

Chapter 115

CITY OFFICERS AND EMPLOYEES

Cross Reference — As to personnel generally, ch. 130.

ARTICLE I Generally

Section 115.010. Mayor and Councilpersons To Superintend Departments — Council To Elect City Officers.

The Mayor shall be Superintendent of the Department of Public Affairs and the Council shall at the first (1st) regular meeting after election of its members designate by a majority vote one (1) Councilperson to be Superintendent of the Department of Accounts and Finances; one (1) to be Superintendent of the Department of Public Safety, and one (1) to be Superintendent of the Department of Street and Public Improvements and one (1) to be Superintendent of the Department of Parks and Public Property. The Council shall at such first (1st) meeting, or as soon as practicable thereafter, elect by majority vote the following officers: a City Clerk, Attorney, Assessor, Treasurer, Auditor, Civil Engineer, Chief of Police, Chief of Fire Department, Street Commissioner, and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the City; provided however, that only such of the above officers shall be appointed as may in the judgment of the Mayor and Councilpersons be necessary for the proper and efficient transaction of the affairs of the City. Any officer or assistant elected or appointed by the Council may be removed from office at any time by a vote of a majority of the members of the Council, except as otherwise provided in Sections 78.010 to 78.420, RSMo.

Section 115.020. Officers and Employees To Serve At Pleasure of Council — Removal or Discharge. [R.O. 2012 §115.020; CC 1979 §2-62]

All officers and employees of the City shall serve in their respective capacities at the pleasure of the Council, and the Council shall have the power to suspend, remove or discharge any such officer or employee at any time by ordinance passed by a majority of the members of the Council present at any meeting at which such ordinance shall be presented.

Section 115.030. Oath.

Before entering upon the duties of their office each of said Commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the City Clerk, to support the Constitution of the State of Missouri and to obey the laws and aim to secure and

maintain an honest and efficient force free from partisan distinction or control, and to perform the duties of his/her office to the best of his/her ability.

Section 115.040. Bonds — Generally. [R.O. 2012 §115.040; CC 1979 §2-64; Ord. No. A-1057 §§1 — 4, 4-21-1948]

- A. Every City Officer or employee for whom a surety bond is required shall, before entering upon the duties of his/her office, give such bond to the City, to be approved by the Mayor, conditioned for the faithful performance of his/her duties, in such amount as may be established from time to time by ordinance of the City Council. The City Council shall have the power to increase the amount of the bond of any such officer or employee at any time they may consider the public exigencies to require such an increase.
- B. If, at any time, the City Council shall be satisfied that any surety has become insolvent or otherwise insufficient, or that the penalty of the bond is not sufficiently large, the Council shall cause such officer or employee to enter into a new bond, with sufficient security to be deposited in the office of the City Clerk, to be approved by the Mayor. If such officer or employee refuses or fails to comply with the order of the Council in such case within fifteen (15) days after the same may be made and after he/she has notice thereof, the Council shall declare such office vacant and appoint a successor to such office, who shall hold the same until a successor has been selected and qualified.
- C. The premiums for the bonds required pursuant to this Section shall be paid by the City.

Section 115.050. Bonds — Qualifications of Sureties. [R.O. 2012 §115.050; CC 1979 §2-65]

The Mayor shall not approve the bond of any officer or employee required pursuant to Section 115.040, unless there shall appear thereon, as surety therefor, the signature of two (2) residents of the City, each of whom shall be seized of unencumbered property in an amount equal to the face amount of such bond. No person shall be surety for more than one (1) officer or employee of the City; provided, that nothing contained in this Section shall be construed to prevent any officer or employee from providing such bond as may be required of him/her by law or ordinance with surety thereon by any resident corporation of the State regularly engaged in the business of providing surety for public officials.

Section 115.060. Bonds — Recording. [R.O. 2012 §115.060; CC 1979 §2-66]

It shall be the duty of the City Clerk to record all bonds taken or given by the City in an "official bond record" to be provided by the City. Whenever any bond is presented to the City Clerk for recording as required in this Section, except those presented by the City, the Clerk shall charge for such recording the sum of one dollar (\$1.00), which amount shall be paid into the General Revenue Fund of the City.

