

Chapter 110

CITY COUNCIL

ARTICLE I

Generally

Section 110.010. Number and Qualifications of Commissioners — Tie in Election. [R.O. 2012 §110.010; CC 1979 §2-3]

There shall be two (2) Commissioners elected or appointed to the Council as prescribed by law. No person shall be a Commissioner unless he/she is at least twenty-one years (21) of age, a citizen of the United States and an inhabitant of the City at the time of and for one (1) year next preceding his/her election or appointment.

Section 110.020. Duties of Commissioners Generally. [R.O. 2012 §110.020; CC 1979 §2-4]

Each Commissioner shall have such duties as are prescribed in this Code or other City ordinances or provided by law, or which the City Council shall provide.

Section 110.030. Duty of Commissioners To Communicate Certain Matters To Council. [R.O. 2012 §110.030; CC 1979 §2-5]

It shall be the duty of each Commissioner to communicate to the Council any matters coming to his/her attention which require the attention of the Council.

Section 110.040. Statements of Receipts and Expenditures — Annual Examination of Books and Accounts. [R.O. 2012 §110.040; CC 1979 §2-6; Ord. No. 228 §12, 2-1-1917]

The City Council shall, every three (3) months, cause to be printed in pamphlet form, a detailed, itemized statement of all receipts and expenses of the City and a summary of its proceedings during the preceding three (3) months and furnish printed copies thereof to the City library, the daily and weekly newspapers of the City and to any person who shall apply therefor at the office of the City Clerk. At the end of each fiscal year the Council shall cause a full and complete examination of all the books and accounts of the City to be made by competent accountants and shall publish the result of such examination in the manner provided by this Section for publication of statements of receipts and expenditures.

ARTICLE II

Meetings

Section 110.050. Place. [R.O. 2012 §110.050; CC 1979 §2-7; Ord. No. 228 §1, 2-1-1917]

The Council shall hold its meetings in the building known as the City Hall.

Section 110.060. Duty of Commissioners To Attend. [R.O. 2012 §110.060; CC 1979 §2-8]

It shall be the duty of each Commissioner to attend the meetings of the City Council, unless he/she is excused by the Council or sick and unable to attend.

Section 110.070. Regular Meetings — Adjourned Meetings. [R.O. 2012 §110.070; CC 1979 §2-9; Ord. No. 228 §2, 2-1-1917; Ord. No. A-6863 §1, 8-8-1999]

The regular meetings of the Council shall be held on the twentieth (20th) of the month at 9:30 A.M. unless otherwise set by the Council. Adjourned meetings may be held whenever it is deemed necessary.

Section 110.080. Special Meetings — Generally. [R.O. 2012 §110.080; CC 1979 §2-10; Ord. No. 228 §3, 2-1-1917]

The Mayor or both Commissioners may call a special meeting of the Council at any time by causing the Chief of Police to serve a notice upon the members of the Council, by leaving a copy of the notice at the residence of the Commissioners, or by both members of the Council and the Mayor meeting by agreement at the City Hall.

Section 110.090. Special Meetings — Fixing of Time and Object — Limitations On Business Transacted. [R.O. 2012 §110.090; CC 1979 §2-11; Ord. No. 228 §4, 2-1-1917]

The Mayor or Commissioners, in calling a special meeting, shall fix the time of the meeting and state in the call or have spread upon the journal the object of the meeting. No business shall be transacted at a special or called meeting other than that for which the meeting was called, unless the Mayor and both Commissioners shall be present at the meeting. In such case any business may be transacted at such special or called meeting.

Section 110.100. Mayor To Preside and Supervise Departments — Mayor To Have No Veto Power. [R.O. 2012 §110.100(B); Ord. No. A-6092 §§1 — 2, 2-24-1995]

The Mayor shall be President of the Council and preside at the meetings and shall supervise all departments and report to the City Council for his or her actions on all matters requiring attention in any of the departments. The Mayor shall have no power to veto any measure.

