

## ***CHAPTER 115: CITY OFFICIALS***

### ARTICLE I. GENERAL PROVISIONS

#### SECTION 115.010: ELECTIVE OFFICERS, TERMS

The following officers shall be elected by the qualified voters of the City, and shall hold office for the term of two (2) years, except as otherwise provided in this Section, and until their successors are elected and qualified, to wit: Mayor and Board of Aldermen.

#### SECTION 115.020: CITY TO BE DIVIDED INTO WARDS—ALDERMEN ELECTED

Two (2) Aldermen shall be elected from each Ward by the qualified voters thereof, at the first election for Aldermen. At such election for Aldermen, the person receiving the highest number of votes in each Ward shall hold his/her office for two (2) years, and the person receiving the next highest number of votes shall hold his/her office for one (1) year; but thereafter each Ward shall elect annually one (1) Alderman, who shall hold his/her office for two (2) years.

#### SECTION 115.030: APPOINTIVE OFFICERS

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a Chief of Police, City Collector, City Treasurer, City Attorney, and Public Works Superintendent, and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefore.

#### SECTION 115.040: REMOVAL OF OFFICERS

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective Officer of the City, such Officer being first given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective Officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds (2/3) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive Officer of the City at will, and any such appointive Officer may be so removed by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals.

#### SECTION 115.050: OFFICERS TO BE VOTERS AND RESIDENTS—EXCEPTIONS

All Officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All officers, except appointed officers shall be residents of the City.

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SECTION 115.060: OFFICERS' OATH—BOND

Every Officer of the City and his/her assistants, and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the County, or the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City, and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every Officer of the City, when required by ordinance, shall, within fifteen (15) days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to die use of such person.

A. Bonds, conditioned on the faithful performance of the officer's or employee's duty, shall be obtained in the following amounts:

1. City Clerk - \$ 20,000.00
2. Deputy Clerk - \$ 20,000.00 each
3. Mayor and Aldermen - \$ 10,000.00 each
4. Chief of Police - \$ 20,000.00
5. City Administrator - \$25,000.00

B. The City may, at its option, purchase a blanket bond to cover all employees.

SECTION 115.070: SALARIES FIXED BY ORDINANCE

The Board of Aldermen shall fix the compensation of all the Officers and employees of the City, by ordinance. But the salary of an Officer shall not be changed during the time for which he/she was elected or appointed.

Mileage and expenses related to the duties of the Officers are reimbursed when documentation is provided. Limitations to this provision may be set by the Board of the Aldermen. Mileage is paid at the IRS mileage rate for businesses.

SECTION 115.071: COMPENSATION FOR OFFICIALS

The Mayor shall receive \$200.00 per month. In the event that the Mayor is available to the public and provides the City with 40 hours per month of service to any department, event or project, he/she shall be compensated at a rate of \$500.00 per month. Additional hours worked up to ten (10) may be compensated at a rate of twelve dollars and fifty cents per hour, any further time worked may be compensated for by a majority vote of the Board of Aldermen at the rate of twelve dollars and fifty

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cents. In the event of a discrepancy, the decision to compensate will require a majority vote of the Board of Aldermen.

### SECTION 115.080: VACANCIES IN CERTAIN OFFICES, HOW FILLED

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

### SECTION 115.090: POWERS AND DUTIES OF OFFICERS TO BE PRESCRIBED BY ORDINANCE

The duties, powers and privileges of Officers of every character in any way connected with the City Government, not herein defined, shall be prescribed by ordinance. And bonds may be required of any such Officers for faithfulness in office in all respects.

## ARTICLE II. CITY CLERK

### SECTION 115.100: CITY CLERK, ELECTION—DUTIES

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk", whose duties shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the General Accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

The City Clerk job description shall be adopted by ordinance.

The City Clerk shall be the Official Recorder and Treasurer for the City.

## ARTICLE III. CITY TREASURER

### SECTION 115.110: TREASURER, DUTIES—BOND

The Treasurer shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his/her care, and shall pay over all monies, bonds or other obligations of the City on warrants or orders, duly drawn, passed or ordered by the Board of Aldermen, and signed by the Mayor and attested by the City Clerk, and having the Seal of the City affixed thereto, and not otherwise; and shall perform such other duties as may be required of him/her by ordinance. Before entering upon the duties of his/her office he/she shall give bond in the amount of twenty thousand dollars (\$20,000.00).

## ARTICLE IV. CITY COLLECTOR

### SECTION 115.120: DUTIES GENERALLY

A. The Collector shall perform all the duties specified in this Code and shall perform such other duties as may be directed by the City Clerk and/or Mayor.

