



**CHARTER
OF
KANSAS CITY,
MISSOURI**

2006

Charter of Kansas City, Missouri

Adopted by the Electors August 8, 2006
Second Committee Substitute for Ordinance 050953
Committee Substitute for Ordinance 051253

City Council

Kay Barnes, Mayor

Deb Hermann, 1st District-at-Large
Bill Skaggs, 1st District
Bonnie Sue Cooper, 2nd District-at-Large
John Fairfield, 2nd District
Troy Nash, 3rd District-at-Large
Saundra McFadden-Weaver, 3rd District
Jim Glover, 4th District-at-Large
George Blackwood, 4th District
Becky Nace, 5th District-at-Large
Terry Riley, 5th District
Alvin Brooks, 6th District-at-Large
Dr. Charles Eddy, 6th District

Table of Contents

PREAMBLE

ARTICLE I. CORPORATE NAME, POWERS AND BOUNDARIES

| | |
|---|---|
| Sec. 101. Incorporation, name and boundaries..... | 1 |
| Sec. 102. Powers. | 1 |
| Sec. 103. Intergovernmental cooperation. | 1 |

ARTICLE II. MAYOR AND MEMBERS OF THE COUNCIL

DIVISION 1. MAYOR AND COUNCIL

| | |
|--|---|
| Sec. 201. Establishment of the City Council. | 2 |
| Sec. 202. Council a continuing body. | 2 |
| Sec. 203. Council districts..... | 2 |
| Sec. 204. Qualifications for membership on the Council, including as Mayor. | 2 |
| Sec. 205. Salary | 3 |
| Sec. 206. Term of office..... | 3 |
| Sec. 207. Forfeiture of office..... | 4 |
| Sec. 208. Vacancy..... | 4 |
| Sec. 209. Authority of the Mayor. | 5 |
| Sec. 210. Meetings. | 6 |
| Sec. 211. Rules and procedure..... | 6 |
| Sec. 212. Investigations by Council. | 7 |
| Sec. 213 – Sec. 215. Reserved..... | 7 |

DIVISION 2. OFFICERS APPOINTED BY THE COUNCIL

PART 1. CITY AUDITOR

| | |
|------------------------------|---|
| Sec. 216. City Auditor. | 7 |
|------------------------------|---|

PART 2. CITY CLERK

| | |
|----------------------------|---|
| Sec. 217. City Clerk. | 8 |
|----------------------------|---|

PART 3. CITY MANAGER

| | |
|--|----|
| Sec. 218. City Manager | 9 |
| Sec. 219. Appointments by City Manager. | 10 |
| Sec. 220. Duties of City Manager. | 12 |
| Sec. 221 – Sec. 299. Reserved..... | 12 |

ARTICLE III. KANSAS CITY MUNICIPAL DIVISION OF THE CIRCUIT COURT

Sec. 301. Municipal Court of Kansas City, Missouri, established.....12
Sec. 302. Jurisdiction.....13
Sec. 303. Practice.13
Sec. 304. Term of office.....13
Sec. 305. Compensation of judges.....14
Sec. 306. Qualifications of judges.....14
Sec. 307. Practice of law prohibited.....14
Sec. 308. Political activity by judges prohibited.14
Sec. 309. Municipal Judicial Nominating Commission.....15
Sec. 310. Appointment by the Mayor and Council.16
Sec. 311. Retention in office.16
Sec. 312. Removal from office.....17
Sec. 313. Administrator of the Municipal Court.....18
Sec. 314 – Sec. 399. Reserved.....18

ARTICLE IV. DEPARTMENTS AND OFFICES

DIVISION 1. IN GENERAL

Sec. 401. Departments and offices established.....18
Sec. 402. Rulemaking authority.18
Sec. 403 – Sec. 405. Reserved.....19

DIVISION 2. DEPARTMENTS

Sec. 406. Aviation.....19
Sec. 407. Finance.19
Sec. 408. Fire.....20
Sec. 409. Health.21
Sec. 410. Human Resources.21
Sec. 411. Law.....22
Sec. 412. Parks and Recreation.....23
Sec. 413. Public Works.....24
Sec. 414. Water Services.24
Sec. 415. Additional departments.....25
Sec. 416. Neighborhood matters.25
Sec. 417 – Sec. 499. Reserved.....26

ARTICLE V. ORDINANCES AND RESOLUTIONS

Sec. 501. Introduction of ordinances and resolutions.....26
Sec. 502. Passage of ordinances and resolutions.26
Sec. 503. Ordinances, when effective.26
Sec. 504. Approval or veto of ordinances and resolutions.....28
Sec. 505. Reconsideration of rejected ordinances and resolutions at request
of the Mayor.....29
Sec. 506 – Sec. 599. Reserved.....29

ARTICLE VI. NOMINATIONS AND ELECTIONS

Sec. 601. General laws to apply.....30
Sec. 602. Nominations – primary election.30
Sec. 603. Non-partisan election.31
Sec. 604. Election dates.....31
Sec. 605. Results of elections.....31
Sec. 606 – Sec. 699. Reserved.....32

ARTICLE VII. INITIATIVE, REFERENDUM AND RECALL

DIVISION 1. INITIATIVE

Sec. 701. Initiative petitions.32
Sec. 702. Action by Council.32
Sec. 703. Election.33
Sec. 704. Repeal of initiated ordinances.....33
Sec. 705 – Sec. 709. Reserved.....33

DIVISION 2. REFERENDUM

Sec. 710. Referendum petition.....33
Sec. 711. Election.33
Sec. 712. Initiative and referendum ballots.34
Sec. 713. Conflicting ordinances.34
Sec. 714 – Sec. 719. Reserved.....34

DIVISION 3. RECALL

Sec. 720. Recall petition papers.34
Sec. 720.5. Grounds for recall.34
Sec. 721. Filing recall petition.35
Sec. 722. Recall election ordered.35
Sec. 723. Candidates to succeed officer recalled.....35
Sec. 724. Ballots in recall election.....35
Sec. 725. Result of recall election.....36
Sec. 726. Election when an officer resigns.36
Sec. 727. Limitations on recall petitions.....36
Sec. 728 – Sec. 729. Reserved.....36

DIVISION 4. INITIATIVE, REFERENDUM AND RECALL PETITIONS.

Sec. 730. Signatures to petitions.36
Sec. 731. Filing petitions.....37
Sec. 732. Supplementary petitions.....38
Sec. 733 – Sec. 799. Reserved.....38

ARTICLE VIII. BUDGET AND FINANCIAL PROCEDURES

DIVISION 1. BUDGET

Sec. 801. Fiscal year.....38
Sec. 802. Method of accounting.....38
Sec. 803. Annual budget requests.....38
Sec. 804. Annual budget.....39
Sec. 805. Adoption of budget.....40
Sec. 806. Temporary loans.....41
Sec. 807. Debt and economic incentives policies.....42
Sec. 808 – Sec. 810. Reserved.....42

DIVISION 2. TAXATION AND SPECIAL ASSESSMENTS

Sec. 811. Property subject to taxation.....42
Sec. 812. Objects of taxation.....42
Sec. 813. Earnings and profits tax.....42
Sec. 814. Special assessments.....43
Sec. 815. Lien of taxes and assessments.....43
Sec. 816. Tax books and records received as evidence.....43
Sec. 817. Fee taxed as costs in suit.....43
Sec. 818. Abatement and reduction in valuation.....44
Sec. 819. Error or delay.....44
Sec. 820 – Sec. 830. Reserved.....44

DIVISION 3. BONDS

Sec. 831. Issuing bonds.....44
Sec. 832. – Sec. 835. Reserved.....44

DIVISION 4. AUDITS AND REPORTS

Sec. 836. Audits.....44
Sec. 837. Monthly reports.....45
Sec. 838. Annual report.....46
Sec. 839 – Sec. 899. Reserved.....46

ARTICLE IX. HUMAN RESOURCES

Sec. 901. Human Resources Board.....46
Sec. 902. Classification of municipal service.....47
Sec. 903. The unclassified service.....47
Sec. 904. The classified service.....48
Sec. 905. Human Resources rules.....48
Sec. 906. Compensation.....49
Sec. 907. Removal, demotion or suspension; employee’s right of review by
Human Resources board.....49

| | |
|---|----|
| Sec. 908. Restrictions and forfeiture of employment. | 51 |
| Sec. 909. Candidacy for office..... | 52 |
| Sec. 910 – Sec. 999. Reserved..... | 52 |

