a) *Primary Election.* The name of each person eligible for each office to be filled shall be printed on the primary ballot when petitions signed on behalf of the candidates have been filed and accepted in accordance with Section 10.2 above. In the event there is a number of candidates equal to or less than the number required to be certified by the City Clerk for any of the positions to be filled, then the City shall not be required to conduct a primary election for such positions and the City Clerk shall thereafter certify the names of candidates filed as eligible for the general election. In the event a candidate in a primary election receives a majority of the votes cast in that primary election, he or she shall be declared elected.

(b) *General Election.*

(1) *Mayor and Municipal Judge.* For the positions of mayor and municipal judge,

the City Clerk shall certify as eligible for the general election the two candidates who have received the greatest number of votes in the primary election.

- (2) *At-Large Council Members.* For the positions of the three at-large council members, the City Clerk shall certify six candidates as eligible for the general election from those candidates who have received the greatest number of votes in the primary election.
- (3) *District Council Members.* For the position of district council member, the City Clerk shall certify two candidates from each council district as eligible for the general election from those candidates in each district who have received the greatest number of votes from each district in the primary election.
- (4) *Ties.* In the event two or more candidates receive the same number of votes so that the appropriate number of candidates cannot be certified, the City Clerk shall certify all such tied candidates.

(Election to amend held 8-8-89; Election to amend held 4-6-10, effective 5-1-10)

Sec. 10.5. Determination of election results.

(a) *Number of Votes.* Every voter shall be entitled to vote for one candidate for mayor, one candidate for municipal judge, one district council member and three at-large council members.

(b) *Return; Canvass.* The Council shall canvass the election returns and declare the results of any municipal election (general or special) at a meeting to be held not later than ten (10) days following such election. The candidate receiving the highest number of votes for office shall be declared elected and inducted into office as set forth herein, and shall serve until his or her successor is elected and qualified.

(c) *Tie Vote.* If, at any municipal election, other than a primary election, there shall be no choice between candidates by reason of two or more having received an equal number of votes, the council shall issue a proclamation so stating, and, if not contrary to state law, determine the election by lot between such tied candidates at a

meeting open to the public and to which all candidates have been invited.

(Election to amend held 8-8-89; Election to amend held 4-6-10, effective 5-1-10)

ARTICLE XI. INITIATIVE AND REFERENDUM

Sec. 11.1. General authority

(a) *Initiative.* The qualified voters of the City shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any changes in substance, to 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, zoning, or salaries of City officers or employees. A proposed initiative ordinance shall contain no more than one subject which shall be clearly expressed in its title.

(b) *Referendum.* The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election. Such power shall not extend to the budget or capital program, any emergency ordinance, any ordinance levying a special assessment or providing for the issuance of special tax bills, or any ordinance relating to zoning, elections, appropriation of money, or levy of taxes.

Sec. 11.2. Commencement of proceedings; petitioners' committee; affidavit.

Any twenty-five (25) qualified voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and

addresses, and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the Petitioners' Committee is filed, the Clerk shall issue the appropriate petition blanks to the Petitioners' Committee.

Sec. 11.3. Petitions.

(a) *Number of signatures.* Initiative or referendum petitions must be signed by qualified voters of the City equal in number to at least five percent (5) of the total number of qualified voters registered to vote at the last regular City 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 address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she 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 the ordinance sought to be reconsidered.

(d) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the Council of the ordinance sought to be reconsidered.

11.4. Procedure after filing.

(a) *Certificate of 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 wherein it is defective and shall promptly send a copy of the certificate to the

Petitioners' Committee by certified mail. 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) days after receiving the copy of his/her certificate, and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 11.3, and within five (5) days after it is filed the Clerk shall complete a certificate as to the sufficiency of the petition as amended promptly send a copy of such certificate to the Petitioners' Committee by certified mail as in the case of an original petition. If a petition, or amended petition, is certified sufficient and the Petitioner's Committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present his/her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition with regard to an initiative petition. No amendment may be made which shall result in a substantive change in the meaning of the ordinance.