Section 115.070. Indemnification of Commissioners and Appointed Officials. [R.O. 2012 §115.070; CC 1979 §2-67; Ord. No. A-3932 §§1 — 4, 5-10-1978; Ord. No. 7593 §1, 8-22-2005]

- A. It is hereby determined to be necessary in order for the City to obtain the services of persons serving on the City Council and as appointed officials of the City to provide indemnification of such persons against liability arising from or connected with the performance of their duties with the City. Therefore, the City shall indemnify and save harmless each member of the City Council and each appointed official of the City against any liabilities or claims of whatsoever kind or nature and expenses incurred in connection therewith, including counsel fees, asserted by reason of any such person being a member of the City Council or serving as such appointed official, or arising from or connected with the performance of services of such person as a member of the City Council or as an appointed official of the City; provided, that such indemnification shall not extend to any act of any such person which was intentionally and knowingly wrongfully done.
- B. Such indemnification shall not apply where the same is provided by any policy of liability insurance carried by the City or by such person.
- C. As used in this Section, the term "*appointed official*" shall include the City Clerk, the City Treasurer, the City Attorney, the members of the Zoning and Planning Commission, the members of the Park Board and the members of the Board of Adjustment.

Section 115.075. Vacancies, How Filled.

If a vacancy occurs in any elective office other than the office of Mayor, a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Council. The Council may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next available regular municipal April election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of the same until the first (1st) regular meeting of the Council thereafter, at which time the vacancy shall be permanently filled.

ARTICLE II

Mayor

Section 115.080. Qualifications. [R.O. 2012 §115.080; CC 1979 §2-68]

No person shall be elected Mayor of the City, unless he/she is at least thirty (30) years of age, a citizen of the United States and a resident of the City at the time of and for two (2) years next preceding his/her election.

Section 115.090. Powers and Duties Generally. [R.O. 2012 §115.090; CC 1979 §2-69]

The Mayor shall preside at all meetings of the Council. He/she shall have the right to vote on all matters before the Council. He/she shall have no power to veto any measure. He/she shall have the power to remit any fines or forfeitures and grant reprieves and pardons for offenses arising under this Code and other ordinances of the City; provided,

that this provision shall not be construed to authorize the Mayor to remit any costs which may have accrued to any officer of the City by reason of any prosecution under this Code or other ordinances of the City or the laws of the State.

Section 115.100. Enforcement of Ordinances — Punishment of Subordinate Officers — Authority To Summon Aid. [R.O. 2012 §115.100; CC 1979 §2-70]

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty. He/she is hereby authorized to call on every male inhabitant of the City, over eighteen (18) years of age and under fifty (50) years of age, to aid in enforcing the laws.

Section 115.110. Communications To Council. [R.O. 2012 §115.110; CC 1979 §2-71]

The Mayor shall, from time to time, communicate to the Council such measures as may, in his/her opinion, tend to improve the finances, police, health, security, ornament, comfort and general prosperity of the City.

Section 115.120. Authority To Require Officers To Exhibit Papers, Etc., and To Make Reports To Council. [R.O. 2012 §115.120; CC 1979 §2-72]

The Mayor shall have power to require, as often as he/she may deem it necessary, any officer of the City to exhibit his/her accounts or other papers or records and to make reports to the Council, in writing, touching any subject or matter pertaining to his/her office.

Section 115.130. Signing of Commissions, Drafts, Etc. [R.O. 2012 §115.130; CC 1979 §2-73]

The Mayor shall sign the commissions and appointments of all City Officers and employees and shall approve all official bonds as provided in this Chapter.

Section 115.140. Additional Duties. [R.O. 2012 §115.140; CC 1979 §2-74]

The Mayor shall have such other duties as are provided by law or ordinance.

ARTICLE III
City Clerk

Section 115.150. Duties Generally — Special Duties. [R.O. 2012 §115.150; CC 1979 §2-75; Ord. No. 777 §2, 12-9-1924]

- A. It shall be the duty of the City Clerk to keep the journal of the proceedings of the City Council. He/she shall safely keep all records and papers belonging to the City which may be entrusted to his/her care. He/she shall be the general accountant for the City and shall be empowered to administer oaths to persons certifying to claims against the City. He/she is hereby empowered to administer official oaths and attest the same with the Seal of the City.

- B. In addition to the duties imposed upon him/her by State law, the following special duties are imposed upon the City Clerk:
1. To permit no records, public papers or other documents of the City kept and preserved in his/her office to be taken therefrom, except by such officers of the City as may be entitled to the use thereof, and then only upon their receipt thereof.
 2. To attest all ordinances, resolutions and all signatures of the Mayor, when necessary, to affix the Seal of the City to all documents requiring the same and to sign all resolutions adopted by the Council.
 3. To prepare all commissions for officers, which the Mayor is required to sign, and countersign the same and affix the Seal of the City thereto.
 4. To keep a record of all Commissions and the official oaths and bonds of officers.
 5. To cause all ordinances and all resolutions to be published, as required by this Code or other ordinance or ordered by the Council, and to examine and correct the proof thereof.