ARTICLE X. PARKS AND RECREATION

| | |
|--|----|
| Sec. 1001. Board of Parks and Recreation Commissioners. | 52 |
| Sec. 1002. Board meetings..... | 53 |
| Sec. 1003. Parks within or without the city. | 53 |
| Sec. 1004. Lands dedicated to parks and boulevards forever. | 53 |
| Sec. 1005. Maintenance tax. | 53 |
| Sec. 1006. Vehicle license taxes. | 54 |
| Sec. 1007. Front foot assessments. | 54 |
| Sec. 1008. Disbursement of park funds..... | 55 |
| Sec. 1009. Gifts..... | 55 |
| Sec. 1010. Use of parks. | 55 |
| Sec. 1011 – Sec. 1099. Reserved..... | 56 |

ARTICLE XI. BOARDS AND COMMISSIONS

DIVISION 1. CITY PLAN COMMISSION

| | |
|---|----|
| Sec. 1101. Commission established. | 56 |
| Sec. 1102. Duties..... | 56 |
| Sec. 1103. Zoning..... | 57 |
| Sec. 1104. Reports on ordinances..... | 57 |
| Sec. 1105 – Sec. 1110. Reserved..... | 57 |

DIVISION 2. BOARD OF ZONING ADJUSTMENT

| | |
|--------------------------------------|----|
| Sec. 1111. Board established. | 57 |
| Sec. 1112. Duties..... | 57 |
| Sec. 1113 – Sec. 1115. Reserved..... | 58 |

DIVISION 3. MUNICIPAL OFFICIALS AND OFFICERS ETHICS COMMISSION

| | |
|---|----|
| Sec. 1116. Commission established. | 58 |
| Sec. 1117. Duties..... | 58 |
| Sec. 1118. Staff. | 59 |
| Sec. 1119. Records. | 59 |
| Sec. 1120. Removal..... | 60 |
| Sec. 1121. Nonseverability..... | 60 |
| Sec. 1122 – Sec. 1125. Reserved..... | 60 |

DIVISION 4. BOARD OF TRUSTEES OF CITY TRUSTS

| | |
|------------------------------------|----|
| Sec. 1126. Board established. | 60 |
| Sec. 1127. Duties..... | 60 |
| Sec. 1128. Staff. | 61 |

| | |
|---|----|
| Sec. 1129. Rules..... | 61 |
| Sec. 1130. Control of trust property..... | 61 |
| Sec. 1131. Coordination with community trusts. | 62 |
| Sec. 1132. Reports to be published. | 62 |
| Sec. 1133 – Sec. 1135. Reserved..... | 62 |

DIVISION 5. MUNICIPAL ARTS COMMISSION

| | |
|--|----|
| Sec. 1136. Commission established. | 62 |
| Sec. 1137. Approvals required. | 62 |
| Sec. 1138. Time of approval..... | 63 |
| Sec. 1139. Meaning of term “work of art.” | 63 |
| Sec. 1140. Member disqualified..... | 63 |
| Sec. 1141 – Sec. 1199. Reserved..... | 63 |

ARTICLE XII. GENERAL MATTERS

| | |
|---|----|
| Sec. 1201. Kansas City a continuous body politic. | 63 |
| Sec. 1202. Ordinances and laws to remain in force..... | 64 |
| Sec. 1203. Code of ethics. | 64 |
| Sec. 1204. Officers having definite terms..... | 64 |
| Sec. 1205. Removal of board members. | 64 |
| Sec. 1206. Certificate and oath of office..... | 64 |
| Sec. 1207. Compensation of officials, officers and employees..... | 64 |
| Sec. 1208. Franchises..... | 65 |
| Sec. 1209. Payments in lieu of taxes. | 65 |
| Sec. 1210. Title to City property inalienable..... | 65 |
| Sec. 1211. Bids, proposals and other requests..... | 65 |
| Sec. 1212. Charter review..... | 66 |
| Sec. 1213 – Sec. 1299. Reserved..... | 66 |

ARTICLE XIII. TRANSITION PROVISIONS.

| | |
|--|----|
| Sec. 1301. Pending measures unaffected. | 67 |
| Sec. 1302. Continuance of taxes, assessments and fees. | 67 |
| Sec. 1303. Ordinances to remain in force..... | 67 |
| Sec. 1304. Pending actions and proceedings..... | 67 |
| Sec. 1305. Continuance of contracts, public improvements and taxes..... | 67 |
| Sec. 1306. Continuance of membership of boards and commissions..... | 67 |
| Sec. 1307. Divisions of the Municipal Division of the Circuit Court..... | 68 |
| Sec. 1308. Effective date. | 68 |
| Sec. 1309. Transition of directors and certain officials..... | 68 |

CHARTER OF THE CITY OF KANSAS CITY, MISSOURI

PREAMBLE

WE, THE PEOPLE OF KANSAS CITY, MISSOURI, recognize the importance of building a strong government through partnerships with citizens, neighborhoods, businesses and institutions. We celebrate the vision of our great City as a community that:

- ❖ embraces our differences and draws from the rich diversity among those who call Kansas City “home;”
- ❖ respects and includes the contributions of all toward the City’s vitality,
- ❖ creates healthy, safe, and secure neighborhoods and workplaces,
- ❖ encourages a sustainable tax base,
- ❖ advances access to health care, quality education and economic prosperity for all,
- ❖ understands the importance of culture and the arts as a part of the unique appeal of urban living, and
- ❖ builds metropolitan leadership and regional cooperation.

Guided by these principles and inspired by our collective vision, we do enact this City Charter to further the ongoing legacy of a representative, humane, and effective municipal government.

ARTICLE I. CORPORATE NAME, POWERS AND BOUNDARIES

Sec. 101. Incorporation, Name and Boundaries.

The inhabitants of the City of Kansas City, within the corporate limits as now established or as hereafter established in the manner then provided by law, shall continue to be a municipal body politic and corporate in perpetuity under the name of the City of Kansas City.

Sec. 102. Powers.

The City shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any City, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this Charter or by statute. The City shall, in addition to its home rule powers, have all powers conferred by law.

Sec. 103. Intergovernmental cooperation.

The City shall have the power to cooperate or join by contract or otherwise with other cities, with states or with 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.

ARTICLE II. MAYOR AND MEMBERS OF THE COUNCIL

DIVISION 1. MAYOR AND COUNCIL

Sec. 201. Establishment of the City Council.

There will be a City Council of thirteen members, including the Mayor, elected as follows:

- (a) *Mayor.* The Mayor shall be elected by the qualified voters of the City at large.
- (b) *Council member at-large.* One member residing in each of the six Council districts elected at-large.
- (c) *District Council member.* One member residing in and elected from each of six Council districts.

Sec. 202. Council a continuing body.

The Council shall be a continuing body and no change in the membership thereof, or in the membership of any of its committees, shall at any time affect the status of any pending resolution or ordinance.

Sec. 203. Council districts.

- (a) *Six districts required.* For the purpose of electing members of the Council, the Council shall divide the City into six districts, substantially equal in population.
- (b) *Redistricting.* The Council shall draw new districts, based upon the last official federal census, not later than the first day of January of the year following the publication of the official federal census. When increases or decreases in population render current districts substantially unequal in population or when a third consecutive general election would be conducted using the same districts, the Council shall draw new districts based upon appropriate population estimates and counts.
- (c) *Expanded City limits.* Whenever the City limits are expanded, the area newly included within the City shall be a part of the Council district to which it is contiguous.

Sec. 204. Qualifications for membership on the Council, including as Mayor.

To be elected or appointed to the Council, including as Mayor, a person shall meet the following requirements:

- (a) *Qualified voter.* Be a qualified voter of the City;
- (b) *Taxpayer.* Paid City and county taxes for two years preceding election day;
- (c) *Minimum age.* Attained the age of twenty-five years before election day;

- (d) **Residency.**
- (1) **Mayor.** Resided a total of at least five years before election day, including the two years immediately prior to election day, in the territory embraced within the City limits.
 - (2) **Council members.** Resided at least two years immediately prior to election day in the territory embraced within the City limits. Resided at least six months immediately prior to election day within the district from which elected.
- (e) **Criminal record.** Unless otherwise provided by law, no person shall have been found guilty, either after a trial or as a result of a plea of guilty or nolo contendere, of a felony or of any other act in another jurisdiction that would be a felony if committed in Missouri unless having been a qualified voter for five years next preceding election. No person having entered a plea of guilty or nolo contendere for which imposition of sentence has been suspended shall be qualified for service as a member of the Council, including as Mayor, unless the required period of probation has passed and the record of the plea of guilty or nolo contendere has therefore been removed from the person's court record.
- (f) **Grounds for forfeiture of office.** No person shall assume office as a member of the Council, including as Mayor, if any grounds for forfeiture of office as provided in this Charter exist. Failure to assume office on May 1 or within fifteen days of being elected at a special election or appointed to office will result in the office to which elected or appointed being deemed vacant.

