

The Charter

Article I. Incorporation — Form of Government Powers — Wards

Section 1. Incorporation.

The inhabitants of the City of Clayton, within the corporate limits as now established or as may hereafter be established, shall continue to be a municipal body politic and corporate in perpetuity under the name of the City of Clayton.

Section 2. Form of Government.

The municipal government provided by this charter shall be of the type generally known as a council-manager government. Subject only to the limitations imposed by the Constitution of the State of Missouri and this charter, all powers of the city shall be vested in a ~~board of aldermen~~city council, except as hereinafter otherwise specified.

Section 3. Powers of The City.

The city shall have all powers of local self-government and home rule and all powers possible for any city to have under the constitution and laws of the State of Missouri or which the general assembly would be competent to grant to any city of any class or population group, and except as prohibited by the constitution, the city may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature. Such powers shall be exercised in the manner prescribed in this charter or, if not prescribed herein, in such manner as may be prescribed by the ~~board of aldermen~~city council.

The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this article impair a power granted in any other part of this charter; and whether powers, objects, or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one or more such powers as to any one or more such objects for any one or more such purposes.

Section 4. Wards.

The city is hereby divided into three wards bounded and numbered as shown on the map which is attached to and made a part of this charter.

On or before the first day of June following the first mayoral election after the year in which the federal decennial census is taken, the ~~board of aldermen~~city council shall appoint a redistricting commission consisting of three registered voters, one from each ward of the

city, who have resided in the City of Clayton for at least five years immediately prior to their appointment, and who shall not be officers or employees of the city. The commission shall ascertain whether the wards contain approximately equal numbers of residents and shall, if it finds substantial inequalities, recommend changes in ward boundaries to the end that wards shall be compact and contiguous and contain approximately equal numbers of residents. The commission shall make its report in writing to the board-of-aldermencity council not later than the first day of August following the date of the appointment of its members. The board-of-aldermencity council, after a public hearing, shall take final action on the recommendations of the commission not later than the fifteenth day of September following receipt of such report. The boardcouncil may adopt, reject, or modify the recommendations of the commission. If the board-of-aldermencity council fails to take final action on the recommendations of the commission by the date specified above, such recommendations shall become effective without boardcouncil action. Any changes in ward boundaries made pursuant to this section shall be effective for the following regular election and for each succeeding election until changed in accordance with the provisions of this charter.

Article II. The Board-of-AldermenCity Council

Section 1. Number and Term.

The board-of-aldermencity council shall consist of a mayor and six other aldermencouncilmembers, each of whom shall be elected for a term of two years and shall serve until hisa successor shall be elected, except as otherwise provided herein to fill vacancies for unexpired terms. Six aldermencouncilmembers shall be elected, two from each of three wards, by the qualified voters thereof. Of the first aldermencouncilmembers elected under this charter, the one from each ward receiving the smaller number of votes shall serve only until the next regular municipal election. Thereafter, all aldermencouncilmembers shall be elected for terms of two years, except as provided herein for elections to fill unexpired terms.

Commencing with the municipal election for aldermencouncilmembers in April, 1993, each aldermancouncilmember shall thereafter be elected for a term of three years and shall serve until his successors shall be elected, except as otherwise provided herein to fill vacancies for unexpired terms. Commencing with the municipal election for mayor in April, 1995, each mayor shall thereafter be elected for a term of three years and shall serve until hisa successor shall be elected, except as otherwise provided herein to fill a vacancy for unexpired terms. Commencing with the municipal election for aldermencouncilmembers in April, 1993, the number of consecutive terms which may be served by each

~~alderman~~~~councilmember~~ elected in 1993 and thereafter shall be limited to three consecutive terms. Commencing with the municipal election for mayor in April, 1995, the number of consecutive terms which may be served by the mayor elected in 1995 and thereafter shall be limited to two consecutive terms. For these purposes, serving any part of an unexpired term shall not be considered one term of the consecutive term limit.

Section 2. Mayor.

The mayor shall be elected by the qualified voters of the city at large and shall have the same qualifications as are required for other ~~aldermen~~. ~~He~~~~councilmembers~~. ~~The mayor~~ shall preside at all meetings of the ~~board of aldermen~~~~city council~~ and shall be recognized as head of the city government for all legal and ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. ~~He~~~~The mayor~~ shall have the same right to vote as any other member of the ~~board of aldermen~~~~city council~~, but shall have no veto power. The ~~board of aldermen~~~~city council~~ shall also elect from among the ~~aldermen~~~~councilmembers~~ a mayor pro tempore, who shall act as mayor in the absence of the mayor. If a vacancy should occur, the mayor pro tempore shall act as mayor until the vacancy shall be filled as provided in this charter.

Section 3. Qualifications.

~~An alderman~~~~A councilmember~~ shall be at least twenty-five years of age, a qualified voter of the State of Missouri, and a resident of the City of Clayton for at least two years immediately prior to ~~his~~ election. ~~Aldermen~~~~Councilmembers~~ elected by wards shall be residents of the wards from which they are elected. ~~Aldermen~~~~Councilmembers~~ shall hold no other remunerative position in the city government during their terms. If ~~an alderman~~~~a councilmember~~ shall cease to be a resident of the City of Clayton or of the ward by which ~~he was~~~~they were~~ elected or shall otherwise cease to possess these qualifications, or shall be convicted of a crime involving moral turpitude, ~~his~~~~their~~ office shall immediately become vacant.

Section 4. Remuneration.

~~Each alderman shall receive twenty-five dollars for each regular or special session of the board attended, but no member shall receive more than one thousand dollars in any one year of service. In addition to his compensation as an alderman the mayor shall receive one thousand dollars annually.~~ The ~~board of aldermen~~~~city council~~ may by ordinance ~~alter~~~~establish and from time to time revise~~ the compensation of the mayor and other ~~aldermen~~~~councilmembers~~, but such change shall not apply during the terms they are serving at the time the change is adopted.

Section 5. Vacancies.

In case of a vacancy in the office of mayor or other ~~alderman~~~~councilmember~~, the ~~board of aldermencity council~~ shall make arrangements for a special election to fill such vacancy for the unexpired term, ~~except that if a vacancy occurs within one hundred twenty days immediately prior to the next regular municipal election, a successor shall be elected at such regular election.~~

Section 6. Rules of Order.

The ~~board of aldermencity council~~ shall determine by ordinance its own rules and order of business. It shall keep a journal of its proceedings, which shall be open to public inspection. The ~~board~~~~council~~ shall be the judge of the election returns and the qualifications of its members, and may punish its members for disorderly behavior. A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the ~~board~~~~council~~ may provide.

The affirmative vote of a majority of the members of the ~~board~~~~council~~ shall be necessary to adopt any ordinance, resolution or motion. The "ayes" and "nays" on any question shall, at the request of any member, be entered in the journal, and the "ayes" and "nays" shall be recorded on the final passage of every ordinance or resolution.

Section 7. Meetings.

The ~~board of aldermencity council~~ shall meet regularly, at such times as its rules may prescribe, but not less frequently than twice each month. All meetings shall be open to the public, ~~except as provided by law~~, and notice of all meetings shall be given to the public in the manner prescribed by rules of the ~~board~~~~council~~.

Section 8. Legislative Proceedings.

