

**CITY OF BRIDGETON, MISSOURI
CHARTER REVIEW COMMISSION
FINAL RECOMMENDATION REPORT
JUNE 7, 2022**

**Respectfully submitted to the Mayor and City Council of the City of Bridgeton, Missouri
by the Charter Review Commission.**

Commission Members

Jessica Perkins, Chair

Anthony Banks

Patricia Bland

Ricky Brenneman

Tracy Cook

Bruce Gabrian

Brandon Wilkes

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I. INTRODUCTION

Consistent with the provisions of Article VI, Section 19 of the Missouri Constitution, the City Charter of the City of Bridgeton, Missouri (the “Charter”) was presented to, and approved by, the qualified electors of the Town of Bridgeton on October 25, 1966.

On __, 2021, pursuant to Section 2.05(D) of the Charter, the Mayor with the Consent of the City Council, appointed the members of the Charter Review Commission (the “Commission”). The Commission was tasked to review and study the Charter, and make recommendations to the Mayor and City Council of any amendments deemed necessary or expedient to the good governance of the City.

This Final Recommendation Report of the Charter Review Commission (the “Report”) contains the recommendations of the Commission for amendments to the Charter to be submitted to the qualified electors of the City consistent with the requirements of Section 13.15 of the Charter and Article VI, Section 20 of the Missouri Constitution. Contained in this report are a summary of the Commission’s recommendations; a blacklined draft of proposed amendments to the Charter, showing the changes; a clean draft of the proposed amendment to the Charter; and a chart identifying and summarizing each proposed amendment and identifying other provisions of the Charter implicated thereby, as well as any legislative action as may be required by the City Council as a result thereof.

Methodology of the Commission

The Commission conducted two meetings per month to methodically study and analyze each section of the Charter. Generally, the Commission began the review of each Article of the Charter by reviewing each section therein, discussing and debating proposed revisions, and providing general direction for the preparation of proposed revisions to specific sections of the Charter. At a subsequent meeting, the proposed revisions were presented to the Commission and the public for discussion and debate. At a third meeting, the proposed revisions were further debated and presented for inclusion in the recommendation report of the Commission for submission to the City Council.

In reviewing the Charter, the Commission analyzed its provisions by comparing them to the City Charters of similarly situated cities throughout the State of Missouri and comparable provisions applicable to statutory third and fourth class cities. Furthermore, at each meeting of the Commission, the Commission encouraged and provided opportunities at each meeting of the Commission for input from the general public and members of the City Council. In addition, the Commission solicited input from the Mayor, City Council, City Administrator, Chief of Police, City Engineer, Director of Finance, Municipal Judge and the Special Counsel employed by the City to advise the Commission.

At the conclusion of the Commission’s review of each Chapter of the Charter, and having received comments from City officials and the public, a final report of the recommendations of the Commission was prepared, made available for public inspection and comment, and finally approved by the Commission for presentation to the Mayor and City Council.

II. SUMMARY OF RECOMMENDATIONS

The Commission, after reviewing and studying the provisions of the Charter, and receiving public input thereon, recommends that the City Council submit to the qualified voters of the City, consistent with the requirements of Section 13.15 of the Charter and Article VI, Section 20 of the Missouri Constitution, the proposed amendments contained herein. As general guiding principles, the amendments to the Charter recommended by the Commission are made with the following intentions: 1) to modernize the operations of the City for efficient and effective governance; 2) to ensure consistent application and enforcement of the provisions of the Charter by making its provisions consistent with governing law; and 3) to ensure that the provisions of the Charter are inclusive in its application and protections for all residents of the City of Bridgeton.

The Commission recognizes that submitting as a single proposition all of the recommended amendments contained herein to the voters of the City may be overwhelming, thereby lessening the chances of their successful passage. Accordingly, the Commission recommends submitting separate propositions to the voters of the City. Each proposition should address a specific category of the City's governance, and include together those sections of the Charter that, for the sake of consistency and efficiency, must be submitted together to the voters. Those provisions of the Charter implicated by the amendment of another and which may be submitted to the voters together are identified in the Chart Summary of Proposed Amendments set forth in Section __ of this Report.

The Commission ranked proposed amendments by priority. The level of priority assigned herein is not necessarily intended to indicate that one proposed revision is more important than another, but more so to reflect the time sensitivity of obtaining voter approval of the suggested amendment. Those deemed to be the highest priority are recommended for submission to the qualified electors of the City at the general municipal election on April 4, 2023. Those identified as the next highest priority should be submitted to voters at the next available election, thereafter. The lower priority amendments should be submitted to the voters at subsequent elections as deemed appropriate by the City Council.

Highest Priority Amendments

The highest priority amendments are identified, in order, as follows:

1. Sections 1.02 (Form of government), 2.05 (Mayor: Powers and Duties) and 5.01 (Administrative Assistant).

The top priority, and the most substantive recommendation, of the Commission is to change City of Bridgeton from a Mayor-Council to a Mayor-City Administrator-Council form of government. This includes changing the position of Administrative Assistant to a City Administrator who is appointed by the Mayor with the consent of the City Council. Unlike the Administrative Assistant, whose term coincides with the employing Mayor, the City Administrator will serve for an indefinite term and at the pleasure of the Mayor and City Council. The City

Administrator will be the chief administrative officer of the City, and will inherit many of the day-to-day administrative duties that currently are the sole responsibility of the office of the Mayor.

The intent in recommending this amendment to the Charter is to modernize the operations of the City and to provide for more efficient and professional administration of the City's day-to-day operations. Providing for an indefinite term for the City Administrator and granting the City Administrator general superintending control over the departments of the City and their employees will ensure that the City is able to attract the most qualified candidates by providing administrative stability and consistency spanning Mayoral terms. Moreover, the City Administrator will be a consistent source of institutional memory.

Finally, the recommended change in form of government will not unnecessarily disrupt the current administration of the City, as it is substantially similar to current operations.

2. Section 4.02 (Municipal Court Judge).

It is recommended that the office of Municipal Judge be amended from an elective to an appointive position. Moreover, the Municipal Judge need not be a resident of the City.

As evidenced in recent years with well documented abuses in the municipal courts in other communities and the resulting legislative enactments (e.g., Senate Bill No. 5 in 2015), the proper administration and operation of a city's municipal court is critical. For many years, the City has benefited from the long-time service of a knowledgeable and qualified Municipal Judge. With the current Municipal Judge's legally mandated retirement looming, it is imperative that the City reconsider its method of selection of its Municipal Judge.

By providing for the appointment of a Municipal Judge, the City ensures that it will be able to identify and appoint the most qualified person to serve in this position. In addition, removing the residency requirement broadens the pool of qualified and experienced candidates for appointment.

3. Sections 2.02 (Mayor: Election, Term), 3.01 (City Council: Composition, Term, Election) and 3.02 (City Council: Qualifications).

It is recommended that Section 2.02 of the Charter be amended to provide that no person serve as Mayor for a period of time in excess of sixteen (16) consecutive years (four (4) consecutive full terms). Additional terms of office may be sought after having been out of the office of Mayor for one full four-year term.

In support of recommending term limits for the office of Mayor, the Commission finds that:

- i. Term limits increases the ratio of competitive elections thereby promoting active voter engagement and curbing complacency of those they elect;
- ii. Term limits promote fresh ideas and new perspectives from those who are not bound by the status quo;
- iii. Term limits produce a citizen led government of ordinary people rather than a full-time politician; and

- iv. Term limits curb undue influence of lobbyists and special interests.

It is further recommended that Section 3.01 of the Charter be amended to increase the term of office for Council Members from two (2) to three (3) years. It is the finding of the Commission that two (2) years is too short a time for a member of the City Council, in particular a first-term member, to be effective in performing their legislative functions. Moreover, by lessening the number of elections that need be run over a period of time, it lessens the amount of campaign funding needed over that same period of, thereby lessening possible undue influence.

Finally, it is recommended that Section 3.02 of the City Charter be amended to reduce the minimum age required of a Council Member from twenty-five (25) to twenty-one (21) years. Moreover, it is recommended that the requirement that a candidate for City Council live in the ward for six (6) months prior to election be removed.

The change in the minimum age to serve on the City Council is more consistent with the requirements of similarly situated cities in the State. Moreover, it increases the pool of qualified and interested candidates for the office of City Council.

Second Highest Priority Amendments

The second highest priority amendments are identified, as follows:

1. Section 6.07 (Planning Commission).

It is recommended that Section 6.07 of the Charter be amended to reduce the minimum number of citizen members from thirteen (13) to nine (9) and eliminate the two-year residency requirement as a qualification for appointment to the Planning Commission. It was reported to the Commission that it is becoming increasingly difficult to find residents of the City who are able to commit the time to serve the four-year term on the Planning Commission. By amending Section 6.07 of the Charter as set forth above, it helps ensure the City's ability to maintain a fully seated Planning Commission consistent with the requirements of the Charter while increasing the pool of candidates for the position. Moreover, the minimum number of citizen members remains in excess of that required by state law. *See* § 89.320, RSMo. ("The planning commission of any municipality shall consist of not more than fifteen nor less than seven members, including [...] Not more than fifteen nor less than five citizens[...]").

Finally, it is recommended that the powers and duties of the Planning Commission be amended to generally provide the Planning Commission with the powers and duties provided for by law or ordinance.

2. Section 6.08 (Police Commission).

It is recommended that Section 6.08 be amended to transform the Police Commission to an oversight and recommending body, and to refer employment decisions to the Chief of Police and City Administrator consistent with the recommended revisions to Section 5.01, set forth above. Employment decisions pertaining to police officers has become increasingly complex with specific statutory policies and procedures to be considered. *See e.g.*, § 590.502, RSMo. (enacted in 2021 and commonly referred to as the "Law Enforcement Bill of Rights"). As such, due to its highly

technical nature and significant legal repercussions for improper administration, employment decisions and the policies and procedures of the police department should be professionally administered. The Police Commission, however, will remain for purposes of providing recommendations, from a resident perspective, as it relates to the performance of the Chief of Police and the rules and regulations for the conduct, qualifications and discipline of police department personnel.

Finally, consistent with the recommendations for amendment to Section 5.01, set forth above, budget preparation for the police department will ultimately be the responsibility of the City Administrator. As a practical matter, this is what is effectively occurring now, but with the perfunctory approval of the Police Commission being required prior to presentation to the Mayor and City Council. As such, it is further recommended that this unnecessary fiction of the Police Commission preparing a budget be removed from the City Charter.

3. Section 6.03 (Finance Commission)

Consistent with the recommendations pertaining to the establishment of the position of City Administrator, and the duties associated therewith, it is recommended that the Finance Commission established in Section 6.03 of the Charter be eliminated.

The City's budget is, necessarily, sophisticated and highly technical. As such, the preparation of the City's budget should be performed by professionals. The submission of the budget prepared under the supervision of the City Administrator for the perfunctory approval of a Finance Commission is an unnecessary bureaucratic process. Public input and participation in the budgeting process remains assured with the required public hearing set forth in Section 7.03 of the Charter.

Moreover, it is the determination of the Commission that preservation of volunteer resources for those board and commissions required by law or of a higher function and priority in the City is preferred.

4. Section 6.06 (Personnel Commission).

Consistent with the recommendations pertaining to the establishment of the position of City Administrator, and the duties associated therewith, it is recommended that the Personnel Commission established in Section 6.06 of the Charter be eliminated.

Human resource administration is complex and highly technical, and the legal ramifications of improper administration can be detrimental to the City. As such, human resource administration should be performed by professionals experienced therein.

Moreover, it is the determination of the Commission that preservation of volunteer resources for those board and commissions required by law or of a higher function and priority in the City is preferred.

5. Section 6.04 (Historical Commission).

It is recommended that Section 6.04 be amended to provide that, in lieu of mandating a minimum of nine (9) members of the Historical Commission, the composition, term, powers and duties be provided by ordinance. As previously stated, it is becoming increasingly difficult to find volunteers to maintain the minimum required membership of each of the City's board and commissions. As such, providing flexibility to the City Council in determining the appropriate number of members, and the powers and duties of that Commission is appropriate.

Moreover, it is the determination of the Commission that preservation of volunteer resources for those board and commissions required by law or of a higher function and priority in the City is preferred.

Lower Priority Amendments

It is recommended that the remaining suggested amendments to the Charter reflected in this Report be submitted to the qualified electors of the City at an appropriate future election in the City. The various reasons for determining that these remaining amendments fall within this priority category, by way of summary, include:

1. Certain provisions of the Charter are rarely, if ever, implicated in the day-to-day operations of the City, thereby mitigating the time-sensitivity of the proposed amendments. However, the proposed amendments remain necessary to be consistent with State statutes as required under Article VI, Section 19(a) of the Missouri Constitution, which provides, in pertinent part, as follows:

“ Any city which adopts or has adopted a charter for its own government, 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 the charter so adopted or by statute.*”
(emphasis added);

2. The Commission deemed Certain proposed amendments advisable to update and modernize the procedures of the City and to be inclusive of all residents of the City; and
3. The Commission deemed other proposed amendments advisable for the transparent, proper and efficient operation of the City.

Preserving History and Context

Although no suggested amendments are proposed in Article XIV of the Charter (Transitional Provisions), the Commission finds it important to note that retention of Article XIV is recommended to preserve the history of the City's Charter and to provide context to the

procedures for its adoption and implementation. The Commission recognizes, however, that the preservation of the bulk of Article XIV of the Charter has no impact on the operation of the Charter or the City.

Further Recommendations

In addition to the recommendations set forth herein, the Commission recommends the following:

1. That the City Council conduct no less than one (1) public hearing on the proposed amendments to the City Charter before submitting the same to the qualified electors of the City; and
2. That the City Council provide for regular and periodic reviews of the City, with such reviews occurring not less than every 10th year from the date of this Report.

Conclusion

For the reasons set forth herein, the Commission respectfully recommends that the City Council submit the proposed amendments to the Charter set forth in this Report to the qualified electors of the City of Bridgeton.

III. BLACKLINED DRAFT OF AMENDMENTS TO CHARTER

The following depicts the proposed amendments to the City Charter. Matter struck through [~~thus~~] are intended to be omitted in the Charter, and matter in bold [**thus**] are intended to be added language to be included in the Charter.