(b) *Council review.* If a petition has been certified insufficient and the Petitioners' Committee does not file notice of intention to amend it or, if an amended petition has been certified insufficient, the Committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request, and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec. 11.5. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the City Clerk, the ordinance sought to be

§10.4

reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition or
- (2) The Petitioners' Committee withdraws the petition, or
- (3) The Council repeals the ordinance, or
- (4) Thirty (30) days have elapsed after the election on the ordinance.

Sec. 11.6. Action on petitions.

(a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article III or shall reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the referred ordinance to the voters of the City.

(b) *Submission to voters.* The vote of the City on a proposed ordinance or referred ordinance shall be held not less than thirty (30) days, and not later than one hundred eighty (180) days, from the date of the final Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the forty-fifth (45th) day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least twenty (20) members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 11.7. Results of elections.

(a) *Initiative.* If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. 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.

(b) *Referendum.* If a majority of the qualified voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Sec. 11.8. Conduct of elections.

Notice of initiative and referendum elections shall be given and publicized and such elections shall be conducted, the returns canvassed, and the results thereof declared in all respects as in other City elections.

ARTICLE XII. RECALL

Sec. 12.1. General authority.

The qualified voters of the City shall have power to recall any person elected to any City office, and any person selected to fill a vacancy in any elective City office. Recall proceedings shall not be initiated against any person until he/she has held office for a period of at least six (6) months, nor during the last six (6) months of his/her term.

Sec. 12.2. Commencement of proceedings; petitioners' committee; affidavit.

Any twenty-five (25) qualified voters may commence recall proceedings by filing with the City Clerk an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, and specifying the address to which all notices to the committee are to be sent, and stating in general the substance of the grounds for recall.

Promptly after the affidavit of the Petitioners' Committee is filed, the Clerk shall issue the

appropriate petition blanks to the Petitioners' Committee.

Sec. 12.3. Petitions.

(a) *Number of signatures.* Recall petitions must be signed by qualified voters of the City equal in number to at least ten percent (10%) of the total number of qualified voters registered to vote at the last regular City 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 address of the person signing. Petitions shall contain, or have attached thereto throughout their circulation, the general statement of the substance of the grounds for recall.

(c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she 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 general statement of the substance of the grounds for recall.

(d) *Time for filing recall petitions.* Recall petitions must be filed within sixty (60) days after receipt from the City Clerk of the appropriate petition blanks by the petitioners' committee.

Sec. 12.4. Procedure after filing.

(a) *Certificate of 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 wherein it is defective, and shall promptly send a copy of the certificate to the Petitioners' Committee by certified mail. 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) days after receiving the copy of his/her certificate, and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate.

Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 12.3, and within five (5) days after it is filed the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by certified mail as in the case of an original petition. If a petition, or amended petition, is certified insufficient and the Petitioners' Committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present his/her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council review.* If a petition has been certified insufficient and the Petitioners' Committee does not file notice of intention to amend it or, if an amended petition has been certified insufficient, the Committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request, and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec. 12.5. Action on petitions.

(a) *Action by council.* When the petition has been finally determined sufficient, the Council shall submit the question of recall to the voters of the City.

(b) *Submission to voters.* The vote of the City on the question of recall shall be held not less than thirty (30) days and not later than ninety (90) days from the date of the determination of sufficiency. If no regular City election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise the vote shall be held at the same time as such regular election, except that the Council may, in its discretion, provide for a special election at an earlier date within the prescribed period.

§10.4

(c) *Withdrawal of petitions.* A recall petition may be withdrawn at any time prior to the forty-fifth (45th) day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least twenty (20) members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(d) *Vacancy.* If any such office becomes vacant by resignation or otherwise prior to the election, the question of recall shall not be submitted, and unless there are other matters to be voted upon, the election, if a special election, shall be cancelled.

Sec. 12.6. Effect of recall.

If a majority of the qualified voters voting on the question of recall shall vote in favor of the recall, then a vacancy in that office shall exist, regardless of any defect in the recall petition. If a majority of the qualified voters shall vote against the recall, the official shall continue in office. Any official who has been recalled shall be ineligible to hold any other elective or appointive office during the remainder of the term for which he/she was originally elected. Any official who is retained in office by a recall election shall not again be subject to recall for a period of six (6) months after certification of the results of the election.