Sec. 205. Salary.

- (a) **Establishment of salary.** The salary of the Mayor and members of the Council shall be established by the Council, and may not be reduced or increased during any term. The salary for all members of the Council, except the Mayor, whether elected by district or at-large shall be identical. The Council may provide an additional amount to the Mayor pro tem reflecting the additional duties and responsibilities assumed by that member.
- (b) **Forfeiture of salary.** The Council may provide for the forfeiture of salary of members failing to attend regular meetings of the Council when not absent due to City business, illness or other authorized reason.

Sec. 206. Term of office.

- (a) **Length of term.** All members of the Council, including the Mayor, will serve a term of four years, commencing May 1 following their election.
- (b) **Term limits.**

- (1) **Mayor.** No person shall be elected Mayor who has been elected Mayor in each of the last two regular municipal elections.
- (2) **Member of the Council.** No person shall be elected a member of the Council who has been elected to the Council in each of the last two regular municipal elections.
- (3) **Retroactive application.** Persons elected as a member of the Council or as Mayor prior to the date this Charter becomes effective are included within the term limits established by this section.

Sec. 207. Forfeiture of office.

A member of the Council, including the Mayor, shall forfeit office if the member:

- (a) Is appointed to or holds any other office under the City; or
- (b) Becomes an employee of the City in any other capacity whatever; or
- (c) Holds any elective or appointive office under the United States or the State of Missouri, or of any subdivision or public corporation of or under either of them, other than that of a notary public or member of the National Guard or a Reserve component of the United States armed forces;
- (d) Changes residency from the district from which elected, unless the change in district is the result of redistricting during a term of office; or
- (e) Fails to possess the qualifications specified in this Charter to be elected to office; or
- (f) Is absent from ten consecutive regular meetings of the Council unless such absence be authorized by the Council.

Sec. 208. Vacancy.

- (a) **First thirty months.** Any vacancy in the office of a member of the Council, including the office of Mayor, occurring before the beginning of the thirty-first month of a term shall be filled by a special election to be called by the Council. Nominations and the election shall be as provided in this Charter, except that there shall not be a primary election and a candidate receiving a majority of the votes cast shall be declared elected for the balance of the term. If no candidate receives a majority of the votes cast, then the Council shall call a special runoff election of the two candidates who receive the highest number of votes in the special election.
- (b) **Final eighteen months.**
 - (1) **Mayor.** Any vacancy in the office of Mayor occurring after the end of the thirtieth month of a term shall be filled for the unexpired term by the Mayor pro tem.

- (2) *Council member.* Any vacancy in the office of a member of the Council occurring after the end of the thirtieth month of a term shall be filled for the unexpired term by appointment of the Mayor and Council.
- (c) *Vacancy caused by recall.* Any vacancy resulting from a recall election or from the resignation of the Council member or Mayor after the filing of an affidavit for the Council member's or Mayor's recall, when followed within thirty days next thereafter by the filing of a petition for the Council member's or Mayor's recall, or from the resignation of the Council member or the Mayor following the filing of a petition for the Council member's or Mayor's recall, shall be filled as provided in Article VII of this Charter.

Sec. 209. Duties and authority of the Mayor.

- (a) *Duties.* The Mayor will:
 - (1) *Official head of the City.* Be recognized as the official head of the City for all purposes, except as provided otherwise in this Charter.
 - (2) *State of the City address.* Deliver on an annual basis an address reporting upon the state of the City and making recommendations on goals for the City and proposals for achieving such goals.
 - (3) *Appointment of boards and commissions.* Appoint all members of boards and commissions except when provided otherwise in this Charter or by statute, and except for members of a Public Improvement Advisory Committee and Neighborhood Tourist Development Fund, so long as they exist, who will be appointed as provided by ordinance.
 - (4) *Preside over meetings of the Council.* Preside over all meetings of the Council when in attendance.
 - (5) *Mayor pro tem.* Appoint one member of the Council as Mayor pro tem to serve as Mayor, including to preside over meetings of the Council at which the Mayor does not attend, during the absence or disability of the Mayor, and if a vacancy in the office of Mayor occurs, pending the selection of a successor. The Mayor pro tem shall serve at the pleasure of the Mayor.
 - (6) *Committee membership.* Appoint the members of Council committees, including officers of the committees, to serve at the pleasure of the Mayor.
- (b) *Parole and pardon.* The Mayor shall have the authority, upon the written recommendation of the Director of the department overseeing municipal corrections, to parole any person convicted in the municipal division, or upon appeal, under such regulations as may be provided by ordinance. The Mayor shall have authority to pardon any person convicted in the Kansas City Municipal Division or upon appeal, under such regulations as may be provided by ordinance.

- (c) General power and authority. The Mayor will perform all other duties consistent with the office and required by law.
- (d) Service of process. Service of all civil process, judicial writs and legal notices running to the City of Kansas City, may be had upon the Mayor or in the Mayor's absence or disability upon the Mayor pro tem. The Mayor may, by written authority filed with the City Clerk, authorize such service upon the City Attorney.

Sec. 210. Meetings.

- (a) Initial meeting. An initial meeting of the Council shall be held at 10:00 a.m. on May 1, following each regular municipal election, unless May 1 falls on Sunday, then the meeting shall be held on May 2.
- (b) Sessions of the Council. After the initial meeting, the Council shall meet in regular session at times designated by ordinance, unless the meeting is dispensed with by the Council. On written request of the Mayor, or three or more members of the Council, the City Clerk will call special sessions in the manner prescribed by ordinance. The Council shall have the same power to transact business at special sessions as at regular sessions.
- (c) Record of the Council. It shall be the duty of the City Clerk to cause a correct abstract of the proceedings of each meeting of the Council to be prepared and published promptly for access to the residents of the City. If the Council shall at any time authorize the publication of a daily or weekly record or other similar City publication, whether in print, electronic or other form, such abstract or the full proceedings may be published in such record in lieu of newspaper publication.

Sec. 211. Rules and procedure.

- (a) *General.* The Council shall determine its own rules and order of business and shall keep a record of its proceedings, including votes cast by members.
- (b) *Control of members.*
 - (1) *Judge of qualifications.* The Council shall be judge of the election, returns and qualifications of its members.
 - (2) *Discipline of members, including the Mayor.* The Council may punish its members for disorderly conduct or violation of the Council's rules, or for misconduct in office. By an affirmative vote of nine members of the Council, the Council may expel a member for disorderly conduct or violation of the Council's rules, or for misconduct in office. No member shall be expelled unless notified in writing of the charge or charges and given an opportunity to be heard in a public hearing.

- (c) **Quorum.** Seven members of the Council 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 Council may provide.

Sec. 212. Investigations by Council.

The Council, or any committee of the Council so authorized by it shall have power to inquire into the conduct of any department or office of the City and to make investigation as to City affairs and matters of municipal interest, and for that purpose may subpoena witnesses, administer oaths, and compel by subpoena duces tecum, the production of books, papers and other evidence. The Council shall provide by ordinance the penalty or penalties for contempt in refusing to obey any such subpoenas, or to produce such books, papers and other evidence and shall have the power to provide by ordinance for the punishment of any such contempt.

Sec. 213 – Sec. 215. Reserved.

DIVISION 2. OFFICERS APPOINTED BY THE COUNCIL

PART 1. CITY AUDITOR

Sec. 216. City Auditor.

- (a) **Appointment.** The Mayor and Council shall appoint a City Auditor to serve at their pleasure.
- (b) **Qualifications.** The City Auditor must be a certified public accountant, or a person specially trained and experienced in governmental or business investigation or administration.
- (c) **Duties.** The City Auditor shall:
 - (1) **Provide information to Council.** Keep the Council informed as to the work performed, methods, and financial affairs of the City, however, the City Auditor shall not be responsible for the keeping of accounts;
 - (2) **Conduct investigations into the work of the departments.** Carry on a continuous investigation of the work of all departments, boards, commissions and other offices of the City, and shall report to the Council from time to time, and at least once each year, the methods and results of their operations;
 - (3) **Conduct other investigations.** Make any other investigations as the Council may direct;
 - (4) **Establish standards.** Establish standards by which the City Auditor's office will operate when conducting its work.