ARTICLE I. POWERS OF THE CITY

SECTION 1.02. Form of Government

The municipal government provided by this Charter shall be of the type generally known as a Mayor-~~City Administrator~~-Council government. All powers of the City shall be vested in the Mayor and ~~City Council Councilmen~~ subject only to the limitations imposed by the Constitution of the State of Missouri and this Charter, except as hereinafter otherwise specified.

ARTICLE II. MAYOR

SECTION 2.02. Election, Term

The Mayor shall be elected by the qualified voters of the City of Bridgeton. At the first (1st) election under this Charter the candidate receiving the greatest number of votes for Mayor shall serve until the regular municipal election in the year 1971, and until his successor has been duly elected and qualified. Thereafter, the candidate receiving the greatest number of votes for Mayor at the regular municipal election in 1971, and each four (4) years thereafter, shall serve for a term of four (4) years and until his successor has been duly elected and qualified. There shall be no prohibition against a Mayor serving successive terms in office; **provided that no person shall be elected to serve more than sixteen (16) consecutive years as Mayor. In applying this Section, service as Mayor resulting from an election prior to April 4, 2023, or service of less than four (4) years by a person elected or appointed after April 4, 2023, to complete the term of another person, shall not be counted. Any person that serves sixteen (16) consecutive years as Mayor shall, thereafter, qualify to serve as Mayor after having remained out of the office of Mayor for one four (4) year term.**

SECTION 2.04 Vacancy.

B. *Forfeiture of Office.* The Mayor shall forfeit his **or her** or her office if he **or she** or she lacks at any one (1) time during his or her term of office any qualification for the office prescribed by this Charter or by law, violates any express prohibition of this Charter, or is convicted of a crime involving moral turpitude. **The Mayor, upon being charged with conduct constituting grounds for forfeiture of office shall be entitled to a hearing before the City Council sitting as a board of impeachment. The City Council may pass ordinances regulating the manner of impeachments and removals.** The Mayor, upon being charged with conduct constituting grounds for forfeiture of office shall be entitled to a hearing before the City Council sitting as a board of impeachment. The City Council may pass ordinances regulating the manner of impeachments and removals.

SECTION 2.05 Powers and Duties.

...

D. ~~He~~**The Mayor** shall appoint, subject to the approval of the City Council, a **City Administrator**, City Clerk, Chief of Police, City Attorney, ~~City Engineer~~, such other officers as are designated in this Charter or by law to be appointed by the Mayor, and members of all boards and commissions whose appointments are not otherwise provided for in this Charter. If any appointment made by the Mayor is rejected by the City Council, ~~he~~ **the Mayor** may make a temporary appointment of a person with the required qualifications to serve until an appointee named by him **or her** to such office is approved by the Council. In all such cases, however, within sixty (60) days after the rejection of such permanent nominee ~~he~~ **the Mayor** shall submit to the Council the name of some person, other than such rejected nominee, for permanent appointment to such office, board, or commission.

...

F. ~~He shall appoint an administrative assistant~~**RESERVED.**

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ARTICLE III. CITY COUNCIL

SECTION 3.01. Composition, Term, Election.

The City Council shall consist of eight (8) members, two (2) elected from each ward, by the qualified voters thereof. Each ~~Councilman~~ **member of the City Council** shall be elected for a term of two (2) years and shall serve until his successor shall be elected, except as otherwise provided herein.

~~At the first (1st) each election after April 4, 2023, members of the City Council elected by the qualified voters of the City shall hold office for the term of three (3) years, and until their successors are elected and qualified.~~**under this Charter eight (8) Councilmen shall be elected; the candidate from each ward receiving the greatest number of votes shall serve until the regular election in the year 1969, the candidate from each ward receiving the next greatest number of votes shall serve until the regular election in the year 1968. Commencing at the next regular election and at all subsequent regular elections, four (4) Councilmen shall be elected; the candidate from each ward receiving the greatest number of votes shall serve for a two (2) year term. Councilmen** **Any person elected as a member of the City Council shall be eligible for reelection.**

SECTION 3.02. Qualifications.

B. A ~~Councilman~~ **Council Member** must be at least ~~twenty-five (25)~~ **twenty-one (21)** years of age, a qualified voter in the City of Bridgeton, ~~and a resident of the City for two (2) years immediately prior to his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected.~~ **A Councilman shall be a resident of the ward from which he is elected for six (6) months immediately prior to his election.** **A Councilman** **Members of the City Council** shall hold no other remunerative position in the City government during his **or her** term.

SECTION 3.04 Vacancies.

B. *Forfeiture of Office.* A **member of City Councilman** shall forfeit his **or her** office should he **or she** lack at any time during his **or her** term of office any qualification for the office prescribed by this Charter or by law. The Council shall be the judge of the qualifications of its members and for that purpose shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing ~~on his demand~~ **before the City Council sitting as a board of impeachment.** ~~, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the City at least one (1) week in advance of the hearing.~~ ~~Decision made by the Council under this Section shall be subject to review by the courts.~~ **The City Council may pass ordinances regulating the manner of impeachments and removals.**

C. *Filling Vacancies.* A vacancy in the Council shall be filled ~~for the remainder of the unexpired term at the next regular election if such vacancy occurs within sixty (60) days of said election. If the vacancy occurs more than sixty (60) days prior to the next regular election, the Council shall, by a majority vote of its remaining members, appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.~~ **The successor shall serve until the next regular municipal election.** ~~If the Council fails to fill such vacancy within thirty (30) days following the occurrence of the vacancy and if the next regular election is then more than ninety (90) days following, the Mayor shall call a special election to fill the vacancy, to be held not sooner than sixty (60) days and not later than ninety (90) days following the occurrence of the vacancy and to be otherwise governed by the provisions of Article XI. If at any time the membership of the Council is reduced to less than five (5) members, the remaining members may by majority action appoint additional members to raise the membership to five (5).~~ **The City Council may adopt procedures to fill vacancies consistent with this section.**

SECTION 3.06. ~~Action Authorized by Ordinance~~ **Action Authorized by Ordinance Where Power Vested**

Except as otherwise provided in this Charter, all powers of the City shall be vested in the City Council. The City Council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the City by law. The City Council may to the fullest extent permitted by law delegate any of the powers vested herein to any board, commission, or officer of the City as it may deem appropriate, advantageous, or necessary for the proper and efficient undertaking of the public business.

~~In addition to other acts required by law or by specific provision of this Charter the Council shall have the power by ordinance, not inconsistent with this Charter, to:~~

- ~~1. Create, change, or abolish departments or offices other than the departments or offices established by this Charter and assign additional functions or duties to departments or offices established by this Charter. The Council may not discontinue or assign to any other department or office any function or duty that is specifically assigned by this Charter to that office.~~
- ~~2. Assess, levy, and collect taxes for all general special purposes on all subjects or objects of taxation not expressly prohibited by law, provide for enforcing prompt payment thereof by any appropriate means, and adopt such classifications of the subjects and objects of taxation as may not be contrary to law.~~

- ~~3. Furnish all public services; purchase, hire, own, lease, construct, maintain, and operate public utilities; dispose of the services and products thereof; acquire, by condemnation or otherwise, within or without the corporate limits of the City, property, or any estate or interest therein, necessary for any such purposes; grant public utility franchises and permits and regulate the exercise thereof and establish the fees for such franchises and permits.~~
- ~~4. Make public improvements and acquire, by condemnation or otherwise, property or any estate or interest therein, within or without the corporate limits of the City, necessary for such improvements.~~
- ~~5. Adopt, police, health, sanitary, safety, fire prevention and other similar regulations and provide for their enforcement.~~
- ~~6. Authorize the expenditure of money of the City for all lawful purposes.~~
- ~~7. Issue, sell, pledge, or in any manner dispose of negotiable or nonnegotiable interest bearing or noninterest bearing bonds or notes of the City upon the credit of the City or solely upon the credit of specific property owned by the City, or solely upon the credit of income derived from the property used in connection with any public utility owned or operated by the City, or from service charges made for any public service provided by the City, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more of such credits.~~
- ~~8. Exercise the power of eminent domain including the power of excess condemnation, and condemn private, real or personal property, or any use therein for public use within or without the corporate limits of the City as authorized by the constitution or by law.~~
- ~~9. Take and hold property within or without the corporate limits of the City upon trust and administer trusts.~~
- ~~10. Acquire and receive by gift bequest, or devise all kinds of property, real, personal or mixed, or any estate or interest therein, within or without the City, absolutely or in trust, for all public, charitable or municipal uses or purposes and perform all acts necessary to carry out the purposes of such gifts, bequests, or devises, with power to manage, sell, lease, or otherwise handle or dispose of such property in accordance with the terms of the gift, bequest, or devise.~~
- ~~11. Acquire, receive, hold, provide for by contract or otherwise construct, operate, regulate, manage, maintain, and improve all kinds of public buildings, structures, public market facilities, airports, off-street parking facilities, public housing, cemeteries, hospitals, parks and other recreational facilities, all other public improvements, and any other real or personal property, within or without the City, for all such uses or purposes, or for any other public or municipal use or purpose; acquire, receive, and hold any estate or interest in any such property, and sell, lease, mortgage, pledge, or otherwise dispose of it or its products. The power herein granted shall be limited only by prohibitions contained in the constitution and laws of Missouri and other provisions of this Charter.~~
- ~~12. Collect and dispose of sewage, offal, ashes, garbage and refuse; contract for or license and regulate such collection and disposal and provide for a service charge therefor.~~

- ~~13. Regulate the construction and materials of all buildings and structures, and inspect all buildings, lands, and places as to their condition for health, cleanliness, and safety; when necessary, limit or prevent the use thereof and require any alterations or changes necessary to make them healthful, safe, and clean; provide procedures and methods to condemn and, if necessary, to tear down or destroy unsafe or unhealthful places, buildings, or structures.~~
- ~~14. Prescribe limits within businesses, occupations and practices apt to be nuisances or detrimental to the health, safety, morals, security, or general welfare of the people and maintain these limits.~~
- ~~15. License and inspect weights and measures and inspect, test, measure and weigh any article offered for sale within the City for consumption or use.~~
- ~~16. Establish, open, close, relocate, vacate, alter, widen, extend, grade, pave, improve, repair, construct, reconstruct, maintain, light, landscape, decorate, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, grounds and squares, bridges, viaducts, subways, tunnels, sewers and drains, and regulate the use thereof.~~
- ~~17. Abolish or prevent grade crossings, and provide for safe crossings, and compel any street, railway, railroad, or other transportation company or companies affected thereby to pay all or part of the cost thereof; regulate and control the location of aviation fields, hangars, and aircraft landing places; regulate and control the location, construction, operation, and use of all types of communication facilities; all subject to any superior regulatory authority.~~
- ~~18. Invest funds of the City, except as otherwise provided in this Charter, in time deposit certificates, in obligations of the United States, the State of Missouri of this City.~~
- ~~19. Extend or diminish the City limits by ordinance and as otherwise provided by law; merge with any other municipal corporation, but only upon the affirmative vote of a majority of the electors of Bridgeton.~~
- ~~20. Define, prohibit, suppress, prevent, and regulate all acts, practices, conduct, businesses, trades, callings, uses of property, and all other things whatsoever detrimental or apt to be detrimental to the health, safety, morals, comfort, security, convenience and welfare of the inhabitants of the City, and abate all nuisances.~~
- ~~21. Do all things necessary or expedient for promoting the comfort, education, morals, safety, security, peace, government, health, welfare, trade, commerce, or industry of the City and its inhabitants.~~
- ~~22. Provide for the enforcement of any ordinance, rule or regulation by means of fines, penalties, forfeitures, and imprisonment or by action or proceedings in the municipal court or in any court of competent jurisdiction, or by any one (1) or more of such means and impose costs as a part thereof, and provide for probation and parole in proper cases.~~
- ~~23. License, tax, and regulate all businesses, professions, occupations, vocations, activities, or things whatsoever set forth and enumerated by the laws of Missouri now or hereafter applicable to constitutional Charter City or cities of the first (1st), second (2nd), third (3rd), or fourth (4th) class, or any population group, and which any such cities are now or may hereafter be permitted by law to license, tax and regulate which shall include but not be limited to the following:~~

- a. ~~All wholesale or retail businesses buying, selling, or processing of food, clothing, cosmetics, furniture, drugs, medicines, furnishings, motor vehicles, household goods, hardware, textiles, plastic materials, metal, paper, wood, or rubber products, ice, fuel, gasoline, tobacco in any form, oil, beverages of every kind, magazines, jewelry, books, musical instruments, radios, television sets, electrical, gas, and oil appliances, construction materials, produce, livestock, poultry, dairy products, plants, real estate, shrubs, coal, feed and grain, boats, or any other property.~~
- b. ~~All private and common carriers engaged in the transportation of passengers or freight by air, bus, truck, train, automobile, or by any other means.~~
- c. ~~All manufacturing establishments making or processing ceramics, chemicals, metals, fibers, textiles, rubber, plastics, paper, wood, grains, rock, minerals, stone, nuclear products, airplanes, airplane products of all kinds, natural gas, petroleum or petroleum products, air, incendiary material, pyrotechnic materials, materials of vegetable origin, coal, ice, coke, cement, clay, oils, fats, waxes, glues, surface coatings, paints, detergents, hair, hides, material of animal or marine origin, explosives, building materials or products of all kinds, motor vehicles, medical and surgical supplies, coin operated devices, or any other goods or products.~~
- d. ~~All cleaning and pressing establishments, tailors, barber or beauty shops, banks, abstractors, accountants, finance, loan or trust companies, itinerant vendors, junk dealers, car washing establishments, surveyors, taxicab operators, laundries, machine shops, public utility companies, undertakers, upholsterers, bondsmen, locksmiths, brokers of whatever class or character including but not limited to insurance, investment, grain, bonding, real estate, and loan brokers.~~
- e. ~~All lotteries, games of chance, businesses for amusement or entertainment, all devices, structures, buildings, fields, and properties for amusement, entertainment, contests or exhibitions including but not limited to pool and billiard halls and parlors, bowling alleys, pinball machines, juke boxes, shooting galleries, swimming pools, golf courses and driving ranges, all coin operated devices, dance halls, theaters, and carnivals.~~
- f. ~~Private schools of every kind operated for profit, nursing homes, hotels, motels, kennels, trailer courts, tourist camps, boarding and lodging houses, and stables.~~
- g. ~~Contractors and subcontractors for the construction, alteration or performance of any facility, structure, machine, plant or service, including but not limited to carpentry, plumbing, cement and brick work, electrical work, flooring, excavating and grading, painting and interior decorating, plastering, tuckpointing, ventilation, glazing, stone work, tile work, roofing, tin work, heating, and all other improvements on real property, and those engaged in the sale of products in connection therewith.~~
- h. ~~Public utilities including electric, sewer, telephone, gas, and water companies.~~
- i. ~~All occupations for fee, salary, wage, retainer, stipend, or commission whether a profession, art, craft, trade, skill, or service in any degree whatsoever, or any combination thereof, not contrary to law.~~
- j. ~~All businesses in the service or repair or storage of any article, structure, or thing.~~