Sec. 12.7. Conduct of recall elections.

Notice of recall elections shall be given and publicized and such elections shall be conducted, the returns canvassed, and the results thereof declared in all respects as in other City elections.

ARTICLE XIII. FRANCHISES

Sec. 13.1. Definitions.

The term "public utilities," for purposes of this article, shall be defined to include, but not limited to, any person or entity engaged in the business of supplying light, water, power, heat, transportation or public communications systems, together with all plants, apparatus, equipment, and distribution facilities necessary to such business, as well as any other service or facility so declared to be by any statute or ordinance.

Sec. 13.2. Granting of franchises.

Prior to the establishment, acquisition, or operation of a public utility within the City, any individual, agent, partnership, trust, estate, joint venture, corporation, or other business entity desiring to establish, acquire, or operate a public utility within the City shall make application to the City Council for a non-exclusive franchise.

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 one hundred twenty (120) days after application therefor has been filed with the Council, nor until a full public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a longer term than twenty (20) years. Nor franchise shall be transferable directly or indirectly, except with the approval of the Council expressed by ordinance, after a full public hearing.

Sec. 13.3. Right of regulation.

All public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the Council to:

(a) Repeal the same for misuse or nonuse, or failure to comply therewith.

(b) Require proper and adequate extension of plant and service, and the maintenance thereof, at the highest practicable standards of efficiency.

(c) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates.

(d) Make an independent audit and examination of accounts at any time, and require reports annually.

(e) Require continuous and uninterrupted service to the public, in accordance with the terms of the franchise, throughout the entire period thereof.

(f) Control and regulate the use of the City streets, alleys, bridges, and public places, and the space above and beneath them.

(g) Regulate rates, fares, and charges and make readjustments thereof from time to time, if the same are not regulated by the state.

(h) Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare, and accommodation of the public.

Sec. 13.4. Revocable permits.

Temporary permits for the operation of public utilities, or like permits for a period of 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 at the will of the Council may be granted only by ordinance on such terms and conditions as the Council shall determine. Such permits shall in no event be construed to be franchises, or extensions or amendments of franchises.

Sec. 13.5. 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 mere temporary permit, subject, like other permits, to amendment, alteration, or revocation at any time at the will of the Council.

Sec. 13.6. [Exclusive or limiting franchise prohibited.]

The city shall be prohibited from granting any exclusive or limiting franchise or license to any trash hauler, garbage hauler, or waste removal business, preserving instead the right of trash and garbage haulers to freely compete and contract with individuals and businesses within the city for provision of such services.
(Election, 2-3-04)

ARTICLE XIV. LICENSES

Sec. 14.1. Objects of licensing, taxation and regulation.

The Council 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, 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.

Sec. 14.2. Licensing period.

All licenses shall be issued for such periods as may be provided by ordinance, but no such period shall exceed one (1) year.

ARTICLE XV. GENERAL PROVISIONS

Sec. 15.1. Personal financial interest.

Any City officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City, or to a contractor supplying the City, shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as a City officer or employee in the making of such sale or in the making or performance of such contract. 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/her office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City Manager or the City Council.

Sec. 15.2. 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 or appointive City administrative office, because of race, national origin, sex, political or religious opinions or affiliations.
- (2) No person shall willfully make any false statement, certificate, mark, rating or

report in regard to any test, certification or appointment under the personnel provisions of this Charter, or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

- (3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person, except for licensed employment agencies, for or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.

(b) *Penalties.* Any person who by himself/herself, or with others, willfully violates any of the provisions of paragraphs (1) through (3) shall be guilty of a misdemeanor and upon conviction shall forfeit the office or position and shall not be eligible for any City office for a period of one (1) year following such conviction.

Sec. 15.3. Persons in arrears for city taxes not qualified to hold office or employment.

No person who is in arrears for any City taxes, shall be entitled to hold any office or employment in the City government. The method of determining such delinquency shall be provided by ordinance and shall include notice, reasonable opportunity to pay, and a hearing, if requested.

Sec. 15.4. Official bonds.