ARTICLE III

Rules and Order of Business ¹

Section 110.110. Generally. [R.O. 2012 §110.110; CC 1979 §2-14; Ord. No. 229 §1, 11-6-1934]

The rules and order of business contained in this Article shall govern the Council in its deliberations.

Section 110.120. Quorum. [R.O. 2012 §110.120; CC 1979 §2-15]

¹. Cross Reference — As to finance and taxation generally, ch. 140.

Both Commissioners or the Mayor and one (1) Commissioner, shall constitute a quorum to transact any business.

Section 110.130. Mayor To Call Council To Order, Cause Roll To Be Read, Etc. [R.O. 2012 §110.130; CC 1979 §2-16; Ord. No. 229 §1, 11-6-1934]

A quorum being present, the Mayor shall call the Council to order and cause the roll to be called and the minutes of the last session to be read, at which time the mistakes, if any, shall be corrected. The Mayor shall preserve order and decorum and shall decide all questions of order, subject to an appeal to the Council. He/she shall appoint all committees, subject to the concurrence therein of the Council.

Section 110.140. Members To Vote On All Questions — Exceptions — Vote To Be Recorded — Resolutions, Etc., To Be Reduced To Writing and Read Before Vote Taken. [R.O. 2012 §110.140; CC 1979 §2-17; Ord. No. 229 §1, 11-6-1934]

When a question is put by the chair, each member present shall vote, unless the Council shall for special reasons excuse him/her, but if personally interested, he/she shall not vote. Upon every vote the "yeas" and "nays" shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon.

Section 110.150. Mayor Entitled To Vote. [R.O. 2012 §110.150; CC 1979 §2-18]

On all matters presented to the Council, the Mayor shall be entitled to one (1) vote.

Section 110.160. Chair To State Motions — Withdrawal of Motions Prior To Voting, Etc. [R.O. 2012 §110.160; CC 1979 §2-19]

When any motion is made and seconded, it shall be stated by the chair. Any motion may be withdrawn by the member making such motion at any time before it shall be amended, or any disposition thereof has been made, or a vote thereon has been taken.

Section 110.170. Motions To Adjourn, Etc., Always in Order. [R.O. 2012 §110.170; CC 1979 §2-20; Ord. No. 229 §1, 11-6-1934]

A motion to adjourn and a motion to fix the time at which the Council shall adjourn shall always be in order and shall be decided without debate.

Section 110.180. Method of Addressing Council. [R.O. 2012 §110.180; CC 1979 §2-21; Ord. No. 229 §1, 11-6-1934; Ord. No. A-6589 §2, 10-7-1997]

Any person may address the Council on any subject of "public interest" during a Council meeting only during the designated time on the agenda. The Mayor may limit the time allowed to any person addressing the Council on matters of "public interest". Subjects of "public interest" are matters which affect the City as a whole. Subjects of "public interest" shall not include matters which pertain to minute, individual problems or concerns which do not require formal Council action or public discussion.

Section 110.190. Presentation of Reports. [R.O. 2012 §110.190; CC 1979 §2-22; Ord. No. 229 §1, 11-6-1934]

All reports of Commissioners and of the different officers of the City shall be presented in writing and signed by the officers presenting the same.

Section 110.200. Temporary Excuse of Members. [R.O. 2012 §110.200; CC 1979 §2-23; Ord. No. 229 §1, 11-6-1934]

The Mayor may temporarily excuse a member of the Council, but neither Commissioner shall be permitted to leave the meeting of the Council without the consent of the Mayor and the other Commissioner.

Section 110.210. Motion To Reconsider. [R.O. 2012 §110.210; CC 1979 §2-24; Ord. No. 229 §1, 11-6-1934]

When any question has been voted upon, it shall be in order for either Commissioner to move a reconsideration thereof at the same or the next succeeding meeting, but no question or vote shall be reconsidered a second time.