- (d) ***Access to information.***
 - (1) ***City information.*** The City Auditor shall have access to all books and records of all departments, boards, commissions, and other offices, of the City. The City Auditor may require the appearance of any official, officer, agent or employee of any department, board, commission or other office for the purpose of examining that person under oath or affirmation. The City Auditor, or an assistant, may administer an oath or affirmation for that purpose.
 - (2) ***Other information.*** The City Auditor shall have the power to summon any person to be examined under oath or affirmation. The City Auditor, or an assistant, may administer an oath or affirmation for that purpose. The City Auditor may require the production of documents or other things from any person necessary to meet the responsibilities of the office. The City Auditor may issue necessary process, including a subpoena or subpoena duces tecum, to compel attendance or the production of documents or other things.
- (e) ***Suspension or permanent removal from office.*** The City Auditor may be suspended or removed from office by a majority vote of the Mayor and Council.
- (f) ***Temporary appointment.*** In case of resignation, disability, suspension or removal from office, the Mayor shall designate some qualified person to temporarily perform the duties of the office and the appropriate compensation to be paid that person, subject to ratification by a vote of at least six additional members of the Council. In all other instances of the temporary absence of the City Auditor, the City Auditor shall designate an acting City Auditor.

PART 2. CITY CLERK

Sec. 217. City Clerk.

- (a) ***Appointment.*** The Mayor and Council shall appoint a City Clerk to serve at their pleasure.
- (b) ***Duties.*** The City Clerk shall:
 - (1) ***Maintain records.*** Keep the records of the Council;
 - (2) ***Municipal Judicial Nominating Commission.*** Conduct elections for members of the Municipal Judicial Nominating Commission; and
 - (3) ***Other duties.*** Perform such other duties as may be required by the Council.
- (c) ***Oaths or affirmations.*** The City Clerk is authorized to administer oaths or affirmations.
- (d) ***Receipt of documents.*** Copies of all papers filed in the office of the City Clerk and

transcripts from the records of the proceedings of the Council duly certified by the City Clerk or an assistant under the corporate seal of the City shall be received in evidence in all courts of this state with the same effect as though the originals were offered.

- (e) ***Permanent removal from office.*** The City Clerk may be suspended or removed from office by a majority vote of the Mayor and Council.
- (f) ***Temporary appointment.*** In case of resignation, disability, suspension or removal from office, the Mayor shall designate some qualified person to temporarily perform the duties of the office and the appropriate compensation to be paid that person, subject to ratification by a vote of at least six additional members of the Council. In all other instances of the temporary absence of the City Clerk, the City Clerk shall designate an acting City Clerk.

PART 3. CITY MANAGER

Sec. 218. City Manager.

- (a) ***Qualifications and duties.*** The City Manager shall be the chief administrative officer of the City. The City Manager shall be chosen solely on the basis of executive and administrative qualifications. Neither the Mayor, nor any member of the Council, shall be chosen as City Manager during the term for which the official was elected.
- (b) ***Appointment.*** The Mayor and Council shall jointly conduct a search or recruitment for a City Manager upon terms agreed upon by the Mayor and Council. Upon completion of this process the Mayor shall be responsible for submitting a resolution to the Council for the appointment of a City Manager. If an appointment is not approved, the Mayor may submit another person for consideration, or may ask that a search or recruitment process begin anew.
- (c) ***Term.*** The City Manager shall serve at the pleasure of the Mayor and Council.
- (d) ***Compensation.*** The Mayor may fix the compensation of the City Manager, subject to ratification by a vote of at least six additional members of the Council.
- (e) ***Suspension or permanent removal from office.***
 - (1) ***Mayor.*** The City Manager may be suspended with or without pay or removed from office by the Mayor subject to ratification by a vote of at least six additional members of the Council at the next scheduled meeting of the Council. During the period between Council consideration of the suspension or removal by the Mayor, the City Manager shall be suspended with or without pay as designated by the Mayor.
 - (2) ***Council.*** By a vote of nine members of the Council, not including the Mayor, the City Manager may be removed from office.

(3) ***Procedure for removal.***

(A) ***Notification in writing.*** The City Manager shall be notified in writing of suspension or removal from office by no later than the next business day following the Council's action.

(B) ***Request for statement and hearing.*** The City Manager may, in writing filed with the City Clerk within ten days after receipt of the notification, demand a written statement of the reasons for such suspension or removal and a hearing before the Council. This statement shall be provided within ten days of the request. The Council shall hold a hearing no earlier than five and no later than fifteen days after the City Manager is provided a written statement of reasons for suspension or removal from office. The hearing before the Council shall be a public hearing unless otherwise ordered by a court.

(C) ***Suspension and/or removal final.*** The suspension or removal of the City Manager shall be final and not subject to review.

(f) ***Temporary appointment.*** In case of resignation, disability, suspension or removal from office of the City Manager, the Mayor shall designate some qualified person to temporarily perform the duties of the office and the appropriate compensation to be paid that person, subject to ratification by a vote of at least six additional members of the Council. In all other instances of the temporary absence of the City Manager, the City Manager shall designate an acting City Manager.

Sec. 219. Appointments by City Manager.

(a) ***Department Directors.*** The City Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the City placed under the City Manager's authority, and to that end shall appoint, and may remove, all directors of departments except as otherwise provided in this Charter.

(b) ***Internal Auditor.***

(1) ***Appointment.*** The City Manager shall appoint, and may remove, the Internal Auditor, who shall be a person experienced in accounting, administration, financial auditing, or governmental investigation.

(2) ***Duties.*** The Internal Auditor shall perform the following duties:

(A) ***Reviews and investigations of the City.*** Perform reviews or other investigations authorized by the City Manager of the activities of the City to determine their efficiency, effectiveness, and compliance with laws, regulations, policies and procedures;

(B) ***Reviews and investigations of entities receiving City funds.*** Perform reviews or other investigations authorized by the City Manager of

the activities of any entity receiving funds or other support from the City from whatever source, insofar as the review or investigation relates to the activities funded by the City;

- (C) **Reports.** Report to the City Manager on the status of work completed by the Internal Auditor;
- (D) **Establish standards.** Establish standards by which the Internal Auditor will operate when conducting the work of the Internal Auditor.
- (E) **Other assigned duties.** Make investigations as the City Manager may direct.

(3) **Access to information.**

- (A) **City information.** The Internal Auditor shall have access to all books and records of all departments, boards, commissions, and other offices, of the City. The Internal Auditor may require the appearance of any official, officer, agent or employee of any department, board, commission or other office for the purpose of examining that person under oath or affirmation. The Internal Auditor, or an assistant, may administer an oath or affirmation for that purpose.
- (B) **Other information.** The Internal Auditor shall have the power to summon any person to be examined under oath or affirmation. The Internal Auditor, or an assistant, may administer an oath or affirmation for that purpose. The Internal Auditor may require the production of documents or other things from any person necessary to meet the responsibilities of the office. The Internal Auditor may issue necessary process, including a subpoena or subpoena duces tecum, to compel attendance or the production of documents or other things.

- (c) **Additional officers.** The City Manager shall also appoint all other officers except as otherwise provided in this Charter.
- (d) **Basis for appointment.** Appointments by the City Manager shall be made on the basis of executive and administrative ability and of the training and experience of such appointees for the work which they are to administer.
- (e) **Removal of officers.** All appointees of the City Manager shall be immediately responsible to the City Manager and may be disciplined or removed by the City Manager at any time, except as otherwise in this Charter specifically provided.
- (f) **Noninvolvement by the Council.** Neither the Council, including the Mayor, nor any of its committees or members shall have authority to control the appointment or removal of any person to or from office or employment by the City Manager or any subordinate.

Sec. 220. Authority and duties of City Manager.