In transacting legislative business, whenever the ~~aldermencouncilmembers~~ shall act by ordinance, the following procedure shall be used: Every ordinance shall be by bill which shall be in written form, and the enacting clause shall be: BE IT ORDAINED BY THE ~~BOARD OF ALDERMENCITY COUNCIL~~ OF THE CITY OF CLAYTON. No bill, except those making appropriations of money and those codifying or revising existing ordinances, shall relate to more than one subject, which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject matter of the appropriations.

All bills shall be called up for consideration at least twice, and at least one week shall elapse between the time a bill is introduced and its final passage, except that bills may be

passed on the day of their introduction by the affirmative vote of all members of the ~~board~~council who are present.

At the time of its introduction a copy of every bill introduced shall be provided for each member of the ~~board~~council, and a copy shall be kept on file in the office of the city clerk where it shall be open for public inspection until it is finally adopted or fails of adoption.

Prior to the passage of any bill, except those passed on the day of their introduction by the affirmative vote of all members present, interested persons shall be given an opportunity to be heard before the ~~board~~council in accordance with such rules and regulations as the ~~board~~council may adopt. The ~~board~~council may finally pass a bill with or without amendments, except that if the ~~board~~council shall make an amendment which, in the opinion of at least three members of the ~~board~~council, constitutes a change in substance, the bill as amended shall be placed on file for public inspection in the office of the city clerk for one additional week.

When passed by the ~~board of aldermen~~city council, an ordinance shall be signed by the mayor and attested by the city clerk, shall be immediately filed and thereafter preserved in the office of the city clerk and, except as otherwise provided in the charter, shall be subject to the referendum as provided in ~~Article XII of~~ this charter. Unless otherwise specified in the bill, all ordinances shall become effective immediately upon final passage.

Section 9. Revision of Ordinances.

All ordinances of the city of a general and permanent nature shall be revised, codified, and promulgated according to a system of continuous numbering and revision as specified by ordinance.

Section 10. 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 ~~board of aldermen~~city council. The audit shall be made by a certified public accountant or accountants, experienced in municipal accounting and selected by the ~~board~~council. The results of the audit shall be made public in such manner as the ~~board of aldermen~~city council may determine.

Section 11. The City Clerk.

The ~~board of aldermen~~city council shall by resolution appoint a city clerk. The clerk shall keep the journal of the proceedings of the ~~board~~council, authenticate by ~~his~~their signature all ordinances and resolutions and maintain them as public records. ~~He~~The clerk shall keep

the corporate seal of the city with which to attest its official acts, and perform such other functions and duties as may be required by law, by this charter, or by the ~~board of aldermen~~city council. The clerk shall hold office at the pleasure of and receive compensation as determined by the ~~board of aldermen~~city council.

Section 12. Appointment and Removal of The City Manager.

The ~~board of aldermen~~city council shall by resolution appoint an officer who shall have the title of city manager and shall have the powers and perform the duties provided in this charter. Neither the mayor nor any other member of the ~~board of aldermen~~city council shall receive such appointment during the term for which ~~he~~they shall have been elected nor within one year after the expiration of ~~his~~their term. The city manager shall be employed for an indefinite term. ~~He~~The city manager may be suspended by a resolution which shall set forth the reasons for ~~his~~ suspension and proposed removal. A copy of such resolution shall be served immediately upon the city manager by the city clerk. The city manager shall have ten days in which to reply in writing, and if ~~he~~the city manager so requests in ~~his~~their reply, ~~he~~they shall be afforded a public hearing not earlier than ten days nor later than fifteen days after the hearing is requested. After the public hearing, if one has been requested, and after full consideration the ~~board of aldermen~~city council by a vote of a majority of its members may adopt a final resolution of removal.

Section 13. Prohibition of Interference.

Neither the ~~board of aldermen~~city council nor any of its members shall direct or request the appointment of any person to office, or the removal of any person from office by the city manager, or by any of ~~his~~their subordinates, or in any way interfere with the appointment or removal of officers or employees of any administrative service of the city. Except for the purpose of inquiry, unless specifically otherwise provided in this charter, the ~~board of aldermen~~city council and its members shall deal with the administrative officers and employees solely through the city manager, and neither the ~~board of aldermen~~city council nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately. Any member of the ~~board of aldermen~~city council violating the provisions of this section shall forfeit ~~his~~their office. Whether a violation has occurred shall be determined by the members of the ~~board of aldermen~~city council, and their decision shall be final.

Section 14. Creation of New Departments or Offices.

The ~~board of aldermen~~city council by ordinance may create, change, and abolish offices, departments, boards, commissions, or agencies other than those established by this

charter. The ~~board of aldermen~~city council by ordinance may assign additional functions or duties to offices, departments, boards, commissions, or agencies, but may not discontinue or assign to any other office, department, board, commission, or agency any function or duty assigned by this charter to a particular office, department, board, commission, or agency, except as otherwise provided in this charter.

Section 15. Powers.

Without limitation of the powers conferred upon the city in Section 3 of Article I of this charter or by any other provision hereof, the ~~board~~council shall have power, not inconsistent with this charter, to:

(1) Assess, levy, and collect taxes for all general and 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.

(2) Furnish all public services; purchase, hire, lease, construct, own, 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.

(3) 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.

(4) Adopt police, health, sanitary, safety, fire prevention, and other similar regulations and provide for their enforcement.

(5) Authorize the expenditure of money of the city for all lawful purposes.

(6) Issue, sell, pledge, or in any manner dispose of negotiable or nonnegotiable, interest bearing or non-interest 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 credits of the proceeds of special assessments for local improvements, or upon any two or more of such credits.

(7) Exercise the power of eminent domain, including the power of excess condemnation, and condemn private property, real or personal, or any use therein, for public use within or without the corporate limits of the city, as authorized by the constitution or by law.

(8) Take and hold property within or without the corporate limits of the city upon trust, and administer trusts.

(9) 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; 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.

(10) Acquire, receive, hold, provide for by contract or otherwise, construct, operate, regulate, maintain, and improve all kinds of public buildings, structures, public market facilities, airports, off-street parking facilities, public housing, cemeteries, hospitals, parks and other recreation facilities, all other public improvements, and any other property, real or personal, 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 the same or the products thereof.

(11) Collect and dispose of sewage, offal, ashes, garbage, and refuse; contract for, or license and regulate such collection and disposal and provide a service charge therefor.

(12) Prescribe limits within which businesses, occupations, and practices apt to be nuisances or detrimental to the health, safety, morals, security, or general welfare of the people may lawfully be established, conducted, and maintained.

(13) License and inspect weights and measures; and inspect, test, measure, and weigh any article offered for sale within the city for consumption or use.

(14) 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; and when necessary, limit or prevent the use thereof and require any alterations or changes necessary to make them healthful, safe, and clean; and provide procedures and methods to condemn and, if necessary, to tear down or destroy unsafe or unhealthful places, buildings, or structures.

(15) 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, public grounds and squares, bridges, viaducts, subways, tunnels, sewers and drains, and regulate the use thereof.

(16) 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.

(17) 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, or of this city.

(18) Extend or diminish the limits of the city by ordinance and as otherwise provided by law; and merge with any other municipal corporation, but only upon the affirmative vote of a majority of the electors of Clayton.