The City Manager, the Director of Finance, the City Purchasing Agent, and such other employees as the Council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the City, in such form and in such amounts as the Council may provide, with a surety company authorized to operate within the State. The City shall pay the premiums on such bonds. No payment of compensation shall be made to any such employee until the bond herein requested shall have been approved by the Director of Finance and filed in the Department of Finance; provided that the bond of the Director

of Finance shall be approved by the City Manager and filed in the City Manager's office.

Sec. 15.5. Security of deposits.

The Council shall require all funds of the City in any City depository to be adequately secured by a deposit of securities consistent with State law and in an amount satisfactory to the Council.

Sec. 15.6. Charter amendment.

Amendments to this Charter may be framed and submitted to the voters by a commission in the manner prescribed by law and the Missouri constitution for framing and submitting a complete charter. Amendments may also be proposed by the Council or by petition of not less than ten percent (10%) of the registered qualified voters of the City, filed with the City Clerk, setting forth the proposed amendment. The Council shall at once provide by ordinance that any amendment so proposed shall be submitted to the 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 by law and the Constitution for a charter. Any amendment approved by a majority of the qualified voters 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 by law and the Constitution for a complete charter.

Sec. 15.7. 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, it shall be received in evidence in all courts, or other places, without further proof of authenticity.

Sec. 15.8. 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.

Sec. 15.9. 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, unless otherwise expressly authorized by general ordinance of the Council or in correction of errors.
(Election, 8-6-85)

Sec. 16.4. Continuance of contracts public improvements and taxes.

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

ARTICLE XVI. TRANSITIONAL PROVISIONS

Sec. 16.1. Personnel system

(a) All person (other than temporary or emergency employees) who, at the time this Charter is adopted by vote of the people, are holding positions hereby placed in the classified service shall, on the basis of qualification, meritorious service, and necessity, continue to hold such positions as though appointed in accordance with the provisions hereof.

(b) To the extent not inconsistent with the provisions of this Charter or applicable law, the members of boards and commissions who are serving at the time this Charter goes into full effect shall continue in office until the end of their present term or until their successor is qualified.

Sec. 16.2. 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.

Sec. 16.3. Pending actions and proceedings.

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

ARTICLE XVII. SCHEDULE

Sec. 17.1. Election to adopt charter.

This Charter shall be submitted to a vote of the voters of the City of St. Joseph at a special election to be held on the 4th day of August, 1981. The election shall be administered by the officials now charged with the responsibility for the conduct of City elections.

Sec. 17.2. First election.

At the time of its adoption, this Charter shall be in effect to the extent necessary in order that the first election of members of the City Council, the Mayor and the Municipal Judge may be conducted in accordance with the provisions of this Charter. The first primary election shall be held on the second day of March, 1982, followed by a general election on the sixth day of April, 1982.

Sec. 17.3. Time of taking full effect.

This Charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected Council.

Sec. 17.4. Incumbent councilmembers, mayor and municipal judge; first meeting of the newly elected council.

The Mayor, members of the Council and Municipal Judge in office at the date this Charter is adopted shall continue in office until after the

§10.4

election of April 6, 1982, and, within one (1) week thereafter, the Council shall canvass the returns of said election, and declare the results thereof. The newly elected officials shall be inducted into office on the third Monday of April at 12:00 noon. Thereupon the newly elected Council shall forthwith become the official governing body of the City and shall conduct the first meeting of the newly elected Council.

Sec. 17.5. Temporary ordinances.

At its first meeting, or at any meeting held within sixty (60) days thereafter, the Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government, and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective City government. Every temporary ordinance shall be plainly labeled as such, but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption, or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first (91st) day following the date on which it was adopted, and it shall not be readopted, renewed, or otherwise continued, except by adoption in the manner prescribed in Section 3.9 for ordinances of the kind concerned.

Sec. 17.6. Budget.

The Council may adopt an interim budget for two (2) months in order to change to the new fiscal year without following the procedures as set forth in Article VI.

Sec. 17.7. Initial salary of members of the council and mayor.

(a) Members of the Council, other than the Mayor, shall receive a salary of One Hundred Fifty Dollars (\$150.00) per month, until such amount is changed by the Council in accordance with the provisions of this Charter.