- (a) **Duties.** The City Manager shall perform the following duties:
- (1) **Chief administrative officer.** Supervise the administration of the affairs of the City as the City's chief administrative officer;
 - (2) **Enforcement of laws.** See that the ordinances of the City and applicable State and federal laws are followed and enforced;
 - (3) **Recommendations to Mayor and Council.** Make such recommendations to the Mayor and Council concerning the affairs of the City as may seem to the City Manager desirable;
 - (4) **Budget.** Prepare a budget for submission to the Council.
 - (5) **Inform Mayor and Council of City's financial condition and needs.** Keep the Mayor and Council advised of the financial condition and future needs of the City;
 - (6) **Budget estimates.** Prepare and submit to the Council budget estimates;
 - (7) **Reports to the Mayor and Council.** Prepare and submit to the Mayor or Council such reports as may be required by them; and
 - (8) **Other assigned duties.** Perform such other duties as may be prescribed by this Charter, be required of the City Manager, or be required of the City Manager by ordinance or resolution of the Council.
- (b) **Right in Council.** The City Manager shall be entitled to a seat in the Council but shall have no vote. The City Manager shall have the right to take part in the discussion of all matters coming before the Council.
- (c) **Execution of contracts.** The City Manager is authorized to execute any City contract regardless of the department of origin.
- (d) **Delegation.** The City Manager and any other officer, or officers, are hereby authorized to exercise and perform any of their powers or duties through any other qualified City employee.

Sec. 221 – Sec. 299. Reserved.

ARTICLE III. KANSAS CITY MUNICIPAL DIVISION OF THE CIRCUIT COURT

Sec. 301. Municipal Court of Kansas City, Missouri, established.

- (a) **Judicial power.** The judicial power of the City shall be vested in the Kansas City Municipal Division of the Circuit Court, sometimes known as the Municipal Court.

(b) ***Divisions within the Municipal Division.***

- (1) ***Divisions may be established by Council.*** The Council may establish additional divisions, may establish one or more specialized divisions, and may establish part-time divisions.
- (2) ***Housing Court established.*** One division shall be permanently designated as the Housing Court to hear exclusively cases arising under ordinances of the City concerned with residential and nonresidential property maintenance, nuisances, zoning, land use, fire prevention and protection, building codes, hazardous or toxic substances and other matters designated from time to time by ordinance. The Municipal Court judge for the Housing Court division may be a part-time judge.

(c) ***Court en banc.*** The Kansas City Municipal Division shall act through the Court en banc.

(d) ***Senior Judges.*** The Council may provide for service by senior judges to assist the Court.

Sec. 302. Jurisdiction.

The Court shall have jurisdiction of all cases arising under this Charter or any ordinance of the City of Kansas City, Missouri and all such other jurisdiction as is or may be hereafter conferred by law.

Sec. 303. Practice.

The Court shall exercise all powers authorized by law, including but not limited to the following:

- (a) ***Subpoenas and warrants.*** Issue subpoenas, subpoenas deuces tecum, and warrants, including administrative inspection or search warrants;
- (b) ***Enforce orders.*** Enforce its process and orders, and appoint officers for the purpose of executing and processing executions and other processes issued by the court;
- (c) ***Compel attendance of persons.*** Summon and compel the attendance of witnesses;
- (d) ***Adopt rules.*** Adopt rules of practice and procedure.

Sec. 304. Term of office.

Subject to the provisions of Section 311, judges of the Kansas City Municipal Division shall serve terms of four years.

Sec. 305. Compensation of judges.

The compensation of the judges of the Kansas City Municipal Division shall be fixed by the City Council, and the salaries for all judges, other than a part-time judge, shall be equal. The compensation of a judge shall not be diminished during a term of office. A judge shall receive no other income for public service, other than a pension representing past service, during a term of office.

Sec. 306. Qualifications of judges.

Judges of the Kansas City Municipal Division shall possess the following qualifications:

- (a) *Citizenship.* Citizen of the United States and the State of Missouri for five years immediately prior to appointment;
- (b) *Residency.* Resident of the City of Kansas City, Missouri for one year immediately prior to appointment and continuously during service as a judge;
- (c) *Licensed to practice law.* Licensed to practice law in the State of Missouri for five years immediately prior to appointment;
- (d) *Member of The Missouri Bar.* Member of the Missouri Bar in good standing continuously during service as a judge;
- (e) *Age.* Be less than sixty-five of age; and
- (f) *Other qualifications.* Possess any additional qualifications prescribed by law.

Sec. 307. Practice of law prohibited.

No judge of the Kansas City Municipal Division, other than a part-time judge, shall engage in the private practice of law or do law business.

Sec. 308. Political activity by judges prohibited.

The following political activity is prohibited:

- (a) *Seeking office.* No judge of the Kansas City Municipal Division shall run for elective office other than the judicial office which the judge holds. This shall not preclude a judge of the Kansas City Municipal Division from seeking appointment to another judicial post of the United States or State of Missouri.
- (b) *Political participation.* No judge of the Kansas City Municipal Division shall directly or indirectly make any political contribution to or hold any office in a political party or organization, or take part in any political campaign.

Sec. 309. Municipal Judicial Nominating Commission.

- (a) ***Municipal Judicial Nominating Commission established.*** There is established a five-member Municipal Judicial Nominating Commission for the Kansas City Municipal Division.
- (b) ***Duties of the Commission.***
 - (1) ***Submission of candidates.*** Whenever vacancies exist, the Commission shall submit to the Mayor and Council a panel of three names of qualified persons as nominees for appointment as judge of the Kansas City Municipal Division. The panel shall be submitted within sixty days of the date a vacancy arises.
 - (2) ***Removal of judges.*** The Commission may commence removal proceedings under the provisions of this Charter against any judge of the Kansas City Municipal Division.
- (c) ***Membership of the Commission.***
 - (1) ***Chair of the Commission.*** The chair of the Municipal Judicial Nominating Commission shall be the presiding judge of the Circuit Court of the county in which the largest portion of the City exists. Should that person refuse to serve, the Mayor shall appoint a person to serve.
 - (2) ***Attorney members.*** The members of the bar of the State of Missouri residing within the corporate limits of Kansas City shall elect two of their number who are residents within the corporate limits of the City, to serve as members of the Municipal Judicial Nominating Commission. The Council shall provide the procedures for the election of the two lawyer members.
 - (3) ***Non-attorney members.*** The Mayor shall appoint two citizens not admitted to practice law before the courts of this state from residents within the corporate limits of the City.
 - (4) ***Political affiliation.*** Such appointments and elections by the members of the bar shall be in a manner that the non-lawyer members shall not belong to the same political party, and the lawyer members shall not belong to the same political party.
 - (5) ***Public offices.*** No member of the Municipal Judicial Nominating Commission, except the chair, shall hold any public office or office in a political party or organization.
- (d) ***Term.*** Membership on the Commission shall be for a term of four years, and each of the Commissioners shall hold office for the term of office until the Commissioner's successor assumes their position. The City Council shall issue commissions to the members of the Commission designating the term of service.

- (e) *No compensation.* Commissioners shall serve without compensation.
- (f) *Vacancies.* In case of a vacancy occurring on the Commission for any reason, it shall be filled by appointment or election for the unexpired term in the same manner as in the case of original election or appointment as hereinbefore provided.
- (g) *Disqualification to serve as judge of the Kansas City Municipal Division.* No member of the Commission shall be eligible for appointment to the Kansas City Municipal Division during service on the Commission and for three years thereafter.
- (h) *Actions of the Commission.* The Municipal Judicial Nominating Commission may act only by the concurrence of a majority of its members.

Sec. 310. Appointment by the Mayor and Council.

The Council will act to appoint one of the persons nominated by the Commission within sixty days of receipt of the panel from the Commission unless the Council chooses to not fill a vacancy.

Sec. 311. Retention in office.

- (a) *Judges subject to voter approval.* At the next regular municipal election following the expiration of twelve months from the date of appointment and every four years thereafter, so long as the judge retains office, every judge of the Kansas City Municipal Division shall be subject to approval or rejection by the electorate.
- (b) *Declaration of candidacy.* Not less than sixty days prior to the holding of the regular municipal election next preceding the expiration of the judge's term of office, each judge of the Kansas City Municipal Division may file in the office of the Board of Election Commissioners a declaration of candidacy for election to serve another term.
- (c) *Election.* If a declaration is filed, the judge's name shall be submitted at the next regular municipal election to the voters eligible to vote therein on a separate judicial ballot without party designation, reading:

"Shall Judge (Name of Judge) of the Kansas City Municipal Division be retained in office? Yes _____ No _____."

If a majority of those voting on the question vote in favor of retaining the judge in office, the judge shall serve another term of office.

- (d) *Vacancy.* If a judge does not file a declaration of candidacy, the vacancy resulting from the expiration of the term of office shall be filled as provided in this Charter. If a majority of those voting on the question of the judge's retention vote against retaining the judge in office, upon the expiration of the judge's term of office, a vacancy shall exist which shall be filled as provided in this Charter.