(19) Define, prohibit, suppress, prevent, and regulate all acts, practices, conduct, businesses, callings, trades, 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.

(20) 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.

(21) Provide for the enforcement of any ordinance, rule, or regulation by means of fines, forfeitures, penalties, and imprisonment, or by action or proceedings in the municipal court or in any court of competent jurisdiction, or by any one or more of such means, and impose costs as a part thereof, and provide for probation and parole in proper cases.

(22) License, tax, and regulate all businesses, occupations, professions, vocations, activities, or things whatsoever set forth and enumerated by the laws of Missouri now or hereafter applicable to constitutional charter cities, special charter cities, or cities of the first, second, third or fourth class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax, and regulate; and prohibit or suppress all businesses, occupations, professions, vocations, activities, animals, or things

whatsoever set forth and enumerated by the laws of Missouri now or hereafter applicable to constitutional charter cities, special charter cities, or cities of the first, second, third, or fourth class or of any population group, and which any such cities now or may hereafter be permitted by law to prohibit or suppress.

(23) 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 and under the same penalties as in the case of magistrates exercising criminal and civil jurisdiction under the laws of Missouri.

(24) Contract and be contracted with, and sue and be sued.

(25) 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.

(26) Provide for the enumeration of the inhabitants of the city for any purpose.

(27) For the purpose of promoting health, safety, morals, or the general welfare, regulate and restrict 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, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; 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.

(28) Cooperate, or join by contract or otherwise, with other cities, with 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.

(29) Establish and enforce gas, electric, water, and public transportation rates, and rates and charges for all other utilities owned and operated, or services furnished by the city; and 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.

(30) Incur debts by borrowing money or otherwise and give appropriate evidence thereof.

(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, maintenance, and care of sick, aged, insane, or poor persons, and neglected or delinquent children; and provide for the punishment of parents, guardians, or custodians for neglect of children.

(35) Acquire, operate, and maintain charitable, educational, comfort, recreative, curative, corrective, detentive, penal, and other institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

(36) Assess against property the costs of cutting and removing therefrom noxious weeds and rubbish.

(37) Provide for the clearance, replanning, reconstruction, redevelopment, and rehabilitation of blighted, substandard or insanitary 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) 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 powers of this city.

(39) License, tax and regulate all persons engaged in the business of providing or furnishing telephone, telecommunications, data transmission or similar services, whether through wire or wireless transmissions, to the extent allowed by law.

Article III. The City Manager

Section 1. Qualifications and Term of Office.

The city manager shall be chosen by the ~~board of aldermencity council~~ on the basis of ~~his~~ executive and administrative qualifications with special reference to ~~his~~ experience in, or ~~his~~ knowledge of, municipal administration. ~~He~~~~The city manager~~ shall be appointed for an indefinite term, subject to removal as herein provided, and ~~he~~ shall devote full time to the duties of ~~his~~~~their~~ office. The city manager shall designate in writing, filed with the city clerk, one of the department heads or administrative assistants to perform the duties of the city manager in ~~the~~ event of ~~his~~~~the city manager's~~ temporary absence from the city or ~~his~~ temporary disability. If ~~he~~~~the city manager~~ should fail to make such designation, the ~~board of aldermencity council~~ shall do so.

-

Section 2. Compensation.

The city manager shall receive compensation as determined by the ~~board of aldermencity council~~.

Section 3. Powers and Duties.

The city manager shall be the chief executive and administrative officer of the city, and shall be responsible to the ~~board of aldermencity council~~ for the proper administration of the affairs of the city. To that end ~~he~~~~the city manager~~ shall have power and be required to:

- (1) Appoint and, when necessary for the good of the service, remove any officer or employee of the city, except as otherwise provided in this charter and except as ~~he~~~~the city manager~~ may authorize the head of a department or office to appoint and remove subordinates.
- (2) Prepare and submit to the ~~board of aldermencity council~~ the annual budget and appropriation bill and be responsible for the administration thereof.
- (3) Prepare and submit to the ~~board of aldermencity council~~, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year.
- (4) Keep the ~~board of aldermencity council~~ advised of the financial condition of the city, and make recommendations concerning its future needs.
- (5) See that all laws and ordinances are enforced and that all contracts and franchises are faithfully performed.

(6) Prescribe the powers and duties of officers and employees of the city not otherwise prescribed by this charter or by ordinances. ~~He~~The city manager may assign particular officers and employees to one or more departments, require an officer or employee to perform duties in two or more departments, and make such other administrative rules and regulations as ~~h~~e~~the city manager~~ may deem necessary or proper for the efficient and economical conduct of the business of the city.

(7) Attend all meetings of the ~~board of aldermen~~city council and, insofar as possible, of its committees, except when the ~~board~~council may be considering ~~h~~i~~s~~the city manager's removal.

(8) Perform such other duties as may be prescribed by this charter or required of ~~him~~them by the ~~board of aldermen~~city council if not inconsistent with this charter.

Article IV. Administrative Service

Section 1. Departments, Boards, and Commissions.

There shall be ~~the following~~such administrative departments: ~~finance, fire, police, and public works; and the following~~ boards and commissions: ~~board of adjustment, library board, as established by the city plan commission, parks and recreation commission, and board of trustees of the police and firemen's retirement fund. Nothing in this charter shall be construed so as to prevent the board of aldermen from combining the police department and the fire department into a department of public safety council or otherwise prescribed by law.~~

Section 2. Powers and Duties.

All departments, boards, and commissions shall have such powers and perform such duties as are prescribed by law or by this charter, and if not so prescribed, then such as may be prescribed by ordinance.

Each board and commission may establish such rules of procedure and organization as it deems necessary, not inconsistent with this charter, law, or ordinance.

Section 3. Department Heads.

At the head of each administrative department there shall be a director who shall be an officer of the city and who shall have supervision and control of the department, subject to the authority of the city manager. Two or more departments may be headed by the same person; directors of departments may serve as chiefs of divisions; and, with the consent of the ~~board of aldermen~~city council, the city manager may head one or more departments.

Section 4. Fire Department:

~~The director of the fire department shall be the fire chief. He shall be appointed on the basis of his administrative abilities and his qualifications for the office.~~

Section 5. Police Department:

~~The director of the police department shall be the chief of police. He shall be appointed on the basis of his administrative abilities and his qualifications for the office. The chief of police and all police officers shall have the power conferred by law upon police officers of constitutional charter cities, special charter cities, cities of the first class, second class, third class, fourth class, or of any population group, and by ordinance not inconsistent with this charter.~~

Section 6. Library Board:

~~The library board shall be organized as provided by state law, and shall have the powers conferred by law:~~

Section 7. Parks and Recreation:

~~The city parks and public recreation program shall be administered by a director of parks and recreation who shall be the city manager or someone appointed by him. The board of aldermen shall appoint seven members to a parks and recreation commission which shall act in an advisory capacity to the board of aldermen and the director in matters pertaining to parks and public recreation. The board of education of the Clayton School District shall be requested to recommend two of its members as additional members of the commission, and if so recommended, such members shall be appointed. All members shall be electors of the city; shall hold no other office or employment in the government of the city; and shall serve for terms to be prescribed by the board of aldermen.~~

~~The commission shall assist in the planning and development of recreation programs and programs designed to safeguard and promote the welfare of the youth and other citizens of the community; promote and stimulate public interest therein; and solicit to the fullest extent possible the cooperation of school authorities and public and private agencies:~~

~~The board of aldermen shall have power, as provided by law, to levy taxes for the operation of public parks and recreation grounds and facilities, and such taxes shall replace the special tax heretofore levied for parks under authority of Section 90.500, RSMo., 1949; and the power to levy such special tax shall cease upon the adoption of this charter. All revenues derived from the taxes hereafter levied for the operation of public parks and recreation grounds and facilities shall be deposited with the director of finance and be~~

~~subject to disbursement in the same manner as is provided for the disbursement of other funds of the city. All monies, properties and records of the previously existing park board shall be transferred to the city to be used for parks and recreational purposes.~~

Section 8. Police and Firemen's Retirement Fund.