(b) The Mayor shall receive a salary of Two Hundred Dollars (\$200.00) per month, until such amount is changed by the Council in accordance with the provisions of this Charter.

Sec. 17.8. Purpose of schedule

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

ARTICLE XVIII. MUSEUM OVERSIGHT BOARD

18.1. Museum oversight board.

(a) *Definitions.*

- (1) "Administrative Directive" shall mean the procedural guidelines adopted by the City Council then in office regarding the review process to be used for Museum Levy disbursements. A new Administrative Directive will be adopted by each incoming Council at the last regular meeting in May following the municipal general election day in April and shall become effective June 1st.
- (2) "Municipal Museum" shall mean the St. Joseph Museums, Inc. and its successor(s).
- (3) "Museum Board" shall mean the board of directors of the St. Joseph Museums, Inc.
- (4) "Museum Levy" shall mean the property tax approved by the voters on November 2, 1948 for the purpose of operating, maintaining, improving and supervising a Municipal Museum.
- (5) "Oversight Board" shall mean the five person board appointed by the City Council to oversee the money generated by the property tax passed by the voters on November 2, 1948 for the purpose of operating, maintaining, improving and supervising a municipal museum.

(b) *Membership on Oversight Board.* The Oversight Board shall consist of five members, who shall be appointed by each of the five district Council members. Each of the five members appointed must be approved by a majority vote of the full City Council. No person who is an elected public official, or a member of the Museum Board, shall be appointed to the Oversight Board; nor shall any person who is related by blood or by marriage to any City or County official, or to any Museum Board member, shall be appointed to the Oversight Board. The initial members of the Oversight Board shall meet immediately after their appointment and organize by electing one of their number as president, one as vice-president and one as secretary.

(c) *Qualifications of Oversight Board members.* Members of the Oversight Board:

- (1) shall be residents of the City and shall continue to reside in the City throughout their term in office;
- (2) shall be qualified voters in the City;
- (3) shall serve without compensation;
- (4) shall not be delinquent in any City tax, fee or other amount legally due and owing; and
- (5) shall not at any time have been convicted of a felony.

(d) *Term of Oversight Board members.* The initial members of the Oversight Board shall serve two for one year; two for two years; and one for three years, from the first day of January following their appointment and at their first regular meeting the City Clerk shall cast lots for their respective terms. Annually thereafter, new appointments shall be made by the appropriate district Council member for approval by the full City Council at the last regular meeting in December and shall become effective January 1st. No member shall be reappointed.

(e) *Duties and responsibilities of Oversight Board.*

- (1) The Oversight Board shall oversee, and provide its advice and input to the City Council regarding, the amount of funds

generated by the Museum Levy, or funds otherwise appropriated by the Mayor and City Council for the purpose of operating and maintaining the Municipal Museum.

- (2) The Oversight Board shall be given the opportunity to provide its advice and input with regard to the construction, maintenance and repair of any building or facility owned or operated by the Municipal Museum, including the grounds.
- (3) The Oversight Board shall ensure the appropriate purchase, lease and custody of museum exhibits and supplies necessary in the conduct of the Municipal Museum; to the extent that any are specifically purchased with, or funded by, moneys generated by the Museum Levy. The Oversight Board shall review all receipts provided to it by the Museum Board, pursuant to Section 18.1(h)(4) below and the Administrative Directive in effect at the time.
- (4) The Oversight Board may recommend to the City Council that funds generated by the Museum Levy be withheld; provided that the recommendation is supported by a majority vote of the members of the Oversight Board and is submitted in writing, citing the specific reason(s) for the recommendation to include the specific facts and evidence in support thereof. Prior to any vote by the City Council to withhold funds generated by the Museum Levy, the Museum Board will be given a reasonable opportunity to refute the facts and/or evidence presented by the Oversight Board, or, in the alternative, to resolve any problems that may exist, within a period of time not to exceed 60 calendar days.
 - (a) If, in the City Council's opinion, the facts are sufficiently refuted, or, in the alternative, the problems that exist are resolved within 60 calendar days, then no funds generated by the Museum Levy will be withheld.
 - (b) If, in the City Council's opinion, the facts are not sufficiently refuted, or, in the alternative, the problems that

exist are not resolved within 60 calendar days, the City Council may vote to withhold the funds generated by the Museum Levy; provided, however, that if this action is challenged by the Museum Board, the City Council will direct the Legal Department to take the necessary steps to file the appropriate action in Buchanan County Circuit Court to obtain a determination as to whether or not the City has the legal authority to withhold funds generated by the Museum Levy. The City will abide by the Court's ruling thereafter.