Sec. 312. Removal from office.

- (a) ***Automatic forfeiture of office.***
 - (1) ***Failure to maintain the qualifications of office.*** A judge who fails to maintain the qualifications for office shall immediately upon ceasing to be qualified for office forfeit office.
 - (2) ***Felony.*** Judges of the Kansas City Municipal Division shall forfeit office immediately upon being found guilty, either after a trial or as a result of a plea of guilty or nolo contendere, whether or not a sentence is imposed, of a felony or of any other act in another jurisdiction that would be a felony if committed in Missouri.
- (b) ***Retirement.*** Judges of the Kansas City Municipal Division shall retire on or before their sixty-fifth birthday. Judges not eligible to receive a pension resulting from judicial service to the City on that day are automatically removed from office without further act of the Judge.
- (c) ***Removal based on charges of misconduct.***
 - (1) ***Charges brought by the Municipal Judicial Nominating Commission.*** Four members of the Municipal Judicial Nominating Commission may vote to bring charges against a judge of the Kansas City Municipal Division seeking that judge's removal from office by submitting written charges to the City Council.
 - (2) ***Grounds for removal.*** Judges are subject to removal by the Council for non-feasance, malfeasance or misfeasance in the performance of official duties or engaging in conduct which brings discredit on the Kansas City Municipal Division, or violating any prohibition established by this Charter for judges.
 - (3) ***Procedure.*** The Council, and not a committee of the Council, shall hold an appropriate hearing sitting as a board of review for the purpose of hearing evidence and testimony relating to the charges. The Mayor will preside and may cast a vote. Unless at least seven members of the Council vote for the removal of a judge, the judge will not be removed from office.
- (d) ***Exclusive procedures for removal.*** Judges of the Kansas City Municipal Division shall not be subject to recall.
- (e) ***State law procedures.*** The procedures established by this Charter are in addition to any procedures provided by state law or rule.

Sec. 313. Administrator of the Municipal Court.

There shall be an Administrator of the Municipal Court appointed by the City Manager, to serve as Clerk of the Court. The Court Administrator shall keep a complete record of each case, showing the final disposition thereof, including disposition of appeal, and of all monies collected from fines, penalties or other sources and shall pay over to the City Treasurer all such monies. The Court Administrator shall perform such other duties as may be prescribed by ordinance.

Sec. 314 – Sec. 399. Reserved.

ARTICLE IV. DEPARTMENTS AND OFFICES

DIVISION 1. IN GENERAL

Sec. 401. Departments and offices established.

- (a) *Departments required.* There shall be established the following departments or offices to perform functions as provided in this Charter or by ordinance:
- (1) Aviation
 - (2) Finance
 - (3) Fire
 - (4) Health
 - (5) Human Resources
 - (6) Law
 - (7) Parks and Recreation
 - (8) Public Works
 - (9) Water Services
- (b) *Organization of departments.* The Council may establish divisions or other units within departments.

Sec. 402. Delegation of duties and rulemaking authority.

- (a) *Delegation – between departments.* Except for the Finance and Law Departments, the Council may delegate to the City Manager the authority to transfer obligations of departments between departments to provide for greater efficiency and effectiveness of the City's workforce.
- (b) *Delegation – divisions.* The Council may delegate to the City Manager the authority to organize departments into divisions or other units.
- (c) *Delegation by directors.* A Director is hereby authorized to exercise and perform any of their powers or duties through any other City employee, including qualified City employees of other departments with the permission of the employees' Director.

- (d) **Rulemaking.** A Director shall have power to prescribe rules and regulations for the conduct of the officers and employees of the department; for the distribution and performance of its functions and business; for the efficient operation of its functions and business; and for the custody and preservation of the books, records, papers and property under the Director's control.

Sec. 403 – Sec. 405. Reserved.

DIVISION 2. DEPARTMENTS

Sec. 406. Aviation.

- (a) **Duties.** There will exist an Aviation Department, under the supervision of a Director of Aviation, to administer the operations of the City's airports and associated activities of the City, including:
- (1) **Management of airports.** Management and operation of all the buildings and fields owned and operated by the City for the purpose of serving aviation;
 - (2) **Property management.** Negotiate all leases for the facilities under control of the Aviation Department;
 - (3) **Development of future aviation facilities.** Study and make recommendations to the City Manager concerning the regulation and development of aviation, including proposals for the enlargement of existing or the addition of new facilities to serve the aviation industry adequately;
 - (4) **Promotion of aviation.** Make recommendations to the City Manager of programs for the promotion and growth of aviation;
 - (5) **Miscellaneous duties.** Perform such other related duties as required by the City Manager or by ordinance.
- (b) **Appointment.** The Director of Aviation shall be appointed by the City Manager based on executive ability, qualifications and experience in the aviation industry.

Sec. 407. Finance.

- (a) **Duties.** There will exist a Finance Department, under the supervision of a Director of Finance, to administer the financial affairs of the City, including:
- (1) **Accounts and financial records.** Installation, maintenance and supervision of all accounts and financial records;
 - (3) **Collection, custody and disbursement of funds.** Supervision of the collection, custody and disbursement of all City monies and taxes, however, the Council may authorize the keeping of utility accounting records by any de-

partment operating as a public utility, and may authorize the collection by any such department of all monies due the City from the operation of any such utility;

- (4) ***Business licenses.*** Issuance of business or occupational licenses;
- (5) ***Expenditure control.*** Control over expenditures; and
- (5) ***Debt management.*** Supervision and management of the issuance of debt by the City; and
- (6) ***All other assigned duties.*** Perform such other duties as may be prescribed by law.

(b) ***Appointment.*** The Director of Finance shall be appointed by the City Manager based on executive ability, qualifications and experience in finance and accounting.

Sec. 408. Fire.

(a) ***Duties.*** There will exist a Fire Department, under the supervision of a Fire Chief, to perform the following duties when not otherwise assigned to another department:

- (1) ***Fire protection.*** To suppress fires, inspect buildings and property and enforce fire protection laws.
- (2) ***Emergency medical services.*** Participate in the pre-hospital emergency medical services system;
- (3) ***Hazardous materials.*** Participate in regulation, clean-up and public safety measures relating to hazardous materials.
- (4) ***Rescue.*** Assist in the rescue of persons at risk of injury or death, and property at the risk of damage or destruction.
- (5) ***Training.*** The Fire Chief, or one acting for the Fire Chief, shall provide for the proper training of Fire Department personnel.
- (6) ***Other assigned duties.*** Perform such other duties as may be prescribed by law.

(b) ***Authority to destroy property to stop fire.*** The Fire Chief, or one acting for the Fire Chief, shall have power to order the destruction of any building, structure, fence or thing if the Fire Chief shall deem it necessary for the purpose of checking the progress of any fire.

(c) ***Appointment.*** The Fire Chief shall be appointed by the City Manager based on executive ability, qualifications and experience in the fire service.

Sec. 409. Health.

- (a) **Duties.** There will exist a Health Department, under the supervision of a Director of Health, to perform the following duties:
- (1) **Regulation of the public health.**
 - (A) **Enforce laws.** Enforce all laws relating to public health, and may make rules and regulations for preserving and promoting the public health, provision of indigent health care; including taking all measures necessary to avoid, suppress or mitigate disease and relieve distress caused by disaster or acts of terrorism.
 - (B) **Nuisance abatement.** The Director of Health shall have power to cause any nuisance detrimental to health to be abated or removed. The cost of abatement may be assessed and collected as a special tax and be a lien on the property affected thereby, in the manner provided by ordinance.
 - (C) **Entry into property.** The Director of Health may enter all property necessary to enforce all laws relating to public health and for purposes of providing for the avoidance, suppression or mitigation of disease, and abatement of nuisances and other unhealthy conditions.
 - (2) **Other assigned duties.** Perform such other duties as may be prescribed by law.
- (b) **Appointment.** The Director of Health shall be appointed by the City Manager and have special training and experience in public health work and be a graduate of a recognized school of public health.

Sec. 410. Human Resources.