Section 110.220. Order of Business At Regular Meetings. [R.O. 2012 §110.220; CC 1979 §2-25; Ord. No. 229 §1, 11-6-1934; Ord. No. A-6589 §3, 10-7-1997; Ord. No. 7593 §1, 8-22-2005]

A. At each regular meeting of the Council, the following shall be the order of business:

1. Calling the roll.
2. Reading the minutes.
3. Presentation and reading of petitions and communications.
4. Report of Department of Finance and Accounts.
5. Report of Department of Streets and Public Improvement.
6. Report of City Treasurer.
7. Report of Municipal Judge.
8. Report of Chief of Police.
9. Report of Street Commissioner and other officers required to make reports.
10. Unfinished business.
11. New business.
12. Introduction of new bills — first (1st) reading.
13. Second (2nd) reading of bills.
14. Comments from floor of "public interest".

Section 110.230. Business Outside of Regular Order. [R.O. 2012 §110.230; CC 1979 §2-26]

No business shall be taken up outside of the regular order unless by consent of two (2) of the members of the Council present.

Section 110.240. Style of Ordinances — Procedure To Enact. [R.O. 2012 §110.240(C); Ord. No. A-6589 §1, 10-7-1997]

- A. The style of the ordinances of the City shall be: "Be it ordained by the Council of the City of Monett, as follows: "No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Council shall vote therefor, and the ayes and nays shall be entered on the journal. Every proposed ordinance shall be introduced to the Council in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Council. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Council.
- B. Every resolution or ordinance passed by the Council must be signed by the Mayor, or by two (2) Councilpersons, and be recorded, before the same shall be in force.

Section 110.250. Journal of Proceedings. [R.O. 2012 §110.250; CC 1979 §2-30]

The Council shall cause to be kept a journal of its proceedings and the "ayes" and "nays" of the members shall be entered on each question.

Section 110.260. Robert's Rules of Order To Apply Where Rules Not Otherwise Provided. [R.O. 2012 §110.260; CC 1979 §2-31]

In all cases not provided for in this Article, the Council shall rely on Robert's Rules of Order to determine its procedure.

Section 110.270. Suspension, Etc., of Rules. [R.O. 2012 §110.270; CC 1979 §2-32]

The rules contained in this Article may temporarily be suspended by the unanimous consent of the members present but shall not be repealed, altered or amended, unless with the concurrence of a majority of the members elected by the City Council, and only by ordinance.

ARTICLE IV

Additional Provisions Relative To Ordinances and Resolutions

Section 110.280. Signature and Recording Required. [R.O. 2012 §110.280; CC 1979 §2-33; Ord. No. 228 §6, 2-1-1917]

Every resolution or ordinance passed by the Council shall be signed by the Mayor, or by both Commissioners, and be recorded before the same shall be in force.

Section 110.290. Ordinances To Be On File With City Clerk For Inspection — Franchises — Extensions or Renewal, To Be Voted On.

Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the City for any purpose shall be complete in the form in which it is finally passed and shall remain on file with the City Clerk for public inspection at least one (1) week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges, or public places in any City shall be granted, renewed or extended except by ordinances, and every initial franchise or grant for interurban or street railways, gas, or waterworks, electric light or power plants, telegraph or telephone systems or other public service utilities within said City, must be authorized or approved by a majority of the voters voting thereon. Any extension or renewal shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of Section 88.251, RSMo.

Section 110.300. Proposed Ordinance — Effective, When — Referendum.

No ordinance passed by the Council, except when otherwise required by the general laws of the State, or by the provisions of Sections 78.010 to 78.420, RSMo., except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds (2/3) vote of the Council shall go into effect before ten (10) days from the time of its final passage; and if during said ten (10) days a petition signed by the voters of the City equal in number to at least twenty-five percent (25%) of the entire vote cast for all candidates for Mayor at the last preceding municipal election at which a Mayor was elected, protesting against the passage of such ordinance be presented to the Council, the same shall thereupon be suspended from going into operation; and it shall be the duty of the Council to reconsider such ordinance, and if the same is not entirely repealed, the Council shall submit the ordinance as is provided by Subdivision (2) of Section 78.200, RSMo., to the vote of the voters. Such ordinance shall not go into effect or become operative unless a majority of the voters voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Sections 78.260 to 78.290, RSMo., except as to the percentage of signers, and be examined and certified to by the Clerk in all respects as therein provided.