~~The board of trustees of the police and firemen's retirement fund shall continue to function as now provided by ordinance. The board of aldermen may, by ordinance, provide for changes in the organization of the board of trustees or in its powers and duties.~~

Section 9. Merit System.

The ~~board of aldermen~~ city council shall have power to provide for a merit system of personnel administration under such rules and regulations as may be prescribed by ordinance.

Section 105. Retirement Systems.

Retirement systems existing at the time of the effective date of this charter, and the uniformed and non-uniformed plans and the boards of trustees thereof, shall continue in force until lawfully changed. Other employees may be included in retirement systems when permitted by the constitution and laws of the state.

Article V. The City Attorney

Section 1. Qualifications and Compensation.

A city attorney shall be appointed, and may be removed, by the city manager with the consent of the ~~board of aldermen.~~ city council. The city attorney shall be a licensed member of the bar of this state and shall have been in active practice for at least five years. ~~He~~ The city attorney shall receive compensation as determined by ordinance.

Section 2. Duties.

The city attorney shall represent the city in all legal matters in which it is a party, or is interested. ~~He~~ They shall advise the ~~board of aldermen~~ city council, any committee or member thereof, the mayor, the city manager, department heads, and the boards and commissions concerning any legal questions affecting the city's interests, and shall perform such other legal services as may be requested by the ~~board of aldermen~~ city council.

Section 3. Assistant City Attorneys and Special Counsel.

The ~~board of aldermen~~ city council shall provide by ordinance for such assistant city attorneys as it may deem necessary, who shall be appointed, and may be removed, by the city attorney with the approval of the ~~board of aldermen~~. ~~The board of aldermen~~ city council. ~~The city council~~ shall further have the power to employ special legal counsel as it deems necessary. The compensation of such assistants and special counsel shall be determined by the ~~board of aldermen~~ city council.

Article VI. The Municipal Court

Section 1. Jurisdiction.

There shall be a municipal court which shall have jurisdiction to hear and determine all cases arising under this charter or the ordinances of the city, and to assess punishment as therein provided. ~~There shall be the right of appeal to the circuit court in the same manner as provided by law for appeals from magistrates in St. Louis County in criminal cases. The municipal court may punish contempt of court by fine not exceeding fifty dollars or by imprisonment not exceeding ten days, or both.~~ It may enforce its orders and judgments as a court of record may, and render final judgment on any forfeited bond or recognizance returnable to such court, subject to appeal as in other cases.

Section 2. Judge.

~~The municipal court shall be presided over by a judge appointed by the board of aldermen for a term of two years. He shall be a resident and elector of the city, a licensed member of the bar of this state, and shall have been in active practice for at least three years. He shall be removable for cause at any time by a majority vote of the entire board of aldermen after a public hearing before the board. He shall receive compensation as determined by ordinance. Whenever the municipal judge is temporarily absent or unable to act, the mayor shall appoint an eligible person to act during such absence or disability. Whenever the office of municipal judge becomes vacant for any reason, the board of aldermen shall appoint an eligible person for the unexpired term.~~

~~The municipal court shall be presided over by a judge, and, if appointed, one or more provisional judges, appointed by the city council as provided by ordinance.~~

Section 3. Marshal:

~~The chief of police and his subordinates shall serve as marshal and deputy marshals, respectively, of the municipal court and shall enforce its orders, judgments, and decrees.~~

Section 4. Proceedings.

The forms of complaints and the conduct of all proceedings in the municipal court shall be as prescribed by law or ordinance.

Article VII. Finance

Section 1. ~~Director~~Preparation of FinanceThe Budget.

~~The head of the department of finance shall be the director of finance. He shall have knowledge of municipal accounting and taxation, and shall have experience in budgeting and financial control.~~

Section 2. Duties:

~~The director of finance shall have charge of the administration of financial affairs of the city, and to that end he shall have authority and be required to:~~

- ~~(1) Maintain a general accounting system for the city and each of its departments and offices; exercise financial control over the same; keep such books and records and submit such financial statements to the city manager and the board of aldermen as they may require.~~
- ~~(2) Prescribe the forms of all financial records, receipts, vouchers, bills, and claims used by all departments and offices of the city.~~
- ~~(3) Supervise and be responsible for the disbursement of all monies of the city, and have control over all expenditures to insure that they are proper and that appropriations are not exceeded.~~
- ~~(4) 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 the work program contemplated thereby, and that there is a sufficient unencumbered balance in the appropriation account and in the proper fund to pay the obligation.~~
- ~~(5) Preaudit and approve before payment all bills, invoices, payrolls, and other evidences of claims against the city, and draw and sign checks for the payment of all such valid claims, with countersignature by such person as the board of aldermen shall designate for the safeguarding of city funds.~~
- ~~(6) Inspect and audit any accounts or records of financial transactions which may be maintained in his department and in any other department or office of the city.~~

~~(7) Collect or provide for the collection of all taxes, special assessments, license fees, and other revenues or monies due the city from any source whatsoever; and receive from the various departments and offices all fees, revenues, and monies collected by them.~~

~~(8) Serve as treasurer for the city, and deposit all funds coming into his custody in such depositories as may be designated by the board of aldermen. All such funds shall be secured in accordance with law and ordinance.~~

~~(9) Make and have custody of all investments of the city, including those held in a fiduciary capacity, under such regulations as the board of aldermen may prescribe.~~

~~(10) Compile the information required for preparing the budget, and assist the city manager in its preparation.~~

~~(11) Arrange for the assessment of all taxable property within the city in the manner provided by the board of aldermen and in accordance with law.~~

~~(12) Perform such other duties as may be prescribed by the city manager.~~

~~Section 3. Division of Purchases:~~

~~There shall be within the department of finance a purchasing agent, who may be the city manager or someone appointed by him. Pursuant to regulations established by ordinance, the purchasing agent shall contract for, purchase, store, and distribute all supplies, materials, and equipment required by any department or office of the city, except boards and commissions which may be exempt by law from such regulations.~~

~~The city manager may establish regulations under which the purchase of designated materials and equipment may be exempt from central purchasing regulations.~~

~~Section 4. Fiscal Year:~~

~~The fiscal year and the budget year of the city shall, unless otherwise provided by ordinance, begin on the first day of July and end on the last day of June of the following year.~~

~~Section 5. Preparation of The Budget:~~

The city manager shall present to the board of aldermencity council an annual budget and long range capital budgets prepared in such manner as may be provided by ordinance and in accordance with accepted principles of municipal budgeting. The time for the presentation of the annual budget shall be set by the board of aldermencity council in consultation with the city manager, and if not so set, the budget shall be presented not less than thirty days prior to the beginning of the fiscal year.