~~k. All land, water, or air vehicles whether automotive or otherwise, and operators, drivers, or pilots thereof.~~

~~l. The renting, selling, leasing, and buying of real property.~~

~~m. Agents or agencies for any occupation or business named herein.~~

~~A separate license tax may be imposed for each place of business conducted or maintained by the same person, firm, or corporation.~~

~~24. Compel by the issuance of process the attendance of witnesses and the production of papers and records relating to any subjects under investigation in which the interest of the City is involved, call upon the proper officers of the City or County to execute such process, and administer oaths in the same manner and with like effect under the same penalties as in the case of magistrates exercising criminal and civil jurisdiction under the laws of Missouri.~~

~~25. Contract and be contracted with; sue and be sued.~~

~~26. Make and collect special assessments on public or private property for public improvements, and provide for enforcing the prompt payment thereof by any appropriate means.~~

~~27. Provide for the enumeration of the inhabitants of the City for any purpose.~~

~~28. Regulate and restrict, for the purpose of promoting health, safety, morals, or the general welfare, the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, parking areas and other open spaces, the density of population, the preservation of features of historical interest and the location and use of buildings, structures and land for trade, industry, residence or other purpose; divide the City into districts for any or all of said purposes and regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land within such districts.~~

~~29. Cooperate or join by contract or otherwise, with other cities, Counties, States, the United States or other governmental bodies, singly or jointly or in districts or associations for promoting or carrying out any of the powers of the City, or for the acquisition, construction or operation of any property, works, plants, facilities, or structures convenient or necessary for carrying out any of the purposes or objects authorized by this Charter.~~

~~30. Establish and enforce gas, electric, water, and public transportation rates and charges for all other utilities owned and operated or services furnished by the City; establish or approve and enforce all rates and charges of privately owned utilities operating within the City not regulated by other public authority. All such rates and charges shall be determined after a public hearing and in accordance with regularly established procedures to be prescribed by ordinance.~~

~~31. Improve watercourses and regulate the use thereof.~~

~~32. Direct, regulate, and control the location and construction of all poles, wires, conduits, subways, pipe mains, or other structures or erections of any kind in, under, or over public streets, alleys, highways, or places in the City.~~

~~33. Provide for the purchase by the City of property levied upon and under execution, or process in favor of the City and of property when sold for delinquent taxes and assessments, and for the sale and conveyance of the same.~~

- ~~34. Provide for the support and care of sick, aged, insane, or poor persons and neglected or delinquent children; provide for the punishment of parents, guardians, or custodians for neglect of children.~~
- ~~35. Acquire, operate, and maintain charitable, educational, comfort, recreative, curative, penal, corrective, detentive, and other institutions, departments, functions, facilities, instrumentalities, conveniences and services.~~
- ~~36. Assess against property the costs of cutting and removing therefrom weeds and rubbish.~~
- ~~37. Provide for the clearance, replanning, reconstruction, redevelopment, and rehabilitation of blighted, sub-standard or unsanitary areas, and for recreational and other facilities incidental or appurtenant thereto, and for taking or permitting the taking, by eminent domain of property for such purposes, and when so taken the fee simple estate and title shall vest in the owner, who may sell or otherwise dispose of the property subject to such restrictions as may be deemed in the public interest.~~
- ~~38. Incur debts by borrowing money or otherwise and give appropriate evidence thereof as provided by approved budget and control procedures.~~
- ~~39. Provide for the employment of all personnel necessary to carry on the functions of all departments and agencies of the City.~~
- ~~40. Establish curfew regulations.~~
- ~~41. Adopt by reference, with or without notification, codes, standards, or regulations prepared by major technical trade or service associations, the State of Missouri, or any of its agencies, or the United States or any of its agencies relating to fire prevention, building, plumbing, electrical installations, food products, and all other subjects which the City has power to regulate, provided that a copy of every code, standard, or regulation so adopted and in effect shall be kept in the City Clerk's office and open to public inspection.~~
- ~~42. Manage, regulate, sell, lease, and dispose of the commons of the City and in connection therewith all powers heretofore granted to the Board of Trustees of the inhabitants of the Town of Bridgeton on or relating to the commons of said town are hereby vested and continued in the City Council of Bridgeton created by this Charter and said Council shall have power to manage, sell, lease, or otherwise regulate and dispose of all lots of ground, and all money or property to which the inhabitants are entitled for the benefit of schools, and may take all necessary steps to maintain suits to recover the same, or to effect compromises with conflicting claimants, and to appropriate such money or property in a manner they may consider most advantageous for the support of schools and the promotion of useful education in said City.~~
- ~~43. Enact, adopt, and enforce all ordinances, rules, and regulations; do all things and exercise all governmental and municipal authority necessary, appropriate, or convenient, contributing to or bearing a substantial relation to the full and complete exercise of all the power of this City.~~

ARTICLE IV. MUNICIPAL COURT

SECTION 4.01 Jurisdiction.

~~There shall be a municipal court which shall have jurisdiction to hear and determine all cases arising under the Charter or the ordinances of the City, and to assess punishment as therein provided. The proceedings of said court shall be conducted in accordance with the "Missouri Rules of Practice and Procedure in Municipal and Traffic Courts" as same have been promulgated by the Supreme Court of Missouri. The City Council may provide by ordinance for the selection of a municipal judge consistent with the provisions of this Article IV who shall have original jurisdiction to hear and determine all violations against the ordinances of the City as provided by law.~~

SECTION 4.02 Municipal Court Judge.

A. *Qualifications.* ~~The municipal court shall be presided over by a judge. No person shall serve as a municipal judge unless the person is licensed to practice law in the State of Missouri and is qualified to serve as a municipal judge pursuant to the law. He shall be a resident and registered voter of the City and a licensed member of the Missouri State Bar.~~

B. *Election*~~Appointment, Term.~~ The municipal ~~court~~ judge shall be elected **appointed** by the ~~registered voters of the City of Bridgeton~~ Mayor with the approval of a majority of the members of the City Council. ~~At the first (1st) election under this Charter the candidate receiving the greatest number of votes shall serve until the regular municipal election in the year 1969 and until his successor has been duly elected and qualified. Thereafter the candidate receiving the greatest number of votes for municipal court judge at the regular municipal election in 1969 and each two (2) years thereafter shall serve for a term of two (2) years until his successor has been duly elected and qualified. Any person appointed municipal judge on or after April 4, 2023 shall serve a term of two (2) years, and until his or her successor is appointed and qualified. There shall be no prohibition against the municipal court judge serving successive terms.~~

C. *Compensation.* The municipal ~~court~~ judge shall receive an annual salary of one thousand five hundred dollars (\$1,500.00) payable in monthly installments unless said compensation is altered **such compensation as may be established** by ordinance, **from time to time**. Any change in compensation shall not become effective during the current term of office of the then municipal ~~court~~ judge.

D. *Filling Vacancy.* If a vacancy shall occur in the office of **municipal** judge, the Mayor, with the approval of ~~the~~ a majority of the City Council, shall immediately ~~designate a temporary judge and the Mayor shall order a special election for the purpose of filling the vacancy, such election to be held not less than forty five (45) nor more than sixty (60) days after the vacancy occurs; provided, however, should a vacancy occur within six (6) months prior to a regular municipal election, appoint a qualified person as municipal judge the appointed judge shall serve until a successor is elected at such regular election, to fill the unexpired term, or for a full term if the regular term of the judge would expire at such election.~~

E. *Absence of Judge.* ~~If the municipal judge be absent, sick or disqualified from acting, a special municipal judge may be designated as provided by law. The municipal court judge shall at all times designate by order a person of like qualifications to act during his absence or disability.~~

~~SECTION 4.03 [RESERVED] Marshal. The Chief of Police and his subordinates shall serve as Marshal and Deputy Marshals of the municipal court and shall enforce orders, judgments, and decrees.~~

~~SECTION 4.04 Municipal Court Clerk [RESERVED].~~

~~There shall be a municipal court clerk who shall be appointed by and may be removed by the municipal court judge. His compensation shall be fixed by ordinance. The clerk shall have power to administer oaths and affirmations to witnesses in any cause pending before the court. A warrant may be issued under the hand of the clerk if the complaint or information is filed by the City Attorney. It shall be the duty of the clerk to maintain complete records of each case filed in the municipal court and to collect all fines assessed therein, account for same, and deliver such funds to the director of finance monthly.~~

ARTICLE V. ADMINISTRATIVE POSITIONS

~~SECTION 5.01 Administrative Assistant~~ **City Administrator.**

A. *Qualifications.* **The City Administrator shall be selected solely on the basis of executive and administrative qualifications with special reference to his or her actual experience and knowledge of accepted practice in respect to the duties of the office, and such further qualifications that may be required by Ordinance, or by this Charter.**

B. *Compensation.* **The City Administrator shall receive such compensation as the City Council shall fix from time to time.**

C. *Removal.* **The City Administrator may be removed by executive order of the Mayor after receiving the consent of a majority of the entire City Council, or by a two-thirds (2/3rd) vote of the entire City Council on its own initiative.**

D. *Powers and Duties.* **The City Administrator shall be the chief administrative officer of the City, and subject to the direction and supervision of the Mayor. The City Administrator shall be responsible for the administration of all City affairs placed in his or her charge by or under this Charter. In order to carry out these duties, the City Administrator shall have the following powers and duties:**

1. *Appointment and Removal of City Employees.* **Except as otherwise provided for in this Charter, the City Administrator may employ and, when the City Administrator deems it necessary for the good of the City, suspend or remove any City employees, consistent with the requirements of Article VIII of this Charter. The City Administrator may authorize any employee who is subject to the City Administrator's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency.**

2. *Administration of Departments.* The City Administrator shall have general superintending control of the administration and management of the government business, officers and employees of the City, and 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.

3. *Attend City Council Meetings.* The City Administrator shall attend all meetings of the City Council unless excused by the City Council. The City Administrator shall have the right to take part in discussions at meetings of the City Council but shall have no power to vote. The City Administrator shall receive notice of all meetings.

4. *Enforcement of Laws.* The City Administrator shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Administrator or by officers subject to the City Administrator's direction and supervision, are faithfully enforced.

5. *Budget and Capital Program.* The City Administrator shall prepare and submit a recommended annual budget, budget message and capital improvement program of not less than five (5) years to the Finance Commission established pursuant to Section 6.03 of this Charter.

6. *Other Reports.* The City Administrator shall make such reports as the Mayor and City Council may require concerning the operations of City departments, offices and agencies subject to the City Administrator's direction and supervision.

7. *Report of Financial Condition of City.* The City Administrator shall keep the Mayor and City Council fully apprised as to the financial condition and future needs of the City and make recommendations to the Mayor and City Council concerning the affairs of the City as the City Administrator deems desirable.

8. *Contract Administration.* Notwithstanding the provisions of Section 2.05(G) of this Charter to the contrary, the City Council may authorize the City Administrator to sign, negotiate and administer in behalf of the City all instruments, contracts, agreements, leases, deeds, mortgages, bonds, and other instruments binding the City or conveying an interest in property or other rights of the City to any corporation, association, legal entity or person.

9. *Other Duties.* The City Administrator shall perform such other duties as are specified in this Charter or may be required by the Mayor or City Council that are not inconsistent with this Charter or law.

The phrase "administrative assistant" as used anywhere in this Charter shall mean the "City Administrator".

~~There shall be an administrative assistant who shall be appointed by the Mayor. The administrative assistant may be removed by the Mayor upon approval by the affirmative vote of a majority of the City Council except that his term shall expire thirty (30) days after newly elected Mayor takes office. He shall be chosen solely on the basis of his executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practices in respect to the duties of his office as hereinafter set forth. He shall be responsible for:~~

- ~~1. Assisting the Mayor in the preparation of the budget and shall serve as budget officer.~~
- ~~2. The administration of an approved personnel system.~~
- ~~3. The administration of the centralized purchasing system.~~
- ~~4. Such other duties as the Mayor may prescribe.~~

~~He shall be directly responsible to the Mayor for the above mentioned duties and for the effective supervision and coordination of the work of the operating departments of the City. He shall receive compensation as determined by ordinance.~~ **SECTION 5.04 Police Department and Chief of Police.**

A. The City shall operate and maintain a police department on a twenty-four hour per day basis so that at least one police officer will always be on duty and available to respond to any call for assistance.

B. There shall be a Chief of Police appointed by the Mayor and approved by the City Council. He The Chief of Police shall be appointed on the basis of his or her administrative ability and his or her qualifications as a law enforcement officer. He The Chief of Police shall have a minimum of five (5) years' experience in law enforcement and must be a high school graduate or equivalent. He The Police Chief shall receive compensation as may be established determined by ordinance, from time to time.

The Chief of Police may be removed from office by the Mayor with the Consent of the City Council, as provided by law. Should the Mayor or Council consider the removal of the Chief of Police, such removal shall be referred to the police commission for its consideration. Such commission shall make its recommendation with regard to the removal of the Chief of Police to the Mayor and Council within twenty (20) days of referral of such matter to the commission. Upon receipt of the recommendation of the police commission, or the expiration of said twenty (20) day period without a recommendation by the commission the Mayor may, with the approval of the Council, remove the Chief of Police. The Mayor and Council shall give consideration to any recommendation of the police commission with regard to such removal but shall, in no event, be bound by any such recommendation.