(f) *Removal of Oversight Board members.* Members of the Oversight Board shall be removed by a majority vote of the full City Council if, at any time, a member:

- (1) lacks at any time during the member's term of appointment any qualifications required under subsection (c) above;
- (2) is absent from three regular meetings during any calendar year; or
- (3) is guilty of malfeasance, misfeasance, nonfeasance or misconduct as defined in the City's Personnel Manual.

Any member who is being removed may request that the facts supporting the underlying reason for his or her removal be provided in written format and may request a hearing, which shall be open to the public, to dispute the written findings prior to a vote of the full City Council. If such a hearing is requested, the vote of the full City Council with respect to the proposed removal shall occur at the first regularly scheduled City Council meeting following such hearing. The decision of the full City Council shall be deemed final and binding, with no opportunity to appeal.

(g) *Vacancies on Oversight Board.* If a vacancy occurs on the Oversight Board, the district Council member who originally appointed the individual whose resignation or removal created the vacancy shall make a new appointment to fill the remainder of the term, and this new appointment must be approved by a majority vote of the full City Council.

(h) *Obligations of Museum Board.*

- (1) The Museum Board shall provide an annual report to the Oversight Board, on or before the last Monday in July, stating: 1) the condition of its endowment fund as of the last day of June of that year, 2) the various sums of money received and how much has been expended and for what purposes and 3) such other statistics, information and suggestions as the Oversight Board may reasonably require. Any portions of said report related to the receipt and expenditures of money generated by the Museum Levy shall be independently verified by the City's outside auditor, whose services shall be paid out of Museum Levy revenues.
- (2) In his or her annual report to the Museum Board, the treasurer shall report receipts and disbursements. The president of the Oversight Board shall be provided with any financial documents relating to the Municipal Museum within a reasonable period of time following the president's submission of a written request for such documents, on behalf of the Oversight Board.
- (3) The Museum Board shall appoint a properly qualified chief executive and administrative officer for the Municipal Museum, and such other employees as may be deemed necessary or expedient, and shall allow the Oversight Board to participate in the selection and appointment process.
- (4) Per the Administrative Directive adopted by the City Council then in office, the Museum Board, or its designee, shall provide receipts to the president of the Oversight Board at designated intervals, or within a reasonable period of time following a written request, (with copies of such documentation to the Financial Services Director and City Clerk), evidencing expenditures for the operation, maintenance, improvement or supervision of a Municipal Museum in an amount not to exceed the amount of funds generated by the Museum Levy.

- (5) Any person desiring to make donations of money, personal property or real estate for the benefit of the Municipal Museum shall have the right to vest the title to the money, personal property or real estate so donated in the Museum Board, to be held by such board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the Museum Board shall be considered to be special trustees. The Museum Board must notify the Oversight Board, in writing, within ten business days of the Museum Board becoming aware of any such donations of money, personal property or real estate. The Museum Board shall have the right to contract with any corporation, individual or political subdivision for the purchase, lease, rental or loan of any articles or exhibits for use or display in the Municipal Museum under such terms or conditions as the Museum Board, with advice and input from the Oversight Board, may deem advisable and in the best interests of said Municipal Museum.