Section 6. Public Hearing.

~~At the meeting of the board of aldermen at which the budget is submitted, the board shall determine the time and place for a public hearing on the budget, to be held on or before the next regular meeting date, and the city clerk shall immediately provide for giving public notice in accordance with rules provided by the board. At the time and place provided in the public notice, or at a time and place to which such hearing may be adjourned, interested persons shall be given an opportunity to be heard.~~

Section 7. Public Record.

~~The budget and all supporting schedules shall be a public record in the office of the city clerk and open to public inspection. The city manager shall have sufficient copies of the budget prepared for distribution to interested persons.~~

Section 82. Appropriation Ordinance.

The city manager shall present, along with the annual budget, an appropriation bill which, if adopted, will authorize the expenditures proposed in the budget. The ~~board of aldermen~~city council may insert new items or may increase, decrease, or eliminate items in the appropriation bill.

If the appropriation bill has not been adopted under the provisions of this charter so that it can become effective by the first day of the fiscal year, then the bill presented by the manager shall become effective on the first day of the fiscal year the same as if it had been so adopted.

Section 93. Appropriations.

From the effective date of the appropriation ordinance, the several amounts stated therein shall be appropriated to the several objects and purposes of expenditure, but the city manager may control the rate at which any appropriation is expended during the period of the appropriation, by allotment or other means, and may reduce the expenditures of the city or any of its agencies below the appropriations whenever the actual revenues are less than the revenue estimates upon which the appropriations were based.

Section 104. Transfer of Unencumbered Appropriations.

The city manager may transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within a department or office. At the request of the city manager, the ~~board of aldermen~~city council may by resolution transfer any unencumbered appropriation balance or portion thereof from one department or office

to another. 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 ~~115~~. Tax Rates.

The ~~board of aldermen~~city council shall by ordinance ~~, after the appropriation ordinance is adopted,~~ set the tax rates on the various classes of property as assessed, and such rates shall ~~thereafter~~ be certified ~~by the city clerk to the director of finance, who shall compute the taxes and extend them~~extended upon the tax rolls.

Section ~~126~~. Bonds.

The city may issue its negotiable bonds in evidence of indebtedness incurred for any purpose which may be authorized in this charter, and for any purpose for which any city is authorized to incur indebtedness under the constitution and laws of the state. Some of the purposes hereby specifically authorized for which the bonds of the city may be issued, sold, pledged, or disposed of on 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 property used in connection with any public utility owned or operated by the city, or upon any two or more such credits, shall be:

(1) The acquiring of land; the purchase, construction, reconstruction, repairs, and improvement upon or extension of the following: water systems, including lakes and reservoirs; public sewers, sewage disposal plants; buildings and equipment for the police and fire departments; libraries and their equipment; other public buildings and equipment therefor; facilities and equipment for the collection and disposal of garbage and refuse; bridges, viaducts, subways, tunnels, railroads, bus lines, terminals for bus, air, and railroad travel and their equipment; warehouses, public market facilities, airports, and equipment therefor; street lighting systems, gas or electric utility systems, heating and power plants, telephone and telegraph systems, facilities for radio and television broadcasting and reception; off-street parking facilities; any public utility or equipment therefor; public housing, hospitals, orphan homes, industrial schools, jails, workhouses, and other charitable, correctional, or penal institutions and equipment therefor; golf courses, swimming pools, and other recreational facilities, and their equipment; parks, parkways, streets, boulevards, grounds, or other public improvements.

(2) The paying, refunding, or renewing of any bonds issued by the city, whether general obligation bonds or revenue bonds, and the establishment of a local improvement fund to be used for the purpose of paying cash for local improvements, such fund to be

replenished from time to time by the payment into it of the proceeds of special assessments made on account of such local improvements.

The foregoing enumeration shall not be construed to limit any general provision of this charter or of law authorizing the city to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purposes had been mentioned; and the authority to issue such bonds for any purpose aforesaid is cumulative and shall not be construed to impair any authority to make any public improvements under any provision of this charter or of any law.

If, under the constitution and laws of the state, an election is required to authorize the issuance of any bonds, the number of votes required for approval shall be as therein specified. Notice of such elections shall be given, and such elections held, conducted, and the returns made, canvassed, and declared in the manner provided by ordinance consistent with the constitution and laws of the state.

Section 13. Debt Statement:

~~Prior to the adoption of an ordinance calling or providing for the holding of an election at which any question of the incurring of any tax-secured bonded indebtedness shall be submitted, the director of finance shall prepare, swear to, and file for public inspection in the office of the city clerk, a special debt statement which shall set forth:~~

- ~~(1) The aggregate principal amount of all outstanding bonds and notes of the city:~~
- ~~(2) Deductions, if any, permitted by the constitution and general laws:~~
- ~~(3) The amount of existing net indebtedness:~~
- ~~(4) The amount of net indebtedness after the issuance of the bonds authorized by such bond ordinance:~~
- ~~(5) The assessed valuation of all taxable tangible property within the city as shown by the last completed assessment for state and county purposes:~~
- ~~(6) The aggregate principal amount of bonds which the city may issue pursuant to law:~~

Section 14. Sale of Bonds:

~~All bonds shall be sold at public sale upon sealed proposals. At least ten days prior to the date of sale, the director of finance shall give notice by direct mail and by such other advertising as the board of aldermen may direct to all parties and financial institutions~~

~~which in his opinion may be interested in the purchase of such bonds or which make written application for such notice.~~

Article VIII. Public Works

Section 1. Director of Public Works.

~~The head of the department of public works shall be the director of public works. He shall be an engineer registered under the laws of Missouri and qualified to perform the duties required of him by this charter and ordinances of the city.~~

Section 2. Powers and Duties.

~~The director of public works shall serve as city engineer and shall be responsible for:~~

~~(1) The design, construction, reconstruction, supervision, maintenance, and repair of all physical facilities which the city may hold or acquire under power conferred by Articles I and II of this charter, including alterations, additions, and appurtenances thereto.~~

~~(2) The construction, reconstruction, supervision, maintenance, and repair of all streets and other public ways, pavements, curbs, sidewalks, parkways, playgrounds, recreation centers, swimming pools, and buildings and land used for recreational purposes; and the planting and care of all trees, shrubbery, and other landscaping located on property owned by the city.~~

~~(3) The collection and disposal of garbage and other refuse, or the supervision of such collection if provided for under contract.~~

~~(4) The lighting of public grounds, streets, and other public ways; the laying of conduits; the location, erection, and construction of poles and appurtenances, and all structures and facilities in, on, or over public grounds, streets, and other public ways; the granting of all permits to excavate into or disturb any public property, street, or other public way, or to make any special use thereof.~~

~~(5) The administration of all building and zoning ordinances, including the issuance and revocation of permits and the making of inspections required or authorized by law or ordinance.~~

~~(6) The making and keeping of records of all plats, surveys, drawings, and estimates; and of the location, direction, depth, and connection of all underground structures, pipes, conduits, and equipment.~~

~~(7) The operation of any city garage.~~

~~(8) The performance of such other duties as may be prescribed by the city manager.~~

Article IX. Planning and Zoning

Section 1. City Plan Commission.