ARTICLE VI. BOARDS AND COMMISSIONS

SECTION 6.03 [Reserved] Finance Commission.

~~A. Composition. There shall be a finance commission consisting of five (5) members who shall have been residents of the City for at least two (2) years prior to their appointment. In addition, one (1) Councilman shall serve as an ex officio member of the commission but without a vote.~~

~~B. Powers and Duties. The finance commission shall submit the following to the Mayor:~~

- ~~1. A budget for the ensuing fiscal year which shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year as required by State law, City ordinances, this Charter and/or City finance regulations. The budget shall also show, in~~

~~detail, all estimated income indicating the proposed property tax levy and all proposed expenditures including tax service, for the ensuing fiscal year. The expenditures proposed in the budget shall not exceed the revenue of the preceding year plus any accumulated surplus at the end of such year.~~

~~2. An accompanying message which shall explain the budget in both fiscal terms and in terms of indicated work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, and indicate any major changes from the current year in the financial policies, expenditures, and revenue together with the reasons for such changes.~~

~~3. A projected five (5) year capital program.~~

SECTION 6.04 Historical Commission

~~A. Composition.~~ There shall be a historical commission **consisting of members who are residents of the City. The composition, terms, powers and duties of the historical commission shall be provided by ordinance.** ~~consisting of nine (9) members.~~

~~B. Powers and Duties.~~ The historical commission shall:

~~1. Secure, receive, or acquire documents, letters, orders, objects, or any other material of historical importance to the City.~~

~~2. Submit to the Council recommendations for the acquisition of land, buildings, appurtenances, or objects of historical importance to the City.~~

~~3. Be responsible for safekeeping all documents, letters, orders, objects, land, buildings, appurtenances, or objects in its possession.~~

SECTION 6.06 [RESERVED] Personnel Commission.

~~A. Composition.~~ There shall be a personnel commission consisting of five (5) members. In addition, one (1) Councilman shall serve as an ex officio member of the commission but without a vote. All members of the personnel commission shall be persons who believe in the application of merit principles to public employment.

~~B. Duties.~~ The commission shall have such powers and duties as are assigned to it under Article VIII of this Charter and by ordinance.

SECTION 6.07 Planning Commission.

A. *Composition.* There shall be a Planning Commission consisting of ~~thirteen~~ **no less than nine (9)** members. The members of this commission shall be residents of the City **appointed by the Mayor with the approval of the Council.** ~~for two (2) years immediately prior to their appointment.~~ In addition, **the Planning Commission may include a member of the City Council selected by the City Council, if the City Council chooses to have a member serve on the Planning Commission who shall serve** ~~and one (1) Councilman shall serve as an ex officio member of the commission but without a vote.~~

B. *Powers and Duties.* **The Planning Commission shall have such powers and duties as are provided by State law and City ordinances.**

- ~~1. This commission shall draw up and adopt by a majority vote of its members, a master plan showing the general location of master streets, bridges, parks, open public space, present and future public buildings, including City property, hospitals, present and future schools, churches, general location of public utilities, police stations, fire departments, general areas of residential land use and desired densities, commercial land use and light and heavy industrial land use. The master plan must be updated and reviewed every two (2) years.~~
- ~~2. All requests for zoning changes and special use permits must be submitted to the Planning Commission in accordance with Article IX of this Charter.~~
- ~~3. The chairman of the commission shall appoint separate committees for planning, zoning, subdivision development, and such other committees the commission shall deem advisable.~~
- ~~4. This commission shall have such other rights and duties as assigned and granted to it under Chapter 89, Missouri Revised Statutes, 1959 and other State law.~~
- ~~5. The commission shall have power to seek advice from school and fire district boards, utilities and other City boards, and employ technical assistance as it considers necessary within its budget limitations.~~

SECTION 6.08 Police Commission.

A. *Composition.* There shall be a police commission consisting of five (5) members who shall have been residents of the City for two (2) years immediately prior to their appointment. In addition, one (1) Council ~~Member~~ **man** shall serve as an ex officio member of the commission but without a vote.

B. *Powers and Duties.* The police commission shall **have authority to:**

- ~~1. Recommend to the Mayor the appointment or dismissal of a Chief of Police;-~~
- ~~2. Interview and hire all police department employees with the approval of the Chief of Police.~~
- ~~3. Hear and determine appeals from decisions of the Chief of Police.~~
- ~~42. Recommend to the~~ **Upon Police Chief of Police recommendations, publish a manual of rules and regulations for the conduct, qualifications, and discipline of police department personnel.**
- ~~5. Annually prepare and submit a budget to the Mayor and finance commission.~~
- ~~63. Possess~~ **Exercise** such other powers and perform **such** duties with respect to the police administration and law enforcement as the Council may provide by ordinance.

ARTICLE VII. FINANCIAL PROCEDURES

SECTION 7.01 Director of Finance and Purchasing.

The ~~City Administrator administrative assistant~~ shall act as Director of Finance and Purchasing. ~~He~~ **The City Administrator** shall have authority and be required to:

1. Maintain the books, records, and general system of accounts for the City and each of its departments and offices in accordance with accepted principles and practices of municipal accounting.
2. Supervise and be responsible for the disbursement of all monies of the City and exercise control over all expenditures to ensure the budget appropriations are not exceeded. To this end, ~~he~~ **the City Administrator** shall be required to:
 - a. Certify, before any contract, order, or other document is executed by which the City would incur financial obligation, that the expenditure is within the purpose of the appropriation and that there is a sufficient unencumbered balance in the appropriation account to pay same.
 - b. Prescribe the forms of all financial records, receipts, vouchers, bills, and claims to be used by all City departments, agencies, and offices.
 - c. Audit and approve, before payment of bills, invoices, payrolls, and other claims and issue checks for payment of all such valid claims.
 - d. Inspect and audit any accounts or records of financial transactions and require financial reports from any City department, agency or office at such intervals as ~~he~~ **the City Administrator** may deem appropriate.
3. Collect or provide for the collection of all taxes, special assessments, fees, charges, amounts, and claims due to the City from any source whatsoever and receive from each City department, agency, or office any monies collected by it.
4. Have custody of all funds under the control of the City and deposit or invest such funds as directed by the **City Council**.
5. Submit to the **City Council** through the Mayor a monthly statement of all receipts and disbursements in such detail as to describe fully and clearly the financial condition of the City.
6. Pursuant to rules and regulations prescribed by ordinance, supervise and be responsible for the purchase, storage, and distribution of all supplies, materials, and equipment required by any department, agency or office of the City government, and establish procedures for the inspection, inventory, control, and transfer of all supplies, materials, and equipment. ~~He~~ **The City Administrator** shall also be responsible for securing all contractual services required by any department, agency or office of the City government, except for contracts for public improvements.
7. All purchases shall be made in accordance with purchasing ordinance procedures.

SECTION 7.03 Budget.

Upon receipt of the budget and supporting message, the **City Council** shall determine the time and place for a public hearing thereon and cause to be published a notice of such hearing, which shall

be held not less than seven (7) days after publication of such notice. All interested persons shall be given an opportunity to be heard.

After the conclusion of the public hearing, the **City** Council may increase, decrease, add, or delete items in said budget, except for expenditures fixed by law, provided that the total proposed expenditures shall not exceed the total revenue of the preceding year plus any accumulated surplus at the end of such year.

The budget shall be adopted by the affirmative vote of a majority of the members of the **City** Council not later than three (3) days prior to the end of each respective fiscal year.

Should the **City** Council take no final action by this date, the budget, ~~as submitted, shall be deemed to have been finally adopted.~~ **for the next preceding fiscal year, so far as the same shall relate to operation and maintenance expenses, shall be deemed to be reappropriated, until such time as the budget for the current fiscal year is approved by the City Council.**

Upon final adoption, the budget shall be certified by the Mayor and filed at the City Hall. Copies of the budget shall be available for use by all officials of the City, agencies, and offices and shall be available to all citizens and interested parties.

SECTION 7.04 Appropriations and Expenditures.

Simultaneously with the final adoption of the budget, the **City** Council shall adopt an appropriations ordinance approving the expenditures provided in the budget. If such ordinance is not adopted so that it can be in effect on the first (1st) day of the fiscal year, the expenditures in the budget shall be deemed appropriated to the departments, agencies, and offices for the purpose specified in the budget.

At the beginning of each budget year, the head of each City department, agency, and office shall submit a schedule designating the proposed monthly allotment of budget appropriations provided for each department, agency and office to the Mayor. The Mayor shall review the proposed allotments and may revise or alter same from time to time. A copy of the approved allotments and any amendments thereto shall be filed with the **City Administrator** ~~administrative assistant~~, who shall authorize expenditures only in accordance with such approved allotments. A transfer of an unencumbered appropriation balance from one (1) department to another may be made only upon authorization by the **City** Council. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been spent or lawfully encumbered.

SECTION 7.05 Audit

An independent audit made in accordance with recognized municipal auditing procedures shall be made of all accounts of the City at least annually, and more frequently if deemed necessary by the City Council. The audit shall be made by a certified public accountant or accountants, experienced in municipal accounting and selected by the City Council. The results of the audit shall be made public in such manner as the City Council may determine.

SECTION VIII. PERSONNEL PROCEDURES

SECTION 8.02 Personnel Director.

The **City Administrator** ~~administrative assistant~~ shall serve as personnel director and shall administer the personnel system of the City.

SECTION 8.03 [RESERVED] Personnel Commission.

~~There shall be a personnel commission as stated in Section 6.06 of this Charter.~~

SECTION 8.04 Personnel Rules.

The personnel director shall prepare **and recommend to the Mayor** personnel rules which shall in no way be in conflict with other provisions set forth in this Charter. ~~He shall refer such proposed rules to the personnel commission which shall report to the Mayor its recommendations thereon.~~ When approved by the Mayor the rules shall be proposed to the **City Council**, and the **City Council** shall, by ordinance, adopt them with or without amendment. ~~Such rules shall be proposed to the Council no later than November first (1st), 1967.~~ These rules shall provide for:

1. Classification of all City positions, based on duties, authority and responsibility of each position, with adequate provisions for reclassification of any position whenever warranted by changed circumstances.
2. Methods for determining the merit and fitness of candidates for appointments or for promotions.
3. A pay plan for all City positions.
4. Attendance regulations, hours of work, and provisions for vacations and sick leave.
5. The policies and procedures regulating the reduction in force and removal of employees.
6. Policies regarding in-service training programs.
7. ~~Grievance procedures, including procedures for the hearing of grievances by the personnel commission, which may render advisory opinions based on its findings to the Mayor with a copy to the aggrieved employee.~~
8. The policies and procedures governing persons holding provisional appointments.
9. Other practices and procedures necessary to the administration of the City personnel system.

SECTION 8.05 Prohibitions.

No person seeking employment by the City or promotion in employment shall either directly or indirectly give, render, or pay any money, service or other thing of value to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion.

No employee of the City other than elected officials shall continue in such employment after becoming a candidate for any public office.

~~The provisions of this Section may be enforced in any court of competent jurisdiction, and upon conviction of violating or conspiring to violate the provisions hereof, a person shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars~~

~~(\$500.00). The conviction of a~~ Any employee of such offense **in violation of this section forfeits his or her employment with the City** shall operate automatically to terminate his service. Any employee **who forfeits his or her office pursuant to this section shall not be eligible for reinstatement into City service.** ~~so removed shall not be reinstated into City service.~~

ARTICLE IX. PLANNING AND ZONING PROCEDURES

SECTION 9.01 Change in Zoning.

Any proposition for a change in the zoning ordinance may be initiated by the Planning Commission, **City** Council, or by request of the owner of the property directly affected thereby. Any such request by a property owner shall be submitted in writing, signed by the property owner, to the City Clerk who shall file said request and forthwith refer same to the Planning Commission.

The Planning Commission shall cause the City Clerk to ~~give~~ **send** not less than five (5) days' notice to the following by ~~certified~~ mail, of the date, time, and place of the meeting at which it shall consider any proposition for a change in the zoning ordinance, whether initiated by the Council, the Planning Commission, or by request of the property owner:

1. The property owner or owners ~~who are~~ directly affected by the proposed change. A general change in regulations for the entire City or for a particular zoning district shall not require notice to any property owners;
2. The ~~boards of education~~ **governing body** of the school districts;
3. The ~~boards of trustees~~ **governing body** of the fire **protection** districts; and
4. All owners of property within one hundred eighty-five (185) feet of the property proposed to be rezoned, if the proposition is for a specific zoning.

All notices to property owners as herein provided for shall be directed to such property owners at their addresses as shown on the tax records for said property in the City offices, or if no such addresses are listed in the City offices, in the offices of the Department of Revenue of St. Louis County. If no address of the property owner is indicated in conjunction with the property in either the tax records of the City or the Department of Revenue of St. Louis County, no notice need be mailed to the property owner. In any event the failure of any party entitled to notice hereunder to receive same shall not be cause to invalidate any proceedings conducted under this Article.

The Planning Commission shall consider each proposition for a change in the zoning ordinance initiated by the **City** Council or request of the property owner and make its recommendations thereon to the **City** Council within eighty (80) days of the referral of said request to the Planning Commission, unless the Council or the applicant agrees to an extension of the time. The affirmative vote of the majority of all members of the Planning Commission shall be required for any favorable recommendation on any zoning change.

Any change in the zoning ordinance against the recommendations of the Planning Commission may be adopted by the **City** Council only on the affirmative vote of three-fourths (3/4) of the entire membership of the **City** Council. Any request for a change in the zoning ordinance initiated by a

property owner which has been denied by the City Council may not be resubmitted for a period of six (6) months from the date of such denial.

SECTION 9.02 Special Use Permits.

All applications for a special use permit or similar permit, if such permits are authorized under the zoning ordinance, shall require the same procedure and be subject to the requirements of Section 9.01 of this Article as if such applications were for a change in zoning. **For purposes of this section, the term “special use permit” shall mean an administrative zoning permission that allows a property owner to put his or her property to a use that the regulations expressly permit under conditions specified in the zoning regulations themselves.**

SECTION 9.03 Additional Powers and Duties.

The Planning Commission shall have all powers and duties granted and assigned to the Planning Commission and zoning commission under Chapter 89, Missouri Revised Statutes, **as amended** 1959, and such other powers and duties granted and assigned to it by law or by ordinance.