(Election, 11-7-06)

§10.4

APPENDIX TO CHARTER ARTICLE I**City limits defined.**

(a) The entire corporate limits of the City of St. Joseph, Missouri, shall be as follows:

Beginning at a point in the middle of the main channel of the Missouri River where the West line of Section 25, Township 57 North, Range 36 West, strikes the same; thence South along the West line of said Section 25 and continuing South along the West line of Section 36, Township 57 North, Range 36 West, to the Southwest corner of said Section 36; thence East along the South line of said Section 36, to the Westerly right-of-way line of United States Highway No. 59; thence Southwesterly along said Westerly line of said United States Highway No. 59 to a point where it intersects the East and West centerline of Section 1, Township 56 North, Range 36 West; thence East along the said East and West centerline of said Section 1 to the West line of Section 6, Township 56 North, Range 35 West; thence South along the West line of said Section 6 to the East and West centerline of Section 6; thence East along the East and West centerline of Section 6, Section 5, of Township 56 North, Range 35 West to the East line of said Section 5; thence North along the East line of Section 5 to the South line of Section 33, Township 57 North, Range 35 West; thence East along the South line of said Section 33 to the Southeast corner of said Section 33; thence North along the East line of said Section 33 to the Southwest corner of Section 27, Township 57 North, Range 35 West; thence East along the South line of Sections 27, 26 and 25 to the East range line between Range 35 West and the West range line of Range 34 West; thence South to the Southwest corner of Section 30, Township 57 North, Range 34 West, thence East along the South line of Section 30, Township 57 North, Range 34 West to the North and South centerline of said Section 30; thence North along the North and South centerline of Sections 30 and 19 to the North right-of-way line of US Highway 36; thence East along the said North line to a place 1322.75 feet East of the West line of Section 17, Township 57 North, Range 34 West; thence North 00 degrees, 15 minutes, 17 seconds East 1636.04 feet to the centerline of the old channel of the 102 River; thence on a meander along the old channel North 55 degrees, 49 minutes, 15 seconds West 169.23 feet; thence North 33 degrees, 47 minutes, 25 seconds West,

187.0 feet; thence North 15 degrees, 49 minutes, 19 seconds East 132.0 feet; thence North 42 degrees, 45 minutes, 21 seconds West 303.0 feet; thence North 47 degrees, 02 minutes, 21 seconds West to a line 20.0 feet South of and parallel with the centerline of Mitchell Avenue; thence West along said line to the North and South centerline of Section 18, Township 57 North, Range 34 West; thence North to the South line of the Northeast Quarter of Section 18, Township 57 North, Range 34 West, thence East along said South line 693.6 feet, thence North 00 degrees 22 minutes East, 3,297 feet to the centerline of the old One Hundred Two River; thence along said centerline North 35 degrees 32 minutes West 203.0 feet; thence North 17 degrees 22 minutes West 258.53 feet to the centerline of the One Hundred Two Drainage Ditch; thence along said centerline South 89 degrees 14 minutes West 104.19 feet to the centerline of the creek extended; thence upstream along the centerline of the creek extended and the centerline of the creek to the East line of the Southwest Quarter of Section 7, Township 57 North, Range 34 West; thence North along the North and South centerline of Sections 7 and 6 to the North township line of Township 57 North and the South township line of Township 58 North; thence East to the North and South centerline of Section 31, Township 58 North, Range 34 West; thence North along the North and South centerline of Section 31, Township 58 North, Range 34 West to the North line of said Section 31; thence North along the North and South centerline of Section 30, Township 58 North, Range 34 West for a distance of 200 feet; thence West along a line 200 feet North of and parallel to the South line of Section 30 to the West range line of Range 34 West and the East range line of Range 35 West; thence North to a point 200 feet North of the South line of Section 25, Township 58 North, Range 35 West; thence West along a line 200 feet North of and parallel to the South line of Section 25 to a point 1,042.72 feet East of the Southwest corner of the Southeast Quarter of Section 25, Township 58 North, Range 53 West; thence North 00 degrees 00 minutes 00 seconds 135 feet; thence North 90 degrees 00 minutes, 00 seconds West 782.04 feet; thence South 00 degrees, 00 minutes, 00 seconds West 135 feet to a point 200 feet North of the South line of Section 25, Township 58 North, Range 35 West; thence West along a line 200 feet North of and parallel to the South line of said Section 25 to a point 990.00 feet East of the West line of the Southwest