~~There~~ The city council shall ~~be provide by ordinance for the appointment of~~ a city plan commission ~~consisting of seven members appointed by the board of aldermen, one of whom shall be the city manager or an administrative officer of the city designated by him, and another of whom shall be a member of the board of aldermen. The other five members shall be residents of the city qualified by knowledge or experience to act on questions pertaining to the development of a city plan, who shall be appointed for terms of three years, except that of the members first appointed, two shall be appointed to serve for one year, two for two years, and one for three years. The board of aldermen shall fill vacancies for any unexpired term. The city plan commission shall elect its own chairman and other officers annually.~~

Section 2. Powers and Duties:

~~The city plan commission shall have the authority and the duty to submit to the board of aldermen for its approval a master plan for the physical development of the city, and shall have the power to employ or consult professional advisers. The plan shall include, among other things, the general location, character, and extent of streets, bridges, parks, waterways, and other public ways, grounds, and spaces, together with the general location of public buildings and other public property, public utilities, and the extent and location of any blighted area redevelopment projects. The commission shall recommend such modifications of the master plan, from time to time, as it deems in the city's interest; and not less frequently than once each year, it shall submit to the board of aldermen a report which shall include a summary of its activities and statements of its recommendations for improvements in the master plan. Reports of the plan commission shall be filed in the office of the city clerk and be open to public inspection.~~

Section 3. Zoning:

~~The city plan commission shall~~ also act as the zoning commission with all of the powers granted to a planning commission and to a zoning commission by law, and ~~shall have the authority and the duty to submit and recommend to the board of aldermen for enactment into an ordinance, a comprehensive plan for the zoning of the city. The zoning plan shall include regulations as to the location, height, width, and bulk of buildings and other structures, and the size of the yards, courts, and other open spaces, including off-street~~

~~parking areas surrounding the same, as the commission shall determine to be necessary or desirable for the promotion of the health, safety, morals, and general welfare of the inhabitants of the city. The zoning plan shall also specify the use of such buildings, structures, and land as the commission shall determine to be necessary or desirable for the promotion of the health, safety, morals, and general welfare of the inhabitants of the city. such additional powers and duties as may be prescribed by the city council.~~

~~The commission shall hold a public hearing on each application for amendments, modifications, or revisions of the zoning ordinance, and shall forward such application to the board of aldermen with its recommendations thereon. For at least seven days immediately prior to the date of the public hearing on any proposed amendment, modification, or revision, the commission shall cause public notices to be maintained in at least five public places, two of which shall be upon the property which would be affected by the proposed change in the zoning ordinance. At least ten days prior to such hearing, the commission shall mail a written notice to the last known place of abode of the owners of all property, according to current city tax records, adjacent to or lying within one hundred and eighty-five feet of all boundaries of the property under consideration. In addition, the commission shall cause notice of the hearing to be published at least two times in a newspaper printed or published in the city, or if there be no newspaper printed or published in the city, then in any daily newspaper of general circulation in the city. The first publication shall be at least fifteen days prior to the date of the hearing. All such notices shall describe briefly the proposed amendment, modification, or revision and indicate the time and place of the hearing. In the event of a general revision of the zoning ordinance such notices shall not be required.~~

The commission shall have authority to recommend regulations as to use, size, value, and type of construction of buildings proposed to be erected within the city. Such regulations shall be made, giving consideration to the character of the district and its peculiar suitability for particular uses, and with a view of conserving the values of buildings and encouraging the most appropriate use of land throughout the city.

~~The recommendations of the commission shall not be binding on the board of aldermen, which may approve or disapprove the commission's findings. However, the affirmative vote of five members shall be required to adopt any amendment, modification, or revision contrary to the recommendations of the commission, and the board of aldermen may prescribe by ordinance a period of time which must elapse before any proposal for amendment, modification, or revision which has been rejected can be resubmitted. No zoning ordinance or any modification, amendment, or revision thereof shall become~~

~~effective unless a public hearing has been held by the board of aldermen in relation thereto. Notice of such hearing shall be given in the manner prescribed by law.~~

Section 42. Subdivision Plats.

~~At~~Except as provided by law and ordinance, all plats of proposed subdivisions or resubdivisions presented to the ~~board of aldermen~~city council for approval shall first be submitted to the city plan commission, which shall make recommendations to the ~~board of aldermen~~city council with respect thereto. No building permits shall be issued in any approved subdivision or resubdivision until adequate streets, sewers, and water mains have been provided, or adequate security given to guarantee their construction.

Section 53. Board of Adjustment.

There shall be a board of adjustment, appointed by the ~~board of aldermen~~city council as required by law. The board shall have such powers and duties as are provided by law and ordinance.

Article XIX. Public Improvements

Section 1. Power.

The city may make public improvements authorized by law and by Articles I and II of this charter. The power to make public improvements may be exercised by the city outside the city limits for the benefit of the city and its inhabitants.

Section 2. Payment.

Public improvements may be paid for, in whole or in part, out of: (1) general funds, (2) proceeds from the sale of bonds, (3) special assessments which may be evidenced by special tax bills charged and assessed against property benefited by the improvement, or (4) the revolving public improvement fund herein authorized. All ordinances and contracts for public improvements shall specify the method of payment for the improvements. In case payment is to be made in whole or in part to the contractor by special tax bills or other evidences of assessments upon real property, the city shall in no event be liable for the part to be so paid.

Section 3. Letting of Contracts.

~~When work is to be done by contract, except work or repairs requiring prompt attention, the city shall advertise for bids therefor upon such notice as may be prescribed by ordinance. Any or all bids may be rejected. Except for such right of rejection, the city manager shall let the contract to the lowest responsible bidder, and shall cause the contract to be formally~~

~~executed by the contractor and by the city manager on behalf of the city. Such contract, before it becomes binding and effective, shall be confirmed by an ordinance of the board of aldermen. Work may be done by the city's own departments and employees when no satisfactory bid is received therefor, or when deemed advisable by the city manager.~~

~~Section 4. Institution of Proceedings.~~

~~All proceedings to make any public improvements, except work or repairs requiring prompt attention and ordinary maintenance work, shall be initiated by the adoption of a resolution by the board of aldermen declaring the necessity of such improvement, and stating the nature thereof and the method of payment therefor. When payment is to be made by special tax bills or other evidences of assessments upon real property, or out of the revolving public improvement fund, as herein provided, the resolution shall state the proposed method of making assessments to pay therefor. The resolution shall also state the estimate of the probable cost of such improvements, but any error or inaccuracy in such estimate as compared with the actual cost of the work shall not affect the validity of the proceedings, or of any assessments made, or of special tax bills issued to pay for such work.~~

~~Section 5. Public Hearings.~~

Upon the adoption of a resolution with respect to any public improvements which are to be paid for in whole or in part by special assessments upon real estate, the ~~board of aldermen~~city council shall fix a date for a public hearing to be held not less than ten nor more than thirty days thereafter, at which persons interested in such improvements may be heard. The ~~board of aldermen~~city council shall cause a copy of its resolution, together with notice of the date of public hearing, to be published in ~~two consecutive issues of any newspaper printed or published in the city. If no newspaper be printed or published in the city, such copy and notice may be published in any daily~~a newspaper of general circulation in the city. After such hearing, the ~~board of aldermen~~city council may determine that it is or is not in the public interest that such improvements or any part thereof be made.