B. Compensation. The City Collector shall receive as compensation for his/her services a fee or percentage, as may be fixed by ordinance.

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SECTION 115.130: COLLECTOR TO MAKE ANNUAL REPORT

The Collector shall, annually, at such times as may be designated by ordinance, make a detailed report to the Board of Aldermen, stating the various monies collected by him/her during the year, and the amounts uncollected and the names of the persons from which he/she failed to collect and the causes therefor.

SECTION 115.140: DEPUTY COLLECTOR

The Mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector shall have taken and subscribed to the oath provided by this Code, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector.

ARTICLE V. CITY ATTORNEY

SECTION 115.150: APPOINTMENT—TERM

A. The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.

B. Qualifications. No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

C. Temporary Absence—Acting City Attorney. In case of absence, sickness or other inability of the City Attorney to attend court, or when, before assuming his/her official duties, he/she shall have been counsel adverse to the City, he/she shall inform the Mayor thereof, in writing, and the Mayor shall appoint some other attorney to represent the City in such cases, or during temporary absence, sickness or inability. Should the City Attorney fail, neglect, or refuse to give such notice, as above provided, and the interests of the City in case of such failure, neglect or refusal, need the immediate services of an attorney, then the Mayor may appoint some other attorney to attend to such cases, who shall receive the compensation allowed to the City Attorney for like services.

ARTICLE VI. MISCELLANEOUS PROVISIONS

SECTION 115.160: OFFICERS TO REPORT RECEIPTS AND EXPENDITURES

It shall be the duty of all the Officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective offices, and such other matters as may be required by the Board of Aldermen, by ordinance, resolution or otherwise.

SECTION 115.170: MAYOR OR BOARD MAY INSPECT BOOKS AND RECORDS OF OFFICERS

The Mayor or Board of Aldermen shall have power, as often as he/she or they may deem it necessary, to require any Officer of the City to exhibit his/her accounts or other papers or records, and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office.

ARTICLE VII. ADDITIONAL OFFICIALS

SECTION 115.190: DEPUTY CLERK

The Deputy City Clerk is responsible for assisting the City Clerk in administration of the City Department Operations. The Deputy City Clerk shall be the court clerk for the City, as such be responsible for the

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operation of the court. The Deputy City Clerk position is a full or part time position in the Administration Department. Supervision for this position is from the City Clerk. The Deputy Clerk serves at the pleasure of the appointing authority. At no time shall the duties or powers of the Deputy City Clerk supersede the actions by the Board of Aldermen.

Compensation for this position is determined by the Board of Aldermen and such compensation shall be payable weekly.

The Deputy City Clerk job description is to be adopted and changed by the majority vote of the Board of Aldermen.

### ARTICLE VIII. CITY ADMINISTRATOR

#### SECTION 115.180: CITY ADMINISTRATOR

A. Office Of City Administrator Established. There is hereby created and established the office of City Administrator for the City of Seligman, Missouri.

B. Appointment, Tenure And Removal. A qualified person shall be employed at will, or alternatively by contractual term, at the pleasure of the Board of Aldermen for the City of Seligman, Missouri. In the event the City Administrator is an at will employee of the City, the same shall not be removed from office but upon a two-thirds (2/3) majority of the Board of Aldermen.

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

D. Bond. The City Administrator, before entering upon the duties of his/her office, shall file with the City a bond in the amount of fifty thousand dollars (\$50,000.00); such bond shall be approved by the Board of Aldermen and such bond shall insure the City of Seligman for the faithful and honest performance of the duties of the City of Seligman and for rendering a full and proper account to the City of Seligman for funds and property which shall come into the possession or control of the City Administrator. The cost of such bond shall be paid by the City of Seligman; however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.

E. Compensation. The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen and in accordance with any employment contract entered into between the City Administrator and the City of Seligman.

F. Duties.

1. Administrative officer. The City Administrator shall be the administrative officer of the City Government. Except as otherwise specified by ordinance or by the law of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of Seligman.

2. Purchasing. The City Administrator shall be the purchasing agent for the City of Seligman and all purchases shall be made under his/her direction and supervision and all such purchases shall be

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made in accordance with purchasing rules and procedures approved by the Board of Aldermen and within budgetary guidelines established by the Board.

3. Budget. The City Administrator shall be the budget officer of the City of Seligman and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying it in a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval.

4. Financial reports. The City Administrator shall oversee and assist the City Clerk in the preparation and submission to the Board of Aldermen a financial statement showing the condition of finances of the City on the thirtieth (30th) day of June and the thirty-first (31st) day of December of each year, which said statement shall be prepared and submitted to the Board of Aldermen at the first (1st) regular meeting in January and July of each year.