Section 115.160. Custodian of City Seal. [R.O. 2012 §115.160; CC 1979 §2-76; Ord. No. 777 §1, 12-9-1924]

The City Clerk shall be the official custodian of the Seal of the City and the proper officer to attest all official acts of the Mayor and City Council.

Section 115.170. Filing of Books and Papers, Deeds, Bonds, Etc. [R.O. 2012 §115.170; CC 1979 §2-77; Ord. No. 777 §3, 12-9-1924]

The City Clerk shall carefully keep and preserve all books and papers belonging to his/her office, file, index and arrange the same in convenient form and keep in the safe of the City all deeds and papers showing title of the City to any property and all bonds given by officers and contractors of the City.

Section 115.180. Endorsement of Documents or Papers Filed. [R.O. 2012 §115.180; CC 1979 §2-78; Ord. No. 777 §6, 12-9-1924]

Upon every document or paper filed in the office of the City Clerk, he/she shall endorse the date of filing, together with an abstract of the contents of such paper or document.

Section 115.190. Quarterly Balancing of Ledger and Reports To Council. [R.O. 2012 §115.190; CC 1979 §2-79; Ord. No. 777 §4, 12-9-1924]

The City Clerk shall balance the ledger of the City quarterly, on the first (1st) days of July, October, January and April of each year, and make therefrom a complete statement of all business and financial transactions of the City for the quarter of the year ending, and have the same ready to present to the Council at its first (1st) regular meeting held thereafter. Such statement must contain an explicit and concise summary of the total

receipts for the quarter year and for what purpose, the total debts of the City and the total amount then remaining in the Treasury.

Section 115.200. Register of Warrants. [R.O. 2012 §115.200; CC 1979 §2-80; Ord. No. 777 §5, 12-9-1924]

The City Clerk shall keep an accurate register in his/her office of all checks issued, which shall represent in due and appropriate form the number of each check, in consecutive order, the name of the person in whose favor issued, the amount and for what purpose.

Section 115.210. Practical Knowledge of Bookkeeping Qualification For Office. [R.O. 2012 §115.210; CC 1979 §2-81; Ord. No. 777 §7, 12-9-1924]

In addition to all other qualifications required for the office of City Clerk by this Code, by other City ordinances and by State law, no person shall be eligible to the office of City Clerk who does not possess a practical knowledge of bookkeeping.

Section 115.220. Duties Concerning Licenses. [R.O. 2012 §115.230; CC 1979 §2-83; Ord. No. 777 §10, 12-9-1924; Ord. No. 7593 §1, 8-22-2005]

The City Clerk shall countersign each license issued for and on behalf of the City to any person engaged in any business in the City for which a license is required and the City has received payment for such license.

Section 115.230. Deputy City Clerk. [R.O. 2012 §115.240; CC 1979 §2-84; Ord. No. 777 §11, 12-9-1924; Ord. No. A-6392 §§1 — 2, 11-15-1996]

- A. There is hereby created the office of Deputy City Clerk for the City of Monett, Missouri. He/she shall assist the City Clerk to perform the various duties as described in the Monett City Code and job description.
- B. Whenever, for any reason, other than accrued vacation and sick leave, the City Clerk is unable to perform the duties of his/her office, the City Council may by resolution appoint the Deputy Clerk, who shall have all the powers and perform all the duties of the regular Clerk and shall receive his/her salary for the time he/she acts, but in no event shall both the regular Clerk and the Deputy Clerk receive the City Clerk's pay at the same time, nor shall the regular Clerk receive any pay for the time he/she fails to perform the duties of such office as provided by law and ordinance.

Section 115.240. Fees Paid Clerk To Be Turned in To General Revenue Fund. [R.O. 2012 §115.250; CC 1979 §2-85; Ord. No. 777 §13, 12-9-1924; Ord. No. 7593 §1, 8-22-2005]

All the fees and charges made and received by the City Clerk for any service performed or that may be authorized by law or ordinance shall be turned in to the General Revenue Fund of the City.

ARTICLE IV
City Treasurer

Section 115.250. Reports To Council As To Amount of Money in Treasury, Etc. [R.O. 2012 §115.390; CC 1979 §2-101; Ord. No. 761 §2, 12-2-1924]

The Treasurer shall, at the regular monthly Council meeting and at such other times as the Council shall require, report the amount of money in the Treasury and to what funds and accounts belonging.