~~Section 6. Plans and Specifications.~~

~~The city manager shall cause plans and specifications for the proposed improvements to be prepared and submitted to the board for approval. Such plans and specifications insofar as practicable shall not limit the materials to be used to those of any particular producer or manufacturer, but shall be arranged insofar as practicable to permit materials and processes to enter into competition.~~

Section 74. Special Assessments.

Whenever any portion of the cost of improvements is to be met by special tax bills or assessments, the ordinance shall specify the portion thereof and set forth the boundaries of the district within which property is to be so assessed. Special assessments may be made and collected by the city as other taxes on real estate, or special tax bills may be issued to the contractor. Any such tax bills may be purchased by the city from the contractor out of any funds available for such purpose.

The cost of any public improvement to be paid for in whole or in part by assessments on property specially benefitted may include the direct cost, the damages occasioned, a reasonable charge for administrative expenses, and any other items which may reasonably be attributed to the public improvement. The amount to be assessed against all property specially benefitted shall be apportioned among the individual parcels in proportion to their respective benefits in the manner designated by the board of aldermencity council.

Section 85. Special Tax Bills.

Upon the completion of any public improvements the payment for which is to be made by special tax bills, the board of aldermencity council shall by ordinance direct the issuance of said tax bills. When said ordinance is approved, the tax bills authorized thereby shall become a lien upon the property charged therewith, ~~which lien shall continue for six years from the date of issue unless sooner paid, and unless suit be brought to collect the same within that time, in which case the lien shall continue until the final determination of the proceedings to collect. until paid.~~ There shall be no priority among special tax bills issued under this charter, regardless of the date of such bills. They shall be payable to the party entitled thereto either at the office of the director of finance or at some bank or trust company in the City of St. Louis or in St. Louis County, Missouri, at the option of the party so entitled. They shall be promptly registered in the office of the director of finance and delivered to the person entitled. All tax bills herein authorized shall be assignable and they 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 the ordinance directing the issuance thereof, ~~and at the request of the property owner, made to the director of finance prior to the issuance of the bills, may be made payable in annual installments, not exceeding five.~~

Section 96. Invalid Assessments May Be Reassessed.

If any such special tax bill or special assessment shall fail 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 ~~board of aldermencity council~~ shall be authorized to cause such assessment to be reassessed and to enforce or authorize the enforcement of its collection.

Section ~~107~~. Additional Provisions.

Upon recommendation of the city manager, the ~~board of aldermencity council~~ may make further provision by general ordinance, not inconsistent herewith, for special assessments, the issuance of special tax bills, the collection thereof, and all matters incidental thereto.

~~Section 11. Revolving Public Improvement Fund:~~

~~There is hereby created a fund to be known as the revolving public improvement fund. Said fund may be maintained from the following sources:~~

~~(1) Appropriations from the general funds when available:~~

~~(2) The proceeds from bond issues, as provided in this charter.~~

~~(3) Collections of special assessments or special tax bills and any interest thereon, levied or issued for public improvements previously paid for out of the revolving public improvement fund:~~

~~(4) The proceeds from the sale of special tax bills:~~

~~(5) Any other source permitted by law or ordinance.~~

Article ~~XIX~~. Elections

Section 1. Time of Elections.

A regular election for the choice of elective municipal officials shall be held annually on the general municipal election day established by state law. The ~~board of aldermencity council~~ may, by resolution, call, set the time of, and provide for holding special elections.

Section 2. Candidates.

Each candidate for any elective office under this charter shall file a declaration of candidacy with the city clerk on forms provided by the city clerk. The names of candidates for each office shall be printed without party.

Section 3. Tie Vote.

If at any municipal election, two or more candidates receive an equal number of votes which is greater than the number received by any other candidate for such office, the election shall be determined in the manner provided by the election laws of the State of Missouri.

Article ~~XXI~~. Initiative, Referendum, and Recall

Section 1. Initiative.

The electors shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power to be known as the initiative. Any initiated ordinance may be submitted to the ~~board of aldermen~~city council by a petition signed by electors of the city equal in number to at least ten percent of the total number of votes cast for the office of mayor in the last election for mayor.

Section 2. Referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the ~~board of aldermen~~city council, or submitted by the ~~board~~council to a vote of the electors, except the following: ordinances passed on the day of their introduction as provided in the second paragraph of Section 8 of Article II of this charter, ordinances levying taxes, and ordinances for the issuance of special tax bills. Such power shall be known as the referendum. Within fifteen days after the date on which the ~~board of aldermen~~city council has adopted an ordinance which is subject to referendum, a petition signed by electors of the city equal in number to at least ten percent of the total number of votes cast for the office of mayor in the last election for mayor may be filed with the city clerk, requesting that such ordinance be either repealed or submitted to a vote of the electors.

Section 3. Recall.

Any officer elected by popular vote may be removed by the electors qualified to vote for ~~his~~their successor, such power to be known as the recall. A petition requesting the removal of an incumbent shall be signed by electors of the city equal in number to twenty percent 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 4. Petitions.

All papers comprising an initiative, referendum, or recall petition shall be assembled and filed with the city clerk as one instrument. Every initiative petition shall contain the full text of the measure proposed, every referendum petition shall contain the full title of the

ordinance referred, and every recall petition shall contain a general statement of the grounds for removal. Each signer, after ~~his~~their name, shall designate ~~his~~their residence by street and number, or by any other description sufficient to identify ~~his~~their place of residence. The signatures to any petition need not all be appended to one paper. In addition, there shall be attached to each such paper a signed statement of the circulator thereof, stating the number of signers of such paper, that each signature appended thereto was made in ~~his~~their presence and is the genuine signature of the person it purports to be, and that ~~he believe~~they believe each such signer to be a registered voter of the city.

Section 5. Filing and Certification of Petitions.

Within ten 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 a sufficient number of electors. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing ~~his~~the examination of the petition, the city clerk shall certify the result thereof to the ~~board of aldermen~~city council at its next regular meeting. If ~~he~~the city clerk shall certify that the petition is insufficient, ~~he~~they shall set forth in ~~his~~a certificate the particulars in which it is defective, and ~~he~~ shall at once mail a copy of the certificate to the person filing the petition.

Section 6. Amended Petitions.

An initiative, referendum, or recall petition may be amended at any time within ten days after the notification of insufficiency has been mailed by the city clerk, by filing a supplementary petition executed as provided in the case of an original petition. The city clerk shall, within five days after such an amended petition is filed, make examination thereof and if it is then found to be sufficient, shall so certify to the ~~board of aldermen~~city council at its next regular meeting. If the petition be still insufficient, ~~he~~the city clerk shall file ~~his~~a certificate to that effect in ~~his~~the clerk's office and mail a copy thereof to the person filing the petition, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 7. Effect of Initiative Petition.