Section 110.310. Ordinances Submitted By Initiative — Generally.² [R.O. 2012 §110.310; CC 1979 §2-36; Ord. No. 228 §14, 2-1-1917]

Any proposed ordinance shall be submitted to the Council by petition signed by electors of the City equal in number to twenty-five percent (25%) of the votes cast for all candidates for Mayor at the last preceding general election, and containing a request that such ordinance be submitted to a vote of the people if not passed by the Council. The Council shall either pass such ordinance without alteration within twenty (20) days after the attachment of the certificate of the Clerk to the accompanying petition, or forthwith,

². Cross Reference — As to elections generally, ch. 125.

after the Clerk shall attach to the petition accompanying such ordinance his/her certificate of sufficiency, the Council shall call a special election, unless a general municipal election is fixed, within ninety (90) days thereafter, and at such special or general municipal election, such ordinance shall be submitted without alteration to the vote of the electors of the City. The signatures, verifications, authentication, inspection, certification, amendment and submission of such petition shall be performed by the City Clerk as required by Sections 78.260 to 78.290, RSMo.

Section 110.320. Ordinances Submitted By Initiative — Petition Signed By Not Less Than Ten But Less Than Twenty-Five Percent of Electors — Form of Ballot. [R.O. 2012 §110.320; CC 1979 §2-37; Ord. No. 228 §15, 2-1-1917]

If the petition mentioned in Section 110.310 is signed by not less than ten (10) and less than twenty-five percent (25%) of the electors, the Council shall, within twenty (20) days, pass such ordinance without change or submit the same at the next general City election occurring not more than thirty (30) days after the City Clerk certifies the sufficiency attached to said petition. The ballot used when voting on such ordinance shall contain these words: "For the Ordinance", stating the nature of the proposed ordinance, and "Against the Ordinance", stating the nature of the proposed ordinance.

Section 110.330. Ordinances Submitted By Initiative — Adoption By Vote of People — Repeal or Amendment of Ordinance Adopted By Vote of People. [R.O. 2012 §110.330; CC 1979 §2-38; Ord. No. 228 §16, 2-1-1917]

If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City. Any ordinance proposed by petition or which shall be adopted by the vote of the people cannot be repealed or amended, except by a vote of the people.

Section 110.340. Ordinances Submitted By Initiative — Voting On More Than One Ordinance At Same Election — Only One Special Election To Be Held in Any Six Month Period. [R.O. 2012 §110.340; CC 1979 §2-39; Ord. No. 228 §17, 2-1-1917]

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this Article and State law applicable thereto, but there shall not be more than one (1) special election in any period of six (6) months for such purpose.

Section 110.350. Ordinances Submitted By Initiative — Authority of Council To Propose Amendment or Repeal — Publication. [R.O. 2012 §110.350; CC 1979 §2-40; Ord. No. 228 §18, 2-1-1917]

The City Council may submit a proposition for the repeal of any ordinances, or amendments thereto, submitted by initiative as provided in this Article, to be voted upon at any succeeding general election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required to be submitted to the voters of the City at any election, the City Clerk shall cause such ordinance or proposition to be published once in each of the daily newspapers in the City,

such publication to be not more than twenty (20) nor less than five (5) days before the election on such proposition or ordinance to be voted upon.

Section 110.360. Ordinances Submitted By Initiative — Form and Contents of Petition — Affidavit To Accompany Petition. [R.O. 2012 §110.360; CC 1979 §2-41; Ord. No. 228 §19, 2-1-1917]

Petitions provided for in this Article shall be signed by legal voters of the City only. Each petition shall contain, in addition to the names of petitioners the street and house number in which the petitioner resides, his/her age and length of residence in the City. It shall be accompanied by an affidavit of one (1) or more legal voters of the City, stating that the signers were, at the time of signing, legal voters of the City and the number of signers at the time the affidavit was made.