Section 115.260. Delivery of Books, Papers, Etc., To Successor. [R.O. 2012 §115.400; CC 1979 §2-104; Ord. No. 761 §5, 12-2-1924]

It shall be the duty of the City Treasurer to have all money, books, papers, vouchers and all other property of the City in his/her hands in proper condition to deliver the same to his/her successor in office, and as soon as his/her successor shall qualify as provided by this Code or other ordinance, he/she shall turn over the same to him/her, taking duplicate receipts therefor, one of which he/she shall immediately file with the City Clerk.

Section 115.270. City Clerk To Serve As Treasurer and Provide Additional Bond. [R.O. 2012 §115.410; CC 1979 §2-105]

The City Clerk shall be the City Treasurer and shall provide an additional bond as such Treasurer as may be provided by the City Council pursuant to this Code or other ordinance.

Section 115.280. Additional Duties Pursuant To State Law. [R.O. 2012 §115.430; CC 1979 §2-111; Ord. No. 761 §6, 12-2-1924]

The City Treasurer shall perform such other duties in the line of his/her office as are provided by State law relative to Treasurers in Cities of the Third Class.

ARTICLE V
Hazardous Waste Coordinator

Section 115.290. Creation. [R.O. 2012 §115.470; Ord. No. A-5893 §1, 3-23-1994]

There is hereby created the position of Hazardous Waste Coordinator for the City of Monett. The Hazardous Waste Coordinator must be certified and trained in dealing with hazardous substances, waste and materials, and have a minimum of three (3) years experience in working with hazardous substances, which experience shall include prior successful experience in a supervisory or administrative position. The Hazardous Waste Coordinator shall be appointed by a majority vote of the Monett City Council, shall serve at the pleasure of the Council, and shall receive such monthly compensation as may be determined from time to time by the City Council.

Section 115.300. Duties and Responsibilities. [R.O. 2012 §115.480; Ord. No. A-5893 §2, 3-23-1994]

The Hazardous Waste Coordinator shall work under the general supervision of the Mayor and the City Council and shall be responsible for the development, maintenance and administration of a Hazardous Waste Program which shall involve all departments of City government to insure that any hazardous substances are received, handled, stored, processed and disposed of in a lawful and proper manner. The Hazardous Waste Officer shall provide advice and assistance to all City departments. Specifically, and not by way of limitation, the Hazardous Waste Officer shall work with other City personnel to establish written administrative procedures and programs for the proper handling of hazardous materials, dealing with spill prevention and containment, emergency preparedness and response, and other necessary procedures and contingency plans with regard to such materials. The Hazardous Waste Officer shall be responsible for maintaining all necessary records and documentation with regard to hazardous materials, and for the conduct of all necessary training. The Hazardous Waste Coordinator shall ensure that City programs and procedures are in compliance with all State and Federal rules and regulations pertaining to hazardous substances, waste and materials, and perform such other duties as may be assigned from time to time by the City Council.

ARTICLE VI
Safety Coordinator

Section 115.310. Safety Coordinator. [R.O. 2012 §115.490; Ord. No. A-6518, 6-10-1997]

The City Council of the City of Monett, hereby creates the position of Safety Coordinator for the endorsement of a safety program.

ARTICLE VII
Finance Director

Section 115.320. Finance Director. [R.O. 2012 §115.500; Ord. No. A-7077, 9-17-2001]

The Finance Director shall manage the daily operations of the Accounting Department. Duties include ensuring the efficient receipt, allocation and disbursement of funds; coordinating and monitoring annual budgeting process; coordinating and monitoring internal control procedures; and preparing financial statements. The Finance Director shall report to the Mayor and City Councilpersons.

ARTICLE VIII
City Administrator

Section 115.330. Creation. [R.O. 2012 §115.525; Ord. No. 7795, 9-26-2007]

There is hereby created and established the position of City Administrator for the City as provided under Section 77.042, RSMo. A qualified person shall be appointed to this position by the Mayor with an approval of a majority of the Council.

Section 115.340. Qualifications. [R.O. 2012 §115.530; Ord. No. 7795, 9-26-2007]

The person appointed to this position shall be at least twenty-five (25) years of age and be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields.

Section 115.350. Duties and Responsibility. [R.O. 2012 §115.535; Ord. No. 7795, 9-26-2007]

The City Administrator shall be the Chief Administrative Assistant to the Mayor and City Council and shall coordinate the general supervision and operation of all City departments. The duties of this position are specified by the current job description on file in the administration office, Human Resources Department of the City.

Section 115.360. Removal. [R.O. 2012 §115.540; Ord. No. 7795, 9-26-2007]

The City Administrator shall serve at the pleasure of the Governing Body authority. The Mayor, with the consent of a majority of the City Council, may remove the City Administrator from office at will.