When an initiative petition has been certified to the ~~board of aldermen~~city council as sufficient by the city clerk, the ~~board of aldermen~~city council shall proceed at once to consider the proposed ordinance. If the ordinance proposed by the initiative petition has not been finally adopted within thirty days after certification the ~~board of aldermen~~city council

council shall call a special election to be held at which such proposed ordinance shall be submitted without alteration to the vote of the electors of the city. The enacting clause of such proposed ordinance shall be: BE IT ORDAINED BY THE PEOPLE OF CLAYTON, MISSOURI.

Section 8. Effect of A Referendum Petition.

When a referendum petition has been certified to the board of aldermencity council as sufficient by the city clerk, the ordinance specified in the petition shall be suspended unless and until approved by the electors as hereinafter provided. The board of aldermencity 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 days after such certification, the board of aldermencity council shall call a special election to be held at which such ordinance shall be submitted without alteration to the vote of the electors of the city upon the question: SHALL THE ORDINANCE SPECIFIED IN THE REFERENDUM PETITION BE APPROVED?

Section 9. Voting.

Ordinances submitted to the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title which shall be prepared by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Any number of initiated or referred ordinances may be voted on at the same ~~[election]~~.

Section 10. Effect of Vote.

If a majority of the electors voting on an initiated ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city. No such ordinance shall be amended or repealed by the board of aldermencity council for at least six months, and for the next twelve months thereafter only by unanimous vote. If a majority of the electors voting on a referred ordinance shall vote against the ordinance, it shall thereupon be repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail. No election under the initiative or referendum procedure shall be set aside because of any defect in the petition.

Section 11. Recall Election.

When a recall petition has been certified to the board of aldermencity council as sufficient by the city clerk, the board of aldermencity council shall set a date for holding the election,

not less than thirty nor more than forty-five days thereafter. If such office becomes vacant prior to the election, such election shall be cancelled, and the vacancy shall be filled as provided in Section 5 of Article II of this charter.

Section 12. Recall Ballot.

The ballot shall be in the following form:

SHALL (Name and title) BE REMOVED FROM OFFICE?

YES

NO

Section 13. Effect of Election.

If a majority of the electors voting in such recall election shall vote in favor of the recall, then a vacancy shall exist, regardless of any defect in the recall petition. Such vacancy shall be filled as provided in Section 5 of Article II of this charter. If a majority of the electors voting in such election shall vote against the recall, the officer in question shall continue in office. Any such person who has been recalled shall be ineligible to serve the city in any capacity at any time during the remainder of the term for which ~~he was~~they were elected. No elected officer of the city shall be subject to recall within six months from ~~his~~ induction into office, nor during the last six months of ~~his~~their term; and if ~~he is~~ retained in office upon any recall election, ~~he~~they shall not be again subject to recall during the same term of office.

Section 14. Conduct of Initiative, Referendum, and Recall Elections.

Notice of initiative, referendum, and recall elections shall be given, the elections conducted, the returns canvassed, and the results declared in all respects as are other city elections.

Article ~~XIII~~XII. General Provisions

Section 1. Judicial Notice of The Charter.

This charter is declared to be a public act, and all courts shall take judicial notice thereof.

Section 2. Proof of Ordinance.

Any ordinance may be proved by a copy thereof certified by the city clerk under the seal of the city; or, when printed in book or pamphlet form and purporting to be published by

authority of the city, shall be received in evidence in all courts, or other places, without further proof of authenticity.

Section 3. Pending Actions and Proceedings.

No action or proceeding, civil or criminal, pending at the time this charter shall take effect, brought by or against the city or any department, office, or officer thereof, shall be affected or abated by the adoption of this charter or by anything herein contained.

Section 4. Existing Ordinances.

All ordinances, regulations, and resolutions in force at the time this charter takes effect, and not inconsistent with the provisions thereof, shall remain and be in force until altered, modified, or repealed by the ~~board of aldermen-city council~~. If any part of an ordinance, regulation, or resolution is in conflict with this charter, other provisions which are consistent with the charter shall not thereby be affected.

Section 5. Continuance of Contracts — Public Improvements — Taxes.

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

Section 6. Personal Interest.

No officer or employee of the city shall be financially interested in any contract, or the profits thereof, concerning materials, work, or services to be furnished or performed for the city. Any violation of this section, with the knowledge expressed or implied of the persons or corporation contracting with the city, shall render the contract voidable by the city.

Section 7. Continuity of Departments or Offices.

Any department, office, board, or commission exercising powers and duties the same, or substantially the same, as those of a department, office, board, or commission heretofore existing shall be deemed to be a continuation of such department, office, board, or commission, unless otherwise specified in this charter.

Section 8. Transfer of Records and Property.

All records, property, and equipment of any department, office, board, or commission, or part thereof, the powers and duties of which are assigned to any other department, office, board, or commission pursuant to this charter, shall be transferred and delivered to the department, office, board, or commission to which such powers and duties are assigned.

Section 9. Oath of Office.

Before entering upon ~~his~~their duties, every elected official and department head shall take, subscribe, and file with the city clerk, an oath or affirmation that ~~he has~~they have all the qualifications, and ~~is~~are not subject to any of the disqualifications, named in this charter for the office or employment ~~he is~~they are about to assume; and that ~~he~~they will support the constitution and the laws of the United States and of this state, and the charter and ordinances of the city.

Section 10. Notice of Suits.

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the city manager. Such notice shall be given within ninety days of the occurrence for which said damage is claimed, and it shall state the place, time, character, and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

Section 11. Judicial Bonds.

The city shall not be required to give bond in any judicial proceeding or appeal.

Section 12. Official Bonds.

The city manager, city clerk, director of finance, all other officers and employees receiving, disbursing or responsible for city funds, and such other officers and employees as the ~~board of aldermen~~city council by ordinance may designate, shall, within such time after appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city. Official bonds shall be in such sums and with such sureties as shall be prescribed by ordinance, shall be subject to approval by the ~~board of aldermen~~city council, and shall be conditioned upon the faithful and proper performance of duties, and upon the prompt accounting for and paying over to the city of all monies or property belonging to the city that may be received. If any person appointed to any office or employment shall fail to give bond as herein required, ~~he~~they shall forfeit ~~his~~their office or employment. The city shall pay the premiums on all such bonds. Unless otherwise provided by ordinance, the bond of the city clerk shall be filed with the mayor, and the bonds of all other officers and employees shall be filed with the city clerk.

Section 13. Power to Administer Oath.

The mayor, any other member of the ~~board of aldermencity council~~, and the city clerk may administer oaths or affirmations in any matter pertaining to the affairs and government of the city.

Section 14. Condemnation Proceedings.

All proceedings for the condemnation of property, or in the exercise of the right of eminent domain, shall be in accordance with the laws of the state now or hereafter applicable to cities of the third class, or with such laws as may be provided for constitutional charter cities.

Section 15. Effect of Unconstitutional Provisions.

If any provision of this charter be held to be unconstitutional or void, the validity, force, or effect of any other provision shall not thereby be affected.

Section 16. Amending The Charter.

Amendments to this charter may be framed and submitted to the electors by a commission as provided for a complete charter. Amendments may also be proposed by the ~~board of aldermencity council~~, or by petition of not less than ten percent of the registered qualified electors of the city, filed with the city clerk, setting forth the proposed amendment. The ~~board of aldermencity council~~ shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election held as provided for a charter. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of the charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided for a complete charter.