ARTICLE X. PUBLIC IMPROVEMENTS

SECTION 10.01 ~~Power~~ Public Improvements and Special Assessments.

A. *Improvements.* The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general Ordinance consistent with applicable State laws.

B. *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 laws.

~~The City may make such public improvements as are authorized by Section 3.06 of this Charter and by law. The power to make public improvements may be exercised within or without the City limits for the benefit of the City and its inhabitants.~~

SECTION 10.02 Institution of Proceedings.

~~All proceedings to make any public improvements except emergency work or repairs requiring prompt attention, ordinary maintenance work, work to be paid for out of the general fund of the City for which specific provision was made in the budget, or work to be paid out of the proceeds of any bond issue authorized by the vote of the people, shall be initiated by the adoption of a resolution by the Council declaring the necessity of such improvement, specifying the general character and extent thereof, the material to be used therein in the case of street improvements, the probable total cost, and method of payment thereof. If a special benefit district is to be created, the resolution shall set forth the proposed boundaries.~~

SECTION 10.03 Public Hearings.

~~Upon the adoption of such resolution, the Council shall proceed to hold a public hearing if the improvement, other than emergency work or ordinary maintenance, is to be paid for in whole or in part out of the general funds of the City and specific provision therefor was not made in the budget, or the improvement is to be paid for in whole or in part by special bills which do not fall~~

~~within the exceptions hereinafter set out in Section 10.06. Such public hearing shall be held not less than twenty (20) nor more than forty (40) days after the adoption of the resolution.~~

~~The Council shall cause a copy of such resolution, together with notice of the date of the public hearing to be published for two (2) consecutive issues in a newspaper of general circulation in the City, the first (1st) of which shall be published at least fifteen (15) days prior to the hearing. In addition, if the costs of such public improvement are to be paid for in whole or in part by special tax bills or other evidences of assessment upon real property, the Council shall cause a copy of such resolution and notice to be mailed to the last known place of abode of the owners of all property, according to City records, against which it is proposed to assess benefits for the payment in whole or in part of the cost and expense of such work or improvement.~~

~~SECTION 10.04 Authorization of Improvement.~~

~~If the Council, after such public hearing, determines that it is in the public interest that such improvement or any part thereof be made, it shall by ordinance authorize such improvement, specify the method of payment therefor, and if any portion of the cost of the improvement is to be paid by special tax bills or assessments, the portion to be so paid, the boundaries of the district within which property is to be so assessed and the basis on which assessments will be made.~~

~~SECTION 10.05 Protests.~~

~~If at least forty percent (40%) of the resident owners of property who shall also own at least forty percent (40%) of the total front feet owned by residents of the City abutting on the proposed improvement or part thereof or included in a proposed special benefit district, and which property would be liable for the cost of the improvement, shall at least three (3) days prior to the public hearing file in writing with the City Clerk their protest against such improvement, the Council shall then authorize such improvement, only on the affirmative vote of at least three-fourths (3/4) of the members.~~

~~SECTION 10.06 Street Improvements.~~

~~The provisions of this Article relating to hearings and the filing of protests shall not be applicable where the cost of the improvement of any street or avenue to be paid for by special tax bills shall not exceed the amount which cities of the third (3rd) class are now or may hereafter be authorized by law to levy per front foot annually upon the property abutting upon any street or avenue to be improved. In such cases the Council shall cause a copy of the resolution declaring the necessity for the improvement of the street or avenue, together with notice of the date and time of the meeting at which the ordinance authorizing such improvement will be finally acted upon, to be mailed at least ten (10) days prior to the meeting to the last known place of abode of the owners of all property, according to the City records, against which assessments will be made.~~

~~SECTION 10.07 Plans and Specifications.~~

~~Before the passage of any ordinance authorizing a public improvement, the Mayor shall cause the City Engineer to prepare or have prepared, plans and specifications for the proposed improvements and the said plans and specifications shall become a part of the authorizing ordinance.~~

~~SECTION 10.08 Bids.~~

~~When public improvement work, except emergency work or repairs requiring prompt attention, is to be done by contract, the Mayor shall advertise for bids in the manner and upon such notice as may be prescribed by ordinance. The Mayor may reject any and all bids and re-advertise the work. On receipt of the bids, the Mayor, unless he exercise the right of rejection, shall let the contract to the lowest responsible bidder and shall cause the contract to be formally executed by himself on behalf of the City and by the contractor. Such contract shall be confirmed by ordinance before it becomes binding and effective. The contractor shall be required to give bond for the faithful performance of the contract and for the payment of all labor done and materials used in the improvement.~~

~~SECTION 10.09 Method of Payment.~~

~~Public improvements may be paid for in whole or in part out of:~~

- ~~1. The general funds of the City,~~
- ~~2. The revolving public improvement fund herein authorized,~~
- ~~3. The proceeds of bonds, and~~
- ~~4. Special assessments on benefited property that may be evidenced by special tax bills issued to the contractor.~~

~~In case payment is to be made in whole or in part to the contractor by special tax bills, the City shall in no event be liable for the payment of such bills. Any such tax bills may be purchased by the City from the contractor out of any funds available for such purpose.~~

~~SECTION 10.10 Special Tax Bills.~~

~~The Council, upon the completion of any public work to be paid for by special tax bills, shall, by ordinance, direct the issuance of such bills. The tax bills so authorized shall thereupon become a lien upon the property charged therewith, which lien shall continue for six (6) years from the date of issue, unless sooner paid or unless suit be brought to collect the same within that time, in which case the lien shall continue until the final termination of the proceedings to collect.~~

~~There shall be no priority among special tax bills issued under the Charter, regardless of the date of such bills. They shall be payable to the party entitled thereto either at the office of the budget officer or at some bank or trust company in Saint Louis City or County, at the option of the party so entitled. They shall promptly be registered in the office of the budget officer and delivered to the person entitled.~~

~~Special tax bills shall be prima facie evidence of what they contain and of their own validity, and no mere informality or clerical mistake in any of the proceedings shall be a defense. Such tax bills shall mature at such times and bear such rate of interest as may be prescribed by ordinance directing the issuance thereof, and at the request of the property owner, made in writing to the budget officer, at least thirty (30) days prior to the issuance of the bills, may be made payable in annual installments, not exceeding five (5). On default in the payment of any installment, the whole amount of the special tax bill shall at the election of the holder, become due and payable. All special tax bills authorized in this Article shall be assignable.~~

~~SECTION 10.11 Property Subject to Special Assessment.~~

All property, whether publicly or privately owned, within the boundaries of any benefit district established by the Council, shall be liable for special assessments made or special tax bills issued against the property. Should any property deemed benefited by any public improvement be exempt from assessment by virtue of any provision of law, the proportionate share of the cost of the improvement which would have been assessed against such property, shall be paid out of City funds.

SECTION 10.12 Reassessments.

If any such special tax bill or special assessment fails to be valid in whole or in part, or if for any cause, mistake, or inadvertence the amount assessed shall not be sufficient to pay the cost of such improvements, the Council shall have authority to cause such assessment to be reassessed.

SECTION 10.13 Apportionment of Costs.

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

SECTION 10.14 Additional Provisions.

The Council may make further provisions by general ordinance, not inconsistent herewith, for special assessments, the issuance of special tax bills, the manner and basis of assessment, the collection thereof, and all matters incidental thereto.

SECTION 10.15 Revolving Public Improvement Fund.

There is hereby created a fund to be known as the "Revolving Public Improvement Fund." Such fund may be established and maintained from the following sources:

1. Appropriation from the general revenue funds.
2. Proceeds from bond issues as provided in this Charter.
3. Collection of special tax bills or special assessments, and any interest thereon levied or issued for public improvements previously paid for out of said revolving improvement fund.
4. The proceeds from the sale of special tax bills.
5. Any other source permitted by law or by ordinance.

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

ARTICLE XI. NOMINATIONS AND ELECTIONS

SECTION 11.01 Time of Elections.

A regular election for the choice of elective municipal officials shall be held annually in **on the first Tuesday after the first Monday in April, or on a such date as may be** established by State Statute ~~or by ordinance~~. The Council may by resolution, call, set the time of, and provide for holding special elections.

SECTION 11.04 Nominations.

Nominations of candidates for all elective officials shall be by petition. No voter shall sign more than one (1) nominating petition for each office to be filled, and if a voter signs more than one (1) nominating petition, his signature shall be void except as to the first (1st) filed of the petitions signed by him **or her**. Petitions for Councilman ~~man~~ **Member** shall be signed by not less than fifty (50) registered voters who are entitled to vote for the candidate nominated. Petitions for all other elective officials shall be signed by not less than one hundred (100) registered voters of the City.

Said petitions shall be submitted on forms provided by the City Clerk and shall contain the name and address of the nominee, in form in which the name is to appear on the ballot, the office for which he is being nominated, the certification that the signer is a registered voter, together with a statement of acceptance of the nomination by the nominee. Upon receipt of said petitions, the City Clerk will enter the date and time of day received and verify the fact that there is no duplication of signatures before forwarding to the board of election commissioners.

Nominating petitions shall be filed with the City Clerk at the City Hall during regular business hours not earlier than the fourth (4th) Monday before the last day by which the City Clerk must notify the Board of Election Commissioners concerning such election nor later than the day before the last day which the City Clerk must make such notification. The City Clerk shall notify a candidate of any insufficiency in a nominating petition within twenty-four (24) hours after the City Clerk may receive notice from the Board of Election Commissioners whether or not the nominating petition is sufficient. Within the regular filing time for filing petitions, new or supplemental petitions may be filed for the same candidate.

The petition for each candidate nominated shall be preserved by the City Clerk until the expiration of the term of office for which he has been nominated, **or as may otherwise be required by law**.

SECTION 11.05 Ballots.

A. *Names on Ballots.* The names of all candidates nominated for municipal office shall appear as designated on the petition for candidacy, except those who have withdrawn, died, or become ineligible. They shall be printed on the official ballots without party designation or symbol by the board of election commissioners. If two (2) or more candidates have the same surname or surnames so similar as to be likely to cause confusion their residence addresses shall be printed with their names on the ballot.

B. *Rotation.* The names of the candidates shall be arranged in the order of the time and date of filing, ~~as specified and printed by the board of election commissioners. The Council may request the board of election commissioners to rotate the names of the candidates by placing the names on the ballot in alphabetical order of their surnames for the first (1st) fifty (50) ballots. The second (2nd) fifty (50) ballots shall appear in the same order except that the first (1st) name of the candidate on the top of the first (1st) fifty (50) ballots shall appear last. In each succeeding group~~

~~of fifty (50) ballots the names shall appear in the same order immediately preceding, except that the first (1st) name of the candidate on the top of the preceding fifty (50) ballots shall appear last.~~

~~If voting machines are used, the names of candidates shall, insofar as possible, be rotated on the different machines to accomplish the same purpose as that accomplished by the rotation of names on printed ballots.~~

SECTION 11.06 Watchers and Challengers.

A regular nominated candidate may upon written application to the board of election commissioners at least five (5) days before the election, appoint two (2) persons to represent him **or her** as watchers and challengers as permitted by the board of election commissioners at each polling place where the voters may cast their ballots for him **or her**. A person so appointed shall have all the rights and privileges prescribed for watchers and challengers by or under the general election laws of the State of Missouri. The watchers and challengers may exercise their rights throughout the voting and until the ballots have been counted.

SECTION 11.07 Determination of Election Results.

A. Majority. The candidate receiving the highest number of votes for each office shall be declared elected, as per the results forwarded to the City Clerk by the board of election commissioners.

B. Tie Vote. If two (2) or more candidates receive an equal number of votes **and a higher number of votes than any other candidate for the same office** for the same office, another **special election between the candidates so tied shall be held at the next available election as provided by State law within thirty (30) days after the original election.**

**Note:* I would note for your consideration the language of Section 115.517(4), RSMo., which states, in pertinent part, as follows: "if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time and place of such drawing given to each such candidate at least five days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his name put into such drawing."

SECTION 11.08 Ballots, Petitions, Charter Amendments.

A petition, ballot or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (petition, ordinance, amendment) be adopted?" Immediately below such question shall appear, in the following order, the words "yes" and "no," and to the left of each square in which by making a cross (x) the voter may cast his vote. Said ballots shall be prepared and the election conducted according to the regulations of the board of election commissioners.

SECTION 11.09 Special Elections.

The City Clerk shall receive all requests or orders for a special election and shall submit same to the board of election commissioners. The City Clerk shall also contact the board of election

commissioners to the end that, if at all possible, any special election may be held in conjunction with other special elections in the same district so as to share cost of same.

SECTION 11.10 ~~Availability of List of Qualified Voters~~ **[RESERVED]**.

~~If for any purpose relating to a general City or special election or to candidates or issues involved in such elections, any organization, group or person requests a list of qualified voters of the City, the department, office, or agency which has custody of that list shall either permit the organization, group or person to copy the voters' names and addresses from the list or furnish a copy of same provided by the board of election commissioners.~~

SECTION 11.11 Council Wards, Adjustment of Wards.

A. *Number of Wards.* There shall be four (4) City Council wards.

B. *Districting Commission.* The Council shall appoint five (5) persons, at least one (1) from each City Council ward, and each a qualified voter as determined from the registration for the last statewide general election, who shall comprise the districting commission. The voters chosen shall not be employed by the City in any other capacity.

C. *Report, Specifications.* By the first (1st) day of December, 1981, and **no less frequently than** every ten (10) years thereafter, or every five (5) years thereafter should the Federal census be taken every five (5) years, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment, if necessary, of the Council ward boundaries so that each ward is in compliance with the following specifications.

1. Each ward shall be contiguous and compact and shall contain as nearly as practicable the same number of residents, determined from the most recent Federal decennial census or other most recent census, and in no event shall the number of residents in any ward vary by more than two percent (2%) from the number of residents in any other ward.

2. The report shall include a map and a written description of the wards recommended and shall include a report of the number of residents in each such ward. Such report shall be drafted as a proposed ordinance. Once filed with the City Clerk, the report shall be treated as a proposed ordinance. In the event of any discrepancy, the written description of ward boundaries shall govern over the map showing such boundaries.