5. Annual report. The City Administrator shall prepare and present to the Mayor and the Board of Aldermen an annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and Board of Aldermen may require.

6. Personnel system. The City Administrator shall act as the Personnel Officer of the City and shall have the authority to appoint, hire, discipline and suspend City employees, except elected officials. The City Administrator shall be the direct supervisor of department heads and may make recommendations regarding their appointment, reappointment, discipline or removal to the Mayor and Board of Aldermen, either upon the initiative of the Administrator or upon the request of the Mayor and/or the Board of Aldermen. The City Administrator shall have the authority to create departments of the City, to be managed by the various department heads, and to assign personnel to those departments to enable them to fulfill the functions to which they are assigned. The City Administrator shall provide monthly reports to the Mayor and Board of Aldermen regarding the hiring, firing or disciplining of personnel of the City ; and shall recommend salaries and benefits for all personnel, including department heads, for approval by the Board of Aldermen in its annual budget or as such budget may be amended from time to time.

7. Policy formulation. The City Administrator shall recommend to the Mayor and Board of Aldermen adoption of such measures as he/she may deem necessary or expedient for the health, safety or welfare of the City or for the improvement of administrative services for the City.

8. Board of Aldermen agenda. The City Administrator shall submit to the Mayor and Board of Aldermen a proposed agenda for each regular Board of Aldermen meeting at least forty-eight (48) hours before the time of the regular Board of Aldermen meeting.

9. Boards and committees. The City Administrator shall work with all City boards and committees to help coordinate the work of each.

10. Attend City meetings. The City Administrator shall attend all meetings of all City boards.

11. Bid specifications. The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation to the Board of Aldermen.

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12. State and Federal aid programs. The City Administrator shall be knowledgeable regarding State and Federal aid programs for which the City may be eligible and shall be responsible to make grant and aid applications as approved by the Board of Aldermen and shall supervise and/or administer any grants or aid received by the City in compliance with all applicable rules and regulations of the granting authority.

13. Conference attendance. The City Administrator shall attend State and regional conferences and programs applicable to his/her office and the business of the Board of Aldermen, whenever such attendance is directed and approved by the Board of Aldermen and Mayor.

14. Press releases. The City Administrator shall be responsible for keeping the public informed regarding the purposes and methods of City Government through all available news media.

15. Record keeping. The City Administrator shall keep full and accurate records of all actions taken by him/her in the course of his/her duties and he/she shall safely and properly keep all records and papers belonging to the City of Seligman and entrusted to his/her care; all such records shall be and remain the property of the City of Seligman and be open to inspection by the Mayor and Board of Aldermen at all times.

16. Miscellaneous. In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Mayor and Board of Aldermen.

### G. Powers.

1. City property. The City Administrator shall have responsibility for all real and personal property of the Board of Aldermen. He/she shall have responsibility for all inventories of such property and for the upkeep of all such property. Single items of personal property having a value of less than one thousand dollars (\$1,000.00) may be transferred, sold, or otherwise disposed of at the discretion of the City Administrator. All other personal property may be sold by the City Administrator only with the approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen by resolution or ordinance.

2. Set administrative policies. The City Administrator shall have the power to prescribe such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies subject to his/her authority and he/she shall have the power to revoke, suspend or amend any rule or regulation of the administrative service unless otherwise prescribed by the Board of Aldermen.

3. Coordinate departments. The City Administrator shall have the power to coordinate the work of all the departments of the City and, at times of an emergency, shall have authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government.

4. Investigate and report. The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his/her jurisdiction and shall report on any condition or fact concerning the City Government requested by the Mayor or Board of Aldermen.

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5. Coordinate officials. The City Administrator shall have the power to overrule any action taken by a department head and may supersede him/her in the functions of his/her office.

6. Appear before the Board of Aldermen. The City Administrator shall have the power to appear before and address the Board of Aldermen at any meeting.

7. At no time shall the duties or powers of the City Administrator supersede the action by the Mayor and Board of Aldermen.

H. Interference By Members Of The Board Of Aldermen Or Mayor. No members of the Board of Aldermen or the Mayor shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the Board of Aldermen or with the approval of the City Administrator.

I. Vacancy Of Position Or Unavailability Of City Administrator. In the event that the position of the office of City Administrator is vacant; or in the event that the then current City Administrator is unavailable for any reason for the conduct of substantially all of the administrator's duties, then the delegation of the duties of the office of City Administrator will fall to the following persons, in descending order of succession:

1. The Mayor, so long as the person holding the office is available and willing to so act; and in the event that the Mayor is unavailable or unwilling for any reason to conduct the duties of the office of City Administrator, then to
2. The President of the Board of Aldermen, so long as the person holding the office is available and willing to so act; and in the event that the President of the Board of Aldermen is unavailable or unwilling for any reason to conduct the duties of the office of City Administrator, then to
3. A person(s) designated by a majority of the Board of Aldermen voting on the question at a duly held meeting with a quorum.