quarter of said Section 25; thence North 00 degrees 15 minutes 39 seconds East 2452.62 feet more or less to a point on the North line of the Southwest quarter of said Section 25; thence North 89 degrees 33 minutes 46 seconds West along said North line 990.00 feet to the Northwest corner of the Southwest quarter of Section 25 and the Northeast corner of the Southeast quarter of Section 26, Township 58 North, Range 35 West; thence West along the North line of the Southeast quarter of said Section 26 to the Northwest corner of the Southeast quarter of said Section 26; thence South along the West line of the Southeast quarter of said Section 26, to the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 26; thence North 89 degrees 58 minutes 00 seconds East along said quarter quarter section line, 1338.07 feet to a point on the West line of the East half of the Southeast quarter of said Section 26; thence South 00 degrees 13 minutes 05 seconds West 236.03 feet to the Northeast corner of the South half of Lot 3 of the subdivision of the Estate of George Beck; thence South 89 degrees 57 minutes 34 seconds West along the North line of the South half of said Lot 3, 280.50 feet to the Northwest corner of the South half of said Lot 3; thence South 00 degrees 13 minutes 04 seconds West along the West line of Lots 3, 4 and 5 of the subdivision of the Estate of George Beck 698.71 feet; thence South 89 degrees 33 minutes 45 seconds East 323.48 feet; thence North 74 degrees 53 minutes 21 seconds East 173.86 feet; thence South 46 degrees 50 minutes 15 seconds East 51.90 feet; thence South 66 degrees 33 minutes 43 seconds East 102.02 feet; thence 122.14 feet by arc distance along a curve to the left having a radius of 505.7 feet and a chord bearing of South 16 degrees 31 minutes 11 seconds West 121.85 feet; thence North 80 degrees 23 minutes 56 seconds West 114.23 feet; thence South 11 degrees 38 minutes 36 seconds West 62.6 feet more or less to a point 200 feet North of the South line of Section 26, Township 58 North, Range 35 West; thence West along a line 200 feet North of and parallel to the South line of said Section 26 to the West Right-of-Way line of Interstate Highway 29; thence northwest along the said west Right-of-Way line to a point 253.4 feet south and 327 feet east of the Northwest corner of the Southwest Quarter of Section 26, Township 58 North, Range 35 West; thence South 89 degrees 33 minutes 29 seconds West 90.77 feet to the southerly Right-of-Way line of U.S. Highway No. 169; thence South 37 degrees 44 minutes 50 seconds west 387.39 feet

to the West line of the Southwest Quarter of Section 26, Township 58 North, Range 35 West; thence north along the west line of the Southwest Quarter of Section 26, Township 58 North, Range 35 West to the Northwesterly Right-of-Way line of U.S. Highway No. 169; thence Northeasterly along the Northwesterly Right-of-Way line of U. S. Highway No. 169 to a point 915.0 feet, more or less, west of the East line of the Northwest Quarter of Section 26, Township 58 North, Range 35 West; thence North along a line parallel to and 915.0 feet, more or less, west of the East line of said Northwest Quarter of Section 26 to the North line of said Northwest Quarter of Section 26 which is also the North line of Buchanan County; thence West along the North line of Buchanan County and the North lines of Sections 26, 27 and 28 of said Township 58 North, Range 35 West to the Northwest corner of said Section 28; thence South along the West line of Section 28 to a point 200 feet North of the Southwest corner of said Section 28; thence West along a line 200 feet North of and parallel to the South line of Sections 29 and 30, Township 58 North, Range 35 West to the middle of the main channel of the Missouri River; thence Southerly along the middle of the main channel of the Missouri River as it exists on this date in its straightened and stabilized form to the point of beginning.

(Editors Note: The City's boundaries were changed by Special Ordinance Number 3041, passed November 8, 1993 [annexing the Mitchell Woods Business Park]; Special Ordinance Number 5037, passed April 19, 1999 [annexing additional land for the Mitchell Woods Business Park {Phase II}]; Special Ordinance Number 5092, passed June 14, 1999 [annexing the Duncan & Manville property]; Special Ordinance Number 5597, passed April 30, 2001 [annexing 5105 Cook Rd.]; Special Ordinance Number 6085, passed June 23, 2003 [annexing the North County Shoppes]; Special Ordinance Number 6558, passed March 28, 2005 [annexing a portion of the Tuscany Village development]; Special Ordinance Number 7072, passed May 7, 2007 [annexing land for the Greystone Subdivision development].)