D. *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances.

E. *Failure to Enact Ordinance.* The Council shall adopt the ordinance at least ninety (90) days before the next regular City election. If the Council fails to do so by such date, the matter shall be referred to the circuit court of St. Louis County.

F. *Effect of Enactment.* The new Council wards and boundaries, as of the date of enactment, shall supersede previous Council wards and boundaries for all the purposes of the next regular City election, including nominations. The new wards and boundaries shall supersede previous wards and boundaries for all other purposes as of the date on which all Councilmen elected at that regular City election take office, except that nothing herein contained shall be construed as terminating the office of any Council **Member** ~~man~~ until his regular term of office has expired.

ARTICLE XII. INITIATIVE, REFERENDUM & RECALL

SECTION 12.03 Recall.

Any officer elected by popular vote may be removed **for cause** by the electors qualified to vote for his **or her** successor, such power to be known as the recall. A petition requesting the removal of an incumbent shall be signed by voters of the City equal in number to twenty percent (20%) of the registered voters qualified to vote for the office in question as shown by the registration records at the time of the last regular municipal election.

SECTION 12.05 Filing and Certification of Petitions.

Within ten (10) days after a petition is filed, the City Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his **or her** examination of the petition, the City Clerk shall certify the result thereof to the Council at its next regular meeting. If ~~he~~ the City Clerk shall certify that the petition is insufficient, ~~he~~ the City Clerk shall set forth in ~~his~~ the City Clerk's certificate the particulars in which it is defective, and ~~he~~ the City Clerk shall at once mail a copy of the certificate to the person filing the petition.

SECTION 12.07 Effect of Initiative Petition.

When an initiative petition has been certified to the Council as sufficient by the City Clerk, the Council shall proceed at once to consider the proposed ordinance. If the ordinance proposed by the initiative has not been finally adopted within thirty (30) days after certification, the Council shall **submit the proposed ordinance to the qualified voters of the City at the next available election as prescribed by law. ~~call a special election to be held within ninety (90) days thereafter, unless a general election is to be held within such period. At such special or general municipal election, such proposed ordinance shall be submitted without alteration to the vote of the voters of the City. The enacting clause of such proposed ordinance shall be: Be it ordained by the people of Bridgeton, Missouri.~~** The Initiative question shall be submitted to the voters in substantially the following form:

"SHALL THE CITY OF BRIDGETON, MISSOURI, ADOPT AN

SECTION 12.08 Effect of a Referendum Petition.

When a referendum petition has been certified to the Council as sufficient by the City Clerk, the ordinance specified in the petition shall be suspended unless and until approved by the voters as hereinafter provided. The Council shall proceed at once to reconsider the referred ordinance. If the ordinance specified in any referendum petition shall not be finally repealed within thirty (30) days after such certification, the Council shall **submit the repeal of the ordinance to the qualified voters of the City at the next available election as prescribed by law. ~~a special election to be held within ninety (90) days thereafter, unless a general election is to be held within such period.~~** At such ~~special or general municipal~~ election, ~~such ordinance shall be submitted without alteration to the vote of the voters of the City upon the question: Shall the ordinance specified in the referendum petition be approved?~~ the Referendum question shall be submitted to the voters in substantially the following form:

"SHALL ORDINANCE (_____), (insert Ordinance number and subject matter) BE REPEALED?"

YES _____ NO _____

SECTION 12.11 Recall Election.

When a recall petition has been certified to the Council as sufficient by the City Clerk, the Council shall, ~~set a date for holding the election~~ not less than thirty (30) days nor more than forty-five (45) days thereafter, **set a date for holding the election at the next available election as prescribed by law.** If such office becomes vacant prior to the election such election shall be cancelled, and the vacancy shall be filled as provided in previous Sections of the Charter.

ARTICLE XIII. GENERAL PROVISIONS

SECTION 13.11 Personal Interest.

~~No~~ Any officer, employee or members of a board or commission of the City ~~shall have financial who has substantial financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, equipment or services shall make known that interest in writing to the City and shall refrain from voting upon or otherwise participating in his or her capacity as a City officer or employee in the making of such sale or purchase 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 employment and shall forfeit his or her office or employment. 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. Any violation of this Section shall render the contract voidable by the City and the person violating this Section shall forfeit his office or employment and be subject to such additional penalties as may be provided by ordinance.~~

~~No officer, employee or member of a board or commission of the City shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties.~~

~~Any officer, employee or member of a board or commission who has a financial or other private interest in the City legislation shall disclose on the records of the Council the nature and extent of such interest.~~

SECTION 13.12 Political Solicitation.

No officer, employee or member of a board or commission shall, directly or indirectly, solicit, ~~accept or receive or be in any manner concerned in soliciting, obtaining or receiving~~ any ~~financial~~ monetary contribution or ~~individual service assistance, financial or otherwise,~~ for any political purpose whatsoever from any ~~classified~~ appointive officer or employee of the City. No ~~classified~~ employee of the City shall participate in the political campaign of any candidate for City

office. **All officers and employees of the City may exercise their rights as private citizens to express opinions and, if registered qualified voters in the City, to vote in any City election.**

SECTION 13.17 Masculine Pronoun.

Throughout this Charter, all personal pronouns, whether used in the masculine, feminine or neuter gender, shall include all other genders, and the singular shall include the plural and vice versa. ~~the general use of the masculine pronoun is understood to apply to either sex.~~

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IV. CLEAN DRAFT OF AMENDMENTS TO CHARTER

ARTICLE I. POWERS OF THE CITY

SECTION 1.02. Form of Government

The municipal government provided by this Charter shall be of the type generally known as a Mayor-City Administrator-Council government. All powers of the City shall be vested in the Mayor and City Council subject only to the limitations imposed by the Constitution of the State of Missouri and this Charter, except as hereinafter otherwise specified.

ARTICLE II. MAYOR

SECTION 2.02. Election, Term

The Mayor shall be elected by the qualified voters of the City of Bridgeton. At the first (1st) election under this Charter the candidate receiving the greatest number of votes for Mayor shall serve until the regular municipal election in the year 1971, and until his successor has been duly elected and qualified. Thereafter, the candidate receiving the greatest number of votes for Mayor at the regular municipal election in 1971, and each four (4) years thereafter, shall serve for a term of four (4) years and until his successor has been duly elected and qualified. There shall be no prohibition against a Mayor serving successive terms in office; provided that no person shall be elected to serve more than sixteen (16) consecutive years as Mayor. In applying this Section, service as Mayor resulting from an election prior to April 4, 2023, or service of less than four (4) years by a person elected or appointed after April 4, 2023, to complete the term of another person, shall not be counted. Any person that serves sixteen (16) consecutive years as Mayor shall, thereafter, qualify to serve as Mayor after having remained out of the office of Mayor for one four (4) year term.

SECTION 2.04 Vacancy.

B. *Forfeiture of Office.* The Mayor shall forfeit his or her or her office if he or she or she lacks at any one (1) time during his or her term of office any qualification for the office prescribed by this Charter or by law, violates any express prohibition of this Charter, or is convicted of a crime involving moral turpitude. The Mayor, upon being charged with conduct constituting grounds for forfeiture of office shall be entitled to a hearing before the City Council sitting as a board of impeachment. The City Council may pass ordinances regulating the manner of impeachments and removals. The Mayor, upon being charged with conduct constituting grounds for forfeiture of office shall be entitled to a hearing before the City Council sitting as a board of impeachment. The City Council may pass ordinances regulating the manner of impeachments and removals.

SECTION 2.05 Powers and Duties.

...

D. The Mayor shall appoint, subject to the approval of the City Council, a City Administrator, City Clerk, Chief of Police, City Attorney, such other officers as are designated in this Charter or

by law to be appointed by the Mayor, and members of all boards and commissions whose appointments are not otherwise provided for in this Charter. If any appointment made by the Mayor is rejected by the City Council, the Mayor may make a temporary appointment of a person with the required qualifications to serve until an appointee named by him or her to such office is approved by the Council. In all such cases, however, within sixty (60) days after the rejection of such permanent nominee the Mayor shall submit to the Council the name of some person, other than such rejected nominee, for permanent appointment to such office, board, or commission.

...

F. RESERVED.

...

ARTICLE III. CITY COUNCIL

SECTION 3.01. Composition, Term, Election.

The City Council shall consist of eight (8) members, two (2) elected from each ward, by the qualified voters thereof. Each member of the City Council shall be elected for a term of two (2) years and shall serve until his successor shall be elected, except as otherwise provided herein.

At each election after April 4, 2023, members of the City Council elected by the qualified voters of the City shall hold office for the term of three (3) years, and until their successors are elected and qualified. Any person elected to serve as a member of the City Council shall be eligible for reelection.

SECTION 3.02. Qualifications.

B. A Council Member must be at least twenty-one (21) years of age, a qualified voter in the City of Bridgeton, a resident of the City for two (2) years immediately prior to his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected. Members of the City Council shall hold no other remunerative position in the City government during his or her term.

SECTION 3.04 Vacancies.

B. *Forfeiture of Office.* A member of City Council shall forfeit his or her office should he or she lack at any time during his or her term of office any qualification for the office prescribed by this Charter or by law. The Council shall be the judge of the qualifications of its members and for that purpose shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a hearing before the City Council sitting as a board of impeachment. The City Council may pass ordinances regulating the manner of impeachments and removals.

C. *Filling Vacancies.* A vacancy in the Council shall be filled by a majority vote of its remaining members. The successor shall serve until the next regular municipal election. The City Council may adopt procedures to fill vacancies consistent with this section.

SECTION 3.06. Where Power Vested.

Except as otherwise provided in this Charter, all powers of the City shall be vested in the City Council. The City Council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the City by law. The City Council may to the fullest extent permitted by law delegate any of the powers vested herein to any board, commission, or officer of the City as it may deem appropriate, advantageous, or necessary for the proper and efficient undertaking of the public business.

ARTICLE IV. MUNICIPAL COURT

SECTION 4.01 Jurisdiction.

The City Council may provide by ordinance for the selection of a municipal judge consistent with the provisions of this Article IV who shall have original jurisdiction to hear and determine all violations against the ordinances of the City as provided by law.

SECTION 4.03 [RESERVED]

SECTION 4.02 Municipal Judge.

- A. *Qualifications.* No person shall serve as a municipal judge unless the person is licensed to practice law in the State of Missouri and is qualified to serve as a municipal judge pursuant to the law.
- B. *Appointment, Term.* The municipal judge shall be appointed by the Mayor with the approval of a majority of the members of the City Council. Any person appointed municipal judge on or after April 4, 2023 shall serve a term of two (2) years, and until his or her successor is appointed and qualified. There shall be no prohibition against the municipal court judge serving successive terms.
- C. *Compensation.* The municipal court judge shall receive such compensation as may be established by ordinance, from time to time. Any change in compensation shall not become effective during the current term of office of the then municipal ~~court~~ judge.
- D. *Filling Vacancy.* If a vacancy shall occur in the office of municipal judge, the Mayor, with the approval of a majority of the City Council, shall immediately appoint a qualified person as municipal judge to fill the unexpired term.
- E. *Absence of Judge.* If the municipal judge be absent, sick or disqualified from acting, a special municipal judge may be designated as provided by law.

SECTION 4.04. [RESERVED].

ARTICLE V. ADMINISTRATIVE POSITIONS

SECTION 5.01 City Administrator.

A. *Qualifications.* The City Administrator shall be selected solely on the basis of executive and administrative qualifications with special reference to his or her actual experience and knowledge of accepted practice in respect to the duties of the office, and such further qualifications that may be required by Ordinance, or by this Charter.

B. *Compensation.* The City Administrator shall receive such compensation as the City Council shall fix from time to time.

C. *Removal.* The City Administrator may be removed by executive order of the Mayor after receiving the consent of a majority of the entire City Council, or by a two-thirds (2/3rd) vote of the entire City Council on its own initiative.

D. *Powers and Duties.* The City Administrator shall be the chief administrative officer of the City, and subject to the direction and supervision of the Mayor. The City Administrator shall be responsible for the administration of all City affairs placed in his or her charge by or under this Charter. In order to carry out these duties, the City Administrator shall have the following powers and duties:

1. *Appointment and Removal of City Employees.* Except as otherwise provided for in this Charter, the City Administrator may employ and, when the City Administrator deems it necessary for the good of the City, suspend or remove any City employees, consistent with the requirements of Article VIII of this Charter. The City Administrator may authorize any employee who is subject to the City Administrator's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency.
2. *Administration of Departments.* The City Administrator shall have general superintending control of the administration and management of the government business, officers and employees of the City, and 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.
3. *Attend City Council Meetings.* The City Administrator shall attend all meetings of the City Council unless excused by the City Council. The City Administrator shall have the right to take part in discussions at meetings of the City Council but shall have no power to vote. The City Administrator shall receive notice of all meetings.
4. *Enforcement of Laws.* The City Administrator shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Administrator or by officers subject to the City Administrator's direction and supervision, are faithfully enforced.
5. *Budget and Capital Program.* The City Administrator shall prepare and submit a recommended annual budget, budget message and capital improvement program of not less

than five (5) years to the Finance Commission established pursuant to Section 6.03 of this Charter.

6. *Other Reports.* The City Administrator shall make such reports as the Mayor and City Council may require concerning the operations of City departments, offices and agencies subject to the City Administrator's direction and supervision.

7. *Report of Financial Condition of City.* The City Administrator shall keep the Mayor and City Council fully apprised as to the financial condition and future needs of the City and make recommendations to the Mayor and City Council concerning the affairs of the City as the City Administrator deems desirable.

8. *Contract Administration.* Notwithstanding the provisions of Section 2.05(G) of this Charter to the contrary, the City Council may authorize the City Administrator to sign, negotiate and administer in behalf of the City all instruments, contracts, agreements, leases, deeds, mortgages, bonds, and other instruments binding the City or conveying an interest in property or other rights of the City to any corporation, association, legal entity or person.

9. *Other Duties.* The City Administrator shall perform such other duties as are specified in this Charter or may be required by the Mayor or City Council that are not inconsistent with this Charter or law.

The phrase “administrative assistant” as used anywhere in this Charter shall mean the “City Administrator”.

SECTION 5.04 Police Department and Chief of Police.

A. The City shall operate and maintain a police department on a twenty-four hour per day basis so that at least one police officer employed by the City will always be on duty and available to respond to any call for assistance.