J. The person responsible for carrying out the duties of the office of the City Administrator will perform such duties until either:

1. The person voluntarily resigns from those duties or is no longer able to perform for any reason; or
2. The current City Administrator is able to resume their duties with Board approval; or
3. The Board hires a permanent replacement City Administrator; or
4. The Board of Aldermen revokes the authority of the person to carry out such duties by a majority vote of the Board voting on the question, whichever event happens first.

K. The person carrying out the duties of the City Administrator under this Section will exercise those duties of the office of City Administrator as the Board may determine; and if the person so acting is not an elected official, the person will receive an amount of compensation as the Council may determine. If an elected official is carrying out the duties of the City Administrator under this Section, then the compensation received for the work performed as incident to the duties of the City Administrator may not exceed that which is otherwise provided for the office that the elected official holds.

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ARTICLE IX. CHIEF OF POLICE

SECTION 115.190: CHIEF OF POLICE

A. Office Of Chief Of Police Created. There is hereby established and created, the office of Chief of Police who shall perform all duties required of the City Marshall by the laws of the State of Missouri and by City ordinance.

B. Appointment Of Chief Of Police. The term of the Chief of Police holding office prior to the annual municipal election each year will expire at the first (1st) regular meeting of the Board of Aldermen following the annual municipal election each year. Beginning as of the first (1st) regular meeting of the Board of Aldermen following the annual municipal election each year, the Chief of Police will be appointed as follows: The Mayor of the City of Seligman will nominate a person who will be at least twenty-one (21) years of age to be Chief of Police, which nomination will thereupon be submitted to the Board of Aldermen for its approval or disapproval. Confirmation of the nomination by the Board of Aldermen will be by the majority vote of the Board of Aldermen of the City of Seligman present at such meeting. The Chief of Police will hold office until his or her death, resignation or removal from office.

C. Removal From Office. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove the Chief of Police from office at will. Additionally, the Chief of Police may be removed at will by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation.

D. Vacancy. Any vacancy in the office of the Chief of Police occurring prior to the first (1st) regular meeting of the Board of Aldermen following the annual municipal election each year will be filled consistent with the provisions of Section (B) above, to be effective for the remainder of the term ending at the first (1st) regular meeting of the Board of Aldermen following the annual municipal election each year. Any vacancy in the office of the Chief of Police occurring after the first (1st) regular meeting of the Board of Aldermen following the annual municipal election each year will be filled consistent with the provisions of Section (B) above without regards to a set "term".

E. Police Officers — How Commissioned — Number Of Officers — At Will Employees.

1. The Chief of Police will have the duty to make the determination as to the persons hired as the City's Police Officers to serve under his/her immediate direction and control. The authority granted to the Chief of Police by this Section will be subject to the provisions contained herein regarding the number of Police Officers who may be on duty with the City according to the annual City budget in place at any given time.

2. The Mayor shall commission Police Officers to serve under the immediate direction and control of the Police Chief or his/her designee upon the hiring of such officers by the Chief of Police.

3. The number of Police Officers to be appointed shall be established by the annual City budget as adopted by the budget ordinance and as the budget may from time to time be duly amended.

4. All Police Officers of the City shall serve at the will of the City and may be suspended with or without cause by either:

a. The Chief of Police; or

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b. The City Administrator;

and upon the suspension of an officer for any reason, the Mayor shall immediately withdraw the officer's commission. In the event that the City is without both a Chief of Police and a City Administrator, the Mayor may both suspend officers and withdraw commissions upon such removal.

5. The Chief of Police, in addition to the power to suspend, may, for good cause, grant paid or unpaid leaves of absence; and may discipline any officer for cause by suspension with or without pay or with partial pay; by written letter of reprimand; by written warning; by oral reprimand or warning; or in any other manner which is deemed appropriate by the Chief of Police.

6. Notwithstanding the preceding provisions of this Section, no commissioned Police Officer who is regularly employed for more than thirty (30) hours per week shall be dismissed, demoted to a lower paying position or suspended without pay, if the officer proposed to be dismissed, demoted or suspended without pay shall request in writing within forty-eight (48) hours of the action, a meeting before the Board of Aldermen. Such meeting shall be conducted in compliance with Section 85.011, RSMo., as in effect from time to time.