- (a) **Duties.** There will exist a Human Resources department, under the supervision of a Director of Human Resources, to perform the following duties:
- (1) **Human Resources planning.** Develop a Human Resources plan for the City, including the establishment of rules, subject to City Manager approval, on classification of positions, performance standards, eligibility requirements, hiring, compensation, disciplining, training and development, and record-keeping;
 - (2) **Classify positions.** Classify all positions in the classified service based upon and graded according to duties and responsibilities and so arranged as to allow the filling of higher grades through promotion;
 - (3) **Maintain records.** Keep records of efficiency and seniority of all officers and employees of the classified service;

- (4) ***Recruitment and hiring.*** Assist in the recruitment and hiring of employees to the classified service, and upon request of the City Manager, the unclassified service;
 - (5) ***Training.*** Provide training and assistance in areas of Human Resources management;
 - (6) ***Employee discipline.*** Insure that employee discipline is administered fairly and appropriately;
 - (7) ***Investigations.*** Make investigations to ascertain whether provisions of the Human Resources system and rules of the department are being executed, to ascertain the general condition and efficiency of the service of the City;
 - (8) ***Recommendations to improve efficiency.*** Recommend standards of efficiency and recommend to the City Manager and Council measures for coordinating the operation of the various departments and for increasing individual, group or departmental efficiency;
 - (9) ***Other assigned duties.*** Perform such other duties as may be prescribed by law.
- (b) ***Appointment.*** The Director of Human Resources shall be appointed by the City Manager based on executive ability, qualifications and experience in human resources management.

Sec. 411. Law.

- (a) ***Duties.*** There will exist a Law Department, under the supervision of the City Attorney, to perform the following duties.
 - (1) ***Manage litigation.*** Direct the management of all litigation in which the City is a party or is interested;
 - (2) ***Representation of the City.*** Represent the City in all legal matters and proceedings in which the City is a party or interested;
 - (3) ***Prosecution of ordinance violations.*** Represent the City in the prosecution of all ordinance violations;
 - (4) ***Counsel to officials.*** Advise the Mayor, Council or any committee or member thereof and the City Manager, heads of all departments, boards, commissions and offices concerning any legal questions affecting the City's interest;
 - (5) ***Contract approval.*** Approve, as to form, all contracts, deeds, bonds and other documents to be signed in the name of, or made to, or with the City, unless excused by ordinance;

- (6) *Review initiative petitions.* When requested by a committee of petitioners providing a copy of a petition to be distributed, review a petition for initiative to provide comments on the lawfulness of the proposed legislation and the petition. An initial review should be completed within thirty days, and any subsequent reviews within fifteen days;
- (7) *All other assigned duties.* Perform such other duties as the Council may by ordinance or resolution require.
- (b) *Appointment.* The City Attorney shall be appointed by the City Manager and be an attorney licensed to practice law in the State of Missouri.
- (c) *Assistants.* The City Attorney may act through assistants, and shall, in accordance with the personnel rules and regulations of the City, appoint Assistant City Attorneys as may be authorized by ordinance.
- (d) *Removal.* The City Attorney may be removed by the Mayor and Council upon the recommendation of the City Manager.

Sec. 412. Parks and Recreation.

- (a) Duties. There will exist a Parks and Recreation Department. The Parks and Recreation Department shall be under the direct control of a Board of Parks and Recreation Commissioners, who shall employ a Director of Parks and Recreation to perform the following duties, when not otherwise assigned:
 - (1) *Management of park system.* Plan, develop, extend, maintain and operate a system of public parks, parkways, boulevards, and facilities for the use of the City and its inhabitants;
 - (2) *Recreational programs.* Operate and regulate public playgrounds, swimming pools, athletic fields, community centers and other recreational facilities for games, sports and recreational activities.
 - (3) *Other assigned duties.* Perform such other duties as may be prescribed by law.
- (b) *Appointment.* The Director of Parks and Recreation shall be appointed by the Board of Parks and Recreation Commissioners based on executive ability, qualifications and experience in parks and recreation administration. The Director's salary will be established by the Board within the scope of authorized ranges for other department directors of the City. Salary ranges for all other employees assigned to the Department will be established in the same manner as ranges for all other employees of the City are established.

Sec. 413. Public Works.

- (a) **Duties.** There shall exist a Public Works Department, under the supervision of a Director of Public Works, to perform the following duties, when not otherwise assigned to another department or to the City Manager:
- (1) **Public buildings and facilities.** When not under the control of any other department or official, design, construction, repair, maintenance, and providing for the safe and clean operations of all municipal buildings, bridges, viaducts, subways, canals, waterways, levees, tunnels and structures, including alterations, replacements, additions and appurtenances;
 - (2) **Streets and public places.** Grading and improvement of all streets, alleys, sidewalk spaces and public ways and keeping them open as well as safe and clean;
 - (3) **Pavements, curbs, sidewalks.** Construction, reconstruction, repair and maintenance of all pavements, curbs and sidewalks;
 - (4) **Lighting, excavations.** Lighting of public grounds and highways, laying of conduits, the location, erection and construction of poles and all structures in, on or over public grounds and highways, and granting all permits to excavate into or disturb any street or public property;
 - (5) **Utilities, franchises.** Exercise such powers of the City relative to privately owned or operated public utilities as may be prescribed by ordinance;
 - (6) **Other assigned duties.** Perform such other duties as may be prescribed by law.
- (b) **Appointment.** The Director of Public Works shall be appointed by the City Manager based on executive ability, qualifications and experience in engineering, architecture or public works administration.
- (c) **Parks and Recreation.** Unless otherwise provided, the Parks and Recreation Department shall perform the functions of the Director of Public Works for all buildings or facilities, boulevards, parkways and other streets under the jurisdiction of the Parks and Recreation Department.

Sec. 414. Water Services.

- (a) **Duties.** There will exist a Water Services Department, under the supervision of the Director of Water Services, to perform the following duties, when not otherwise assigned to another department or to the City Manager:
- (1) **Waterworks.** To build, acquire by purchase or otherwise, operate, maintain, improve, enlarge and extend a waterworks system for the City and its inhabitants, or to any other person or legal entity within or without the

corporate limits of the City or of the State of Missouri, under such terms and conditions as may be prescribed by ordinance or by federal or state law;

- (2) *Sewerage.* To build, acquire by purchase or otherwise, operate, maintain, improve, enlarge and extend a sewerage system for the City and its inhabitants, or to any other person or legal entity within or without the corporate limits of the City of the State of Missouri, under such terms and conditions as may be prescribed by ordinance or by federal or state law. The term "sewerage system" shall mean and include any or all of the following: sewerage systems and sewerage treatment plants, with all appurtenances necessary, useful and convenient for the collection, treatment, purification and disposal in a sanitary manner of liquid waste or sewage, and shall include combined storm water and sanitary sewer systems;
 - (3) *Storm water.* To build, acquire by purchase or otherwise, operate, maintain, improve, enlarge and extend a system of storm water collection and protection, which may include storm water sewers, canals, waterways, levees and any other device;
 - (4) *All other assigned duties.* To perform such other duties as may be prescribed by law.
- (b) *Appointment.* The Director of Water Services shall be appointed by the City Manager based on executive ability, qualifications and experience in engineering or in the operation and management of public utilities.
- (c) *Revenues to be kept separate.* All revenues derived from the operation of any waterworks, sewerage or storm water system operated by the Water Services Department shall be segregated from all other revenues or funds of the City, and shall be devoted to the payment of the expenses of operating and maintaining such system, to the payment of any and all bonds or other obligations payable from such revenues, to the establishment of a proper depreciation reserve for the benefit of such system, to fulfillment of any covenants or agreements contained in any ordinance which may have authorized outstanding revenue bonds issued for the benefit of such system, and for the payment of the cost of improvements, enlargements and extensions to such system.

Sec. 415. Additional departments.

The Council may establish additional departments, including enterprise departments, to be under the administrative control of the City Manager.

Sec. 416 Neighborhood matters.

It is recognized that neighborhood concerns change, reflecting the issues of importance at a particular point in time. It is also recognized that simply because specific items of concern change, there will always be concerns for residents and neighborhoods. The Council

shall provide by ordinance for at least one department whose duties include, in whole or in part, the development and maintenance of healthy neighborhoods.

Section 417 – Sec. 499. Reserved.

ARTICLE V. ORDINANCES AND RESOLUTIONS

Sec. 501. Introduction of ordinances and resolutions.