B. There shall be a Chief of Police appointed by the Mayor and approved by the City Council. The Chief of Police shall be appointed on the basis of his or her administrative ability and his or her qualifications as a law enforcement officer. The Chief of Police shall have a minimum of five (5) years' experience in law enforcement and must be a high school graduate or equivalent. The Police Chief shall receive compensation as may be established by ordinance, from time to time.

The Chief of Police may be removed from office by the Mayor with the Consent of the City Council, as provided by law.

ARTICLE VI. BOARDS AND COMMISSIONS

SECTION 6.03 [RESERVED]

SECTION 6.04 Historical Commission

There shall be a historical commission consisting of members who are residents of the City. The composition, terms, powers and duties of the historical commission shall be provided by ordinance.

SECTION 6.06 [RESERVED]

SECTION 6.07 Planning Commission.

A. *Composition.* There shall be a Planning Commission consisting of no less than nine (9) members. The members of this commission shall be residents of the City appointed by the Mayor with the approval of the Council. In addition, the Planning Commission may include a member of the City Council selected by the City Council, if the City Council chooses to have a member serve on the Planning Commission who shall serve without a vote.

B. *Powers and Duties.* The Planning Commission shall have such powers and duties as are provided by State law and City ordinances.

SECTION 6.08 Police Commission.

A. *Composition.* There shall be a police commission consisting of five (5) members who shall have been residents of the City for two (2) years immediately prior to their appointment. In addition, one (1) Council Member shall serve as an ex officio member of the commission but without a vote.

B. *Powers and Duties.* The police commission shall have authority to:

1. Recommend to the Mayor the appointment or dismissal of a Chief of Police;
2. Recommend to the Chief of Police rules and regulations for the conduct, qualifications, and discipline of police department personnel.
3. Exercise such other powers and perform such duties with respect to the police administration and law enforcement as the Council may provide by ordinance.

ARTICLE VII. FINANCIAL PROCEDURES

SECTION 7.01 Director of Finance and Purchasing.

The City Administrator shall act as Director of Finance and Purchasing. The City Administrator shall have authority and be required to:

1. Maintain the books, records, and general system of accounts for the City and each of its departments and offices in accordance with accepted principles and practices of municipal accounting.
2. Supervise and be responsible for the disbursement of all monies of the City and exercise control over all expenditures to ensure the budget appropriations are not exceeded. To this end, the City Administrator shall be required to:

- a. Certify, before any contract, order, or other document is executed by which the City would incur financial obligation, that the expenditure is within the purpose of the appropriation and that there is a sufficient unencumbered balance in the appropriation account to pay same.
 - b. Prescribe the forms of all financial records, receipts, vouchers, bills, and claims to be used by all City departments, agencies, and offices.
 - c. Audit and approve, before payment of bills, invoices, payrolls, and other claims and issue checks for payment of all such valid claims.
 - d. Inspect and audit any accounts or records of financial transactions and require financial reports from any City department, agency or office at such intervals as the City Administrator may deem appropriate.
3. Collect or provide for the collection of all taxes, special assessments, fees, charges, amounts, and claims due to the City from any source whatsoever and receive from each City department, agency, or office any monies collected by it.
 4. Have custody of all funds under the control of the City and deposit or invest such funds as directed by the City Council.
 5. Submit to the City Council through the Mayor a monthly statement of all receipts and disbursements in such detail as to describe fully and clearly the financial condition of the City.
 6. Pursuant to rules and regulations prescribed by ordinance, supervise and be responsible for the purchase, storage, and distribution of all supplies, materials, and equipment required by any department, agency or office of the City government, and establish procedures for the inspection, inventory, control, and transfer of all supplies, materials, and equipment. The City Administrator shall also be responsible for securing all contractual services required by any department, agency or office of the City government, except for contracts for public improvements.
 7. All purchases shall be made in accordance with purchasing ordinance procedures.

SECTION 7.03 Budget.

Upon receipt of the budget and supporting message, the City Council shall determine the time and place for a public hearing thereon and cause to be published a notice of such hearing, which shall be held not less than seven (7) days after publication of such notice. All interested persons shall be given an opportunity to be heard.

After the conclusion of the public hearing, the City Council may increase, decrease, add, or delete items in said budget, except for expenditures fixed by law, provided that the total proposed expenditures shall not exceed the total revenue of the preceding year plus any accumulated surplus at the end of such year.

The budget shall be adopted by the affirmative vote of a majority of the members of the City Council not later than three (3) days prior to the end of each respective fiscal year.

Should the City Council take no final action by this date, the budget, for the next preceding fiscal year, so far as the same shall relate to operation and maintenance expenses, shall be deemed to be reappropriated, until such time as the budget for the current fiscal year is approved by the City Council.

Upon final adoption, the budget shall be certified by the Mayor and filed at the City Hall. Copies of the budget shall be available for use by all officials of the City, agencies, and offices and shall be available to all citizens and interested parties.

SECTION 7.04 Appropriations and Expenditures.

Simultaneously with the final adoption of the budget, the City Council shall adopt an appropriations ordinance approving the expenditures provided in the budget. If such ordinance is not adopted so that it can be in effect on the first (1st) day of the fiscal year, the expenditures in the budget shall be deemed appropriated to the departments, agencies, and offices for the purpose specified in the budget.

At the beginning of each budget year, the head of each City department, agency, and office shall submit a schedule designating the proposed monthly allotment of budget appropriations provided for each department, agency and office to the Mayor. The Mayor shall review the proposed allotments and may revise or alter same from time to time. A copy of the approved allotments and any amendments thereto shall be filed with the City Administrator, who shall authorize expenditures only in accordance with such approved allotments. A transfer of an unencumbered appropriation balance from one (1) department to another may be made only upon authorization by the City Council. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been spent or lawfully encumbered.

SECTION 7.05 Audit

An independent audit made in accordance with recognized municipal auditing procedures shall be made of all accounts of the City at least annually, and more frequently if deemed necessary by the City Council. The audit shall be made by a certified public accountant or accountants, experienced in municipal accounting and selected by the City Council. The results of the audit shall be made public in such manner as the City Council may determine.

SECTION VIII. PERSONNEL PROCEDURES

SECTION 8.02 Personnel Director.

The City Administrator shall serve as personnel director and shall administer the personnel system of the City.

SECTION 8.03 [RESERVED]

SECTION 8.04 Personnel Rules.

The personnel director shall prepare and recommend to the Mayor personnel rules which shall in no way be in conflict with other provisions set forth in this Charter. When approved by the Mayor the rules shall be proposed to the City Council, and the City Council shall, by ordinance, adopt them with or without amendment. These rules shall provide for:

1. Classification of all City positions, based on duties, authority and responsibility of each position, with adequate provisions for reclassification of any position whenever warranted by changed circumstances.
2. Methods for determining the merit and fitness of candidates for appointments or for promotions.
3. A pay plan for all City positions.
4. Attendance regulations, hours of work, and provisions for vacations and sick leave.
5. The policies and procedures regulating the reduction in force and removal of employees.
6. Policies regarding in-service training programs.
7. Grievance procedures.
8. The policies and procedures governing persons holding provisional appointments.
9. Other practices and procedures necessary to the administration of the City personnel system.

SECTION 8.05 Prohibitions.

No person seeking employment by the City or promotion in employment shall either directly or indirectly give, render, or pay any money, service or other thing of value to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion.

No employee of the City other than elected officials shall continue in such employment after becoming a candidate for any public office.

Any employee in violation of this section forfeits his or her employment with the City. Any employee who forfeits his or her office pursuant to this section shall not be eligible for reinstatement into City service.

ARTICLE IX. PLANNING AND ZONING PROCEDURES

SECTION 9.01 Change in Zoning.

Any proposition for a change in the zoning ordinance may be initiated by the Planning Commission, City Council, or by request of the owner of the property directly affected thereby. Any such request by a property owner shall be submitted in writing, signed by the property owner, to the City Clerk who shall file said request and forthwith refer same to the Planning Commission.

The Planning Commission shall cause the City Clerk to send not less than five (5) days' notice to the following by mail, of the date, time, and place of the meeting at which it shall consider any proposition for a change in the zoning ordinance, whether initiated by the Council, the Planning Commission, or by request of the property owner:

1. The property owner or owners directly affected by the proposed change. A general change in regulations for the entire City or for a particular zoning district shall not require notice to any property owners;
2. The governing body of the school districts;
3. The governing body of the fire protection districts; and
4. All owners of property within one hundred eighty-five (185) feet of the property proposed to be rezoned, if the proposition is for a specific zoning.

All notices to property owners as herein provided for shall be directed to such property owners at their addresses as shown on the tax records for said property in the City offices, or if no such addresses are listed in the City offices, in the offices of the Department of Revenue of St. Louis County. If no address of the property owner is indicated in conjunction with the property in either the tax records of the City or the Department of Revenue of St. Louis County, no notice need be mailed to the property owner. In any event the failure of any party entitled to notice hereunder to receive same shall not be cause to invalidate any proceedings conducted under this Article.

The Planning Commission shall consider each proposition for a change in the zoning ordinance initiated by the City Council or request of the property owner and make its recommendations thereon to the City Council within eighty (80) days of the referral of said request to the Planning Commission, unless the Council or the applicant agrees to an extension of the time. The affirmative vote of the majority of all members of the Planning Commission shall be required for any favorable recommendation on any zoning change.

Any change in the zoning ordinance against the recommendations of the Planning Commission may be adopted by the City Council only on the affirmative vote of three-fourths (3/4) of the entire membership of the City Council. Any request for a change in the zoning ordinance initiated by a property owner which has been denied by the City Council may not be resubmitted for a period of six (6) months from the date of such denial.

SECTION 9.02 Special Use Permits.

All applications for a special use permit or similar permit, if such permits are authorized under the zoning ordinance, shall require the same procedure and be subject to the requirements of Section 9.01 of this Article as if such applications were for a change in zoning. For purposes of this section, the term "special use permit" shall mean an administrative zoning permission that allows a property owner to put his or her property to a use that the regulations expressly permit under conditions specified in the zoning regulations themselves.

SECTION 9.03 Additional Powers and Duties.

The Planning Commission shall have all powers and duties granted and assigned to the Planning Commission and zoning commission under Chapter 89, Missouri Revised Statutes, as amended, and such other powers and duties granted and assigned to it by law or by ordinance.

ARTICLE X. PUBLIC IMPROVEMENTS

SECTION 10.01 Public Improvements and Special Assessments.

A. *Improvements.* The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general Ordinance consistent with applicable State laws.

B. *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 laws.

ARTICLE XI. NOMINATIONS AND ELECTIONS

SECTION 11.01 Time of Elections.

A regular election for the choice of elective municipal officials shall be held annually in on the first Tuesday after the first Monday in April, or on such date as may be established by State Statute. The Council may by resolution, call, set the time of, and provide for holding special elections.

SECTION 11.04 Nominations.

Nominations of candidates for all elective officials shall be by petition. No voter shall sign more than one (1) nominating petition for each office to be filled, and if a voter signs more than one (1) nominating petition, his signature shall be void except as to the first (1st) filed of the petitions signed by him or her. Petitions for Council Member shall be signed by not less than fifty (50) registered voters who are entitled to vote for the candidate nominated. Petitions for all other elective officials shall be signed by not less than one hundred (100) registered voters of the City.

Said petitions shall be submitted on forms provided by the City Clerk and shall contain the name and address of the nominee, in form in which the name is to appear on the ballot, the office for which he is being nominated, the certification that the signer is a registered voter, together with a statement of acceptance of the nomination by the nominee. Upon receipt of said petitions, the City Clerk will enter the date and time of day received and verify the fact that there is no duplication of signatures before forwarding to the board of election commissioners.

Nominating petitions shall be filed with the City Clerk at the City Hall during regular business hours not earlier than the fourth (4th) Monday before the last day by which the City Clerk must notify the Board of Election Commissioners concerning such election nor later than the day before the last day which the City Clerk must make such notification. The City Clerk shall notify a candidate of any insufficiency in a nominating petition within twenty-four (24) hours after the City Clerk may receive notice from the Board of Election Commissioners whether or not the nominating petition is sufficient. Within the regular filing time for filing petitions, new or supplemental petitions may be filed for the same candidate.

The petition for each candidate nominated shall be preserved by the City Clerk until the expiration of the term of office for which he has been nominated, or as may otherwise be required by law.

SECTION 11.05 Ballots.

A. *Names on Ballots.* The names of all candidates nominated for municipal office shall appear as designated on the petition for candidacy, except those who have withdrawn, died, or become ineligible. They shall be printed on the official ballots without party designation or symbol by the board of election commissioners. If two (2) or more candidates have the same surname or surnames so similar as to be likely to cause confusion their residence addresses shall be printed with their names on the ballot.

B. *Rotation.* The names of the candidates shall be arranged in the order of the time and date of filing.

SECTION 11.06 Watchers and Challengers.

A regular nominated candidate may upon written application to the board of election commissioners at least five (5) days before the election, appoint two (2) persons to represent him or her as watchers and challengers as permitted by the board of election commissioners at each polling place where the voters may cast their ballots for him or her. A person so appointed shall have all the rights and privileges prescribed for watchers and challengers by or under the general election laws of the State of Missouri. The watchers and challengers may exercise their rights throughout the voting and until the ballots have been counted.

SECTION 11.07 Determination of Election Results.

A. *Majority.* The candidate receiving the highest number of votes for each office shall be declared elected, as per the results forwarded to the City Clerk by the board of election commissioners.

B. *Tie Vote.* If two (2) or more candidates receive an equal number of votes and a higher number of votes than any other candidate for the same office for the same office, another special election between the candidates so tied shall be held at the next available election as provided by State law.

**Note:* I would note for your consideration the language of Section 115.517(4), RSMo., which states, in pertinent part, as follows: "if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time and place of such drawing given to each such candidate at least five days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his name put into such drawing."

SECTION 11.08 Ballots, Petitions, Charter Amendments.

A petition, ballot or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (petition, ordinance, amendment) be adopted?" Immediately below such question shall appear, in the following order, the words "yes" and "no," and to the left of each square in which by making a cross (x) the voter

may cast his vote. Said ballots shall be prepared and the election conducted according to the regulations of the board of election commissioners.

SECTION 11.09 Special Elections.

The City Clerk shall receive all requests or orders for a special election and shall submit same to the board of election commissioners. The City Clerk shall also contact the board of election commissioners to the end that, if at all possible, any special election may be held in conjunction with other special elections in the same district so as to share cost of same.

SECTION 11.10 [RESERVED].

SECTION 11.11 Council Wards, Adjustment of Wards.

A. *Number of Wards.* There shall be four (4) City Council wards.

B. *Districting Commission.* The Council shall appoint five (5) persons, at least one (1) from each City Council ward, and each a qualified voter as determined from the registration for the last statewide general election, who shall comprise the districting commission. The voters chosen shall not be employed by the City in any other capacity.

C. *Report, Specifications.* By the first (1st) day of December, 1981, and no less frequently than every ten (10) years thereafter, or every five (5) years thereafter should the Federal census be taken every five (5) years, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment, if necessary, of the Council ward boundaries so that each ward is in compliance with the following specifications.

1. Each ward shall be contiguous and compact and shall contain as nearly as practicable the same number of residents, determined from the most recent Federal decennial census or other most recent census, and in no event shall the number of residents in any ward vary by more than two percent (2%) from the number of residents in any other ward.

2. The report shall include a map and a written description of the wards recommended and shall include a report of the number of residents in each such ward. Such report shall be drafted as a proposed ordinance. Once filed with the City Clerk, the report shall be treated as a proposed ordinance. In the event of any discrepancy, the written description of ward boundaries shall govern over the map showing such boundaries.

D. *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances.

E. *Failure to Enact Ordinance.* The Council shall adopt the ordinance at least ninety (90) days before the next regular City election. If the Council fails to do so by such date, the matter shall be referred to the circuit court of St. Louis County.

F. *Effect of Enactment.* The new Council wards and boundaries, as of the date of enactment, shall supersede previous Council wards and boundaries for all the purposes of the next regular City election, including nominations. The new wards and boundaries shall supersede previous wards and boundaries for all other purposes as of the date on which all Councilmen elected at that regular City election take office, except that nothing herein contained shall be construed as terminating the office of any Council Member until his regular term of office has expired.

ARTICLE XII. INITIATIVE, REFERENDUM & RECALL

SECTION 12.03 Recall.

Any officer elected by popular vote may be removed for cause by the electors qualified to vote for his or her successor, such power to be known as the recall. A petition requesting the removal of an incumbent shall be signed by voters of the City equal in number to twenty percent (20%) of the registered voters qualified to vote for the office in question as shown by the registration records at the time of the last regular municipal election.

SECTION 12.05 Filing and Certification of Petitions.

Within ten (10) days after a petition is filed, the City Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his or her examination of the petition, the City Clerk shall certify the result thereof to the Council at its next regular meeting. If the City Clerk shall certify that the petition is insufficient, the City Clerk shall set forth in the City Clerk's certificate the particulars in which it is defective, and the City Clerk shall at once mail a copy of the certificate to the person filing the petition.

SECTION 12.07 Effect of Initiative Petition.

When an initiative petition has been certified to the Council as sufficient by the City Clerk, the Council shall proceed at once to consider the proposed ordinance. If the ordinance proposed by the initiative has not been finally adopted within thirty (30) days after certification, the Council shall submit the proposed ordinance to the qualified voters of the City at the next available election as prescribed by law. The Initiative question shall be submitted to the voters in substantially the following form:

"SHALL THE CITY OF BRIDGETON, MISSOURI, ADOPT AN ORDINANCE
TO (_____)?" (insert subject matter)
YES _____ NO _____

SECTION 12.08 Effect of a Referendum Petition.

When a referendum petition has been certified to the Council as sufficient by the City Clerk, the ordinance specified in the petition shall be suspended unless and until approved by the voters as hereinafter provided. The Council shall proceed at once to reconsider the referred ordinance. If the ordinance specified in any referendum petition shall not be finally repealed within thirty (30) days after such certification, the Council shall call submit the repeal of the ordinance to the qualified voters of the City at the next available election as prescribed by law. At such election, the Referendum question shall be submitted to the voters in substantially the following form:

"SHALL ORDINANCE (_____), (insert Ordinance number and
subject matter) BE REPEALED?"
YES _____ NO _____

SECTION 12.11 Recall Election.

When a recall petition has been certified to the Council as sufficient by the City Clerk, the Council shall, not less than thirty (30) days nor more than forty-five (45) days thereafter, set a date for holding the election at the next available election as prescribed by law. If such office becomes vacant prior to the election such election shall be cancelled, and the vacancy shall be filled as provided in previous Sections of the Charter.

ARTICLE XIII. GENERAL PROVISIONS

SECTION 13.11 Personal Interest.

Any officer, employee or members of a board or commission of the City who has substantial financial interest, direct or indirect, in any contract with the City, or the sale to the City of any land, materials, supplies, equipment or services shall make known that interest in writing to the City and shall refrain from voting upon or otherwise participating in his or her capacity as a City officer or employee in the making of such sale or purchase 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 employment and shall forfeit his or her office or employment. 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.

SECTION 13.12 Political Solicitation.

No officer, employee or member of a board or commission shall, directly or indirectly, solicit, accept or receive any financial contribution or individual service, for any political purpose whatsoever from any appointive officer or employee of the City. No employee of the City shall participate in the political campaign of any candidate for City office. All officers and employees of the City may exercise their rights as private citizens to express opinions and, if registered qualified voters in the City, to vote in any City election.

SECTION 13.17 Masculine Pronoun.

Throughout this Charter, all personal pronouns, whether used in the masculine, feminine or neuter gender, shall include all other genders, and the singular shall include the plural and vice versa.

V. CHART SUMMARY OF PROPOSED CHARTER AMENDMENTS

Section	Title	Summary of Changes*	City Charter/City Code Provisions Impacted
<u>ARTICLE I</u>	<u>POWERS OF THE CITY</u>		
1.02	Form of Government	Amend to a “Mayor – City Administrator – Council” form of government	<u>Charter</u> 5.01, 6.08, 8.03, 7.01, 7.04 & 8.02
<u>ARTICLE II</u>	<u>MAYOR</u>		
2.02	Election, Term	-Provides for 16 year term limit, beginning in 2023, but may serve again after sitting out a full 4-year term.	
2.04	Vacancy	Provides for Impeachment of Mayor and authorizes Council to provide procedure for impeachment by ordinance.	<u>Code</u> New Ordinance
2.05	Powers and Duties	-Provide for appointment of City Administrator -Remove City Engineer as Appointive Officer	<u>Charter</u> 1.02, 5.01, 5.03, 6.03, 6.06, 7.01, 7.04, 8.02, 8.03 & 8.04
<u>ARTICLE III</u>	<u>CITY COUNCIL</u>		
3.01	Composition, Term, Election	Council Members elected in 2023, and thereafter, shall serve a term of 3 years.	
3.02	Qualifications	-Change minimum age of Council Member from 25 to 21. -Delete requirement that candidate for City Council live in ward for 6 months prior to election.	
3.04	Vacancies	-Provides for impeachment of Council Members and authorizes Council to provide procedure for impeachment by ordinance. -Provides that vacancies in office of Council Member are filled by Council, and successor shall serve until next regular municipal election. Deletes provisions pertaining to special elections being called. -Authorizes City Council to pass ordinance for procedures relating to filling vacancies	<u>Code</u> New Ordinance

Section	Title	Summary of Changes	City Charter/City Code Provisions Impacted
3.05	Procedure	-Authorizes the City Council to, by ordinance, establish the method of delivery of notices for special meetings. -Deletes provisions authorizing closed meetings that would violate the Sunshine Law.	<u>Code</u> New Ordinance
3.06	Action Authorized by Ordinance	-Retitle "Where Power Vested" -Deletes list of authorized ordinances and generally vests all powers of the City in the City Council (see Charter Section 1.03).	
<u>ARTICLE IV</u>	<u>MUNICIPAL COURT</u>		
4.01	Jurisdiction	Amend to provide for the appointment of municipal judge in recognition that the municipal court is a division of the Circuit Court.	
4.02	Municipal Court Judge	-Change Title to "Municipal Judge" -Delete qualifications and replace with qualifications required by law. -Change from elected office to appointment by the Mayor. -Remove reference to initial salary. -Remove reference to elections to fill vacancy, which are now by appointment. -Change procedure for appointment of special judge in Municipal Judge's absence to be consistent with state law.	<u>Code</u> 105.530, 110.010, 110.220
4.03	Marshal	Deleted to remove the office of Marshal	<u>Code</u> 110.040
4.04	Municipal Court Clerk	Remove	<u>Code</u> 110.040
<u>ARTICLE V</u>	<u>ADMINISTRATIVE POSITIONS</u>		
5.01	Administrative Assistant	-Change to provide for office of City Administrator and prescribing powers and duties of the office.	<u>Charter</u> 1.02, 2.05, 5.03, 6.03, 6.06, 7.01, 7.04, 8.02, 8.03, 8.04

Section	Title	Summary of Changes	City Charter/City Code Provisions Impacted
5.03	City Engineer	Remove	<u>Charter</u> 2.05
5.04	Chief of Police	-Amend Title to "Police Department and Chief of Police" -Require employment of at least one police officer on a 24-hour basis, consistent with statutory language. - Provide for removal by the Mayor with the consent of the City Council, and remove reference to Police Commission	<u>Charter</u> 6.08
<u>ARTICLE VI</u>	<u>BOARDS AND COMMISSIONS</u>		
6.03	Finance Commission	Delete	<u>Charter</u> 6.08 <u>Code</u> 535.100
6.04	Historical Commission	-Require City residency for members. -Composition, term, powers and duties to be provided by ordinance	<u>Code</u> 508.020
6.06	Personnel Commission	Delete	<u>Charter</u> 5.01 & 8.03
6.07	Planning Commission	-Reduce minimum number of members to 9. -Remove 2-year residency requirement. -Amend Powers and Duties to allow all powers provided by law.	
6.08	Police Commission	-Remove authority to interview and hire police officers and hear appeals of decisions of Chief of Police. -Remove duty to prepare budget.	<u>Charter</u> 5.04 & 6.03 <u>Code</u> 115.010, 200.010
<u>ARTICLE VII</u>	<u>FINANCIAL PROCEDURES</u>		
7.01	Director of Finance and Purchasing	Add references to City Administrator	<u>Charter</u> 5.01

Section	Title	Summary of Changes	City Charter/City Code Provisions Impacted
7.03	Budget	-Make effect of failure to timely adopt budget consistent with State law.	<u>Charter</u> 6.03
7.04	Appropriations and Expenditures	Reference City Administrator	<u>Charter</u> 5.01
7.05	Audit	Add requirement for annual audit.	
<u>ARTICLE VIII</u>	<u>PERSONNEL PROCEDURES</u>		
8.02	Personnel Director	Change to make duty of City Administrator	<u>Charter</u> 5.01
8.03	Personnel Commission	Delete	<u>Charter</u> 5.01, 6.06 & 8.03 <u>Code</u> 115.390 & 115.400
8.04	Personnel Rules	Remove References to Personnel Commission, and obsolete deadlines.	<u>Charter</u> 5.01, 6.06 & 8.03
8.05	Prohibitions	Update penalties for City Employees accepting bribes and running for public.	<u>Code</u> 105.340
<u>ARTICLE IX</u>	<u>PLANNING & ZONING PROCEDURES</u>		
9.01	Change in Zoning	Remove requirement that notice be by certified mail.	
9.02	Special Use Permits	Define "Special Use Permit"	
9.03	Additional Powers and Duties	Update statutory reference	

Section	Title	Summary of Changes	City Charter/City Code Provisions Impacted
<u>ARTICLE X</u>	<u>PUBLIC IMPROVEMENTS</u>		
10.01	Power	-Rename to “Public Improvements and Special Assessments” -Provide for levying, collecting and enforcing of payment of special assessments for public improvements as provided by law.	<u>Charter</u> 10.02, 10.03, 10.04, 10.05, 10.06, 10.07, 10.08, 10.09, 10.10, 10.11, 10.12, 10.13, 10.14 & 10.15
10.02, 10.03, 10.04, 10.05, 10.06, 10.07, 10.08, 10.09, 10.10, 10.11, 10.12, 10.13, 10.14 & 10.15	Various Public Improvements and Assessments	Delete in favor of general authority in Section 10.01, as amended	<u>Charter</u> 10.01
<u>ARTICLE XI</u>	<u>NOMINATIONS & ELECTIONS</u>		
11.01	Time of Elections	Amend to be consistent with date for General Municipal Election as provided in State law	
11.04	Nominations	-Gender neutral -Amend to provide for preservation of candidate nomination petition consistent with State and Local Records Law.	
11.05	Ballots	Remove provision regarding rotation of candidates on ballots.	
11.06	Watchers and Challengers	Gender neutrality	
11.07	Determination of Election Results	In case of tie, provide for runoff election or election by lot consistent with State law.	
11.10	Availability of List of Qualified Voters	Remove as the City retains no such list	
11.11	Council Wards, Adjustment of Wards	Amend to require redistricting no less frequently than every 10 years.	
<u>ARTICLE XII</u>	<u>INITIATIVE, REFERENDUM & RECALL</u>		

Section	Title	Summary of Changes	City Charter/City Code Provisions Impacted
12.03	Recall	Amends to require recall to be “for cause”, consistent with Missouri Constitution.	
12.05	Filing and Certificate of Petitions	Gender neutrality	
12.07	Effect of Initiative Petition	Make consistent with Missouri Election Law	
12.08	Effect of a Referendum Petition	Make consistent with Missouri Election Law	
12.11	Recall Election	Make consistent with Missouri Election Law	
<u>ARTICLE XIII</u>	<u>GENERAL PROVISIONS</u>		
13.11	Personal Interest	Amend in effort to make more definite and enforceable.	
13.12	Political Solicitation	Amend to better comport with First Amendment analysis on the subject.	
13.17	Masculine Pronoun	Amend to be more inclusive	
<u>ARTICLE XIV</u>	<u>TRANSITIONAL PROVISIONS</u>	No Changes	

*Unless the only change provided for in a particular section, amendments for gender neutrality have not been called out in this summary.