- (a) *Sponsors of ordinances and resolutions.* The Mayor, all members of the Council, the City Manager and the City Manager’s assistants, all department directors, and others authorized by the Council may introduce legislation before the Council.
- (b) *Revival or reenactment of ordinances.* No ordinance or resolution shall be revived or reenacted by mere reference to its title, but shall be set forth at length as if it were an original ordinance or resolution.
- (c) *Amendment of ordinances.* No ordinance or resolution shall be amended by providing that designated words thereof shall be stricken out and others inserted in lieu thereof, but the ordinance, section or denoted subsection as amended shall be set forth in full.

Sec. 502. Passage of ordinances and resolutions.

- (a) *Votes for passage or adoption of legislation.* Unless otherwise provided by this Charter or other law, seven votes shall be required to pass ordinances or adopt resolutions.
- (b) *Three readings.* Ordinances, except emergency ordinances, shall not be passed until they shall have been read on three separate days at regular or special meetings of the Council unless the requirement of reading on three separate days is dispensed with by the affirmative vote of nine members of the Council.
- (c) *Recording legislation.* The City Clerk shall record every ordinance or resolution upon its final passage by a method approved by the City Council.
- (d) *Authentication of legislation.* All ordinances passed and resolutions adopted shall be authenticated by the signatures of the Mayor if not vetoed and the City Clerk, and will include the date of passage by the Council and the date of the Mayor’s approval.

Sec. 503. Ordinances, when effective.

- (a) *Emergency ordinances and resolutions.*
 - (1) *Effective date.* Emergency ordinances and resolutions shall take effect immediately following approval by the Mayor, or five days after passage if no action is taken by the Mayor to approve or veto the ordinance or resolution.

- (2) ***Emergency declared.*** An ordinance declaring an emergency is an ordinance which in whole or in part is passed by the affirmative vote of nine members of the Council for the immediate preservation of the public peace, property, health, safety or morals, in which the emergency is set forth and defined in a preamble to the ordinance.
 - (3) ***Emergency recognized.*** An ordinance recognizing an emergency is an ordinance which in whole or in part falls within any of the following categories and is recognized in the ordinance as an emergency:
 - (A) ***Elections.*** Calls any election, or providing for the submission of any proposal to the people;
 - (B) ***Expenses of government.*** Makes an appropriation for the payment of principal or interest of the public debt, or for current expenses of the City government;
 - (C) ***Appropriation of money.*** Appropriates money;
 - (D) ***Public improvements.*** Relates to any public improvement to be paid for by special assessment, or to be paid wholly or in part by State or federal funds, or to any contract relating to the design, repair, maintenance or construction of a public improvement;
 - (E) ***Interfund borrowing.*** Authorizes borrowing of money from one fund of the City to another in anticipation of future revenue;
 - (F) ***Fixing interest rates.*** Fixes the interest rates on bonds;
 - (4) ***Emergency prohibited.*** No ordinance granting, enlarging or affecting any franchise or amending or repealing any ordinance adopted by the people under the initiative shall be an emergency measure.
- (b) ***All other ordinances.***
- (1) ***Effective date.*** All other ordinances shall take effect ten days after the date of passage, unless a later date is provided in the ordinance, or unless the ordinance is vetoed, or reconsideration is requested by the Mayor. Failure of the Mayor to approve, veto or request reconsideration of an ordinance and return it to the Clerk within seven days will be deemed an approval of the ordinance without the approval of the Mayor.
 - (2) ***Exception - Referendum.*** An ordinance shall not take effect 10 days after the date of passage or on the date provided in the ordinance if within ten days after the passage of the ordinance a notice signed by not less than one hundred registered voters of the City stating the intention of such registered voters to cause referendum petitions to be circulated to submit any such

ordinance, or any part thereof, to the electors, is filed with the City Clerk. The ordinance shall, subject to the provisions of this Charter relating to the referendum, take effect 40 days from the date of its passage unless a later effective date be fixed in such ordinance.

Sec. 504. Approval or veto of ordinances and resolutions.

(a) *Mayor's consideration.*

- (1) *Ordinances and resolutions provided to the Mayor.* Every ordinance passed and resolution adopted by the Council shall be provided to the Mayor by the City Clerk no later than the next business day following passage or adoption.
- (2) *Approval or veto.* The Mayor will return emergency ordinances and resolutions to the City Clerk noting approval or the veto of the legislation within four days of passage or adoption. The Mayor will return all other ordinances to the City Clerk noting approval or the veto of the legislation within seven days of passage or adoption.
- (3) *Veto message.* If the Mayor vetoes an ordinance or resolution, the Mayor will attach to the ordinance or resolution returned to the City Clerk a veto message explaining the reason or reasons for the veto.

(b) *Consideration by the Council of vetoed legislation.*

- (1) *Docketing.* Ordinances and resolutions vetoed shall be returned to the City Clerk for docketing at the next regular meeting of the Council.
- (2) *Motion to consider the veto.* To consider overriding a veto of the Mayor the Council shall act only upon a motion to consider the veto. Legislation vetoed by the Mayor and returned to the Council may not be amended by the Council. The question to override the veto of the Mayor shall be in a form substantially as follows:

Shall [insert the number of the ordinance or resolution] be enacted over the veto of the Mayor?

- (3) *Vote required.* By an affirmative vote of eight members the Council may override the veto of the Mayor, and the ordinance or resolution will become effective.
- (4) *Time to override a veto.* Unless the Council overrides a veto of the Mayor at or before the second meeting of the Council following passage of the ordinance or adoption of the resolution, the ordinance or resolution shall not take effect.

- (5) *Mayor may not consider ordinance or resolution twice.* The City Clerk shall not provide to the Mayor for approval or veto an ordinance or resolution passed or adopted over the veto of the Mayor. An ordinance or resolution passed by the Council over the veto of the Mayor may not be vetoed a second time.
- (c) *Approval.* Ordinances and resolutions shall become effective as provided by law. Ordinances or resolutions passed or adopted over the veto of the Mayor shall become effective immediately.

Sec. 505. Reconsideration of rejected ordinances and resolutions at request of the Mayor.

- (a) *Right to request reconsideration.* Any ordinance or resolution rejected by the Council, except an ordinance submitted to the Council under the initiative, or an emergency ordinance, shall be reconsidered upon request of the Mayor. Ordinances and resolutions subject to a request for reconsideration shall be returned to the City Clerk within five calendar days of the Council's rejection for docketing at the next regular meeting of the Council. Pending the vote on the ordinance or resolution subject to reconsideration, the ordinance or resolution shall be deemed neither adopted nor rejected.
- (b) *Action by the Council.* The Council shall vote on the reconsideration of the ordinance or resolution at the next regular meeting of the Council following docketing of the Mayor's request for reconsideration. The presiding officer shall announce the issue as:

Shall [insert the number of the ordinance or resolution] be enacted upon the request for reconsideration of the Mayor?
- (c) *Vote required.* As many affirmative votes shall be required for the passage of an ordinance or adoption of a resolution on reconsideration as were required in the case of its original consideration.
- (d) *Mayor may not request reconsideration of an ordinance or resolution twice.* An ordinance or resolution rejected upon the Mayor's request for reconsideration may not be subject to a second request for reconsideration.
- (e) *Approval.* Ordinances passed and resolutions adopted on reconsideration at the request of the Mayor shall become effective as provided by law.

Sec. 506 – Sec. 599. Reserved.

ARTICLE VI. NOMINATIONS AND ELECTIONS

Sec. 601. General laws to apply.

All elections provided for by this Charter, whether primary elections, elections for the choice of officials, or elections for the submission of questions to the voters, shall be conducted by the election authorities prescribed by law; and the provisions of the election laws of the state shall apply to all such elections, except as provision is otherwise made by this Charter or ordinance.

Sec. 602. Nominations – primary election.

- (a) **Filing period.** A person may submit to the City Clerk or election authorities a nominating petition at least four (4) weeks prior to the date of the primary election. The election authorities shall examine the petitions immediately as to their sufficiency and at least ten (10) days before the date of the primary election shall publish a notice in one or more daily newspapers, which notice need not be published more than once, and which shall state therein the time, the place and the candidates to be voted upon for the various municipal offices at such primary election.
- (b) **Required signatures.** The following number and source of signatures are required to qualify for the primary ballot:
- | | |
|-------------------------|--|
| Mayor | no less than 1,000 nor more than 2,500 registered voters of the City |
| Council member at-large | no less than 500 nor more than 1,500 registered voters of the City |
| District Council member | no less than 300 nor more than 750 registered voters of the district |
- (c) **Nominating petition requirements.**
- (1) **Multiple pages.** Signatures to a nominating petition need not all be appended to one page, but each separate page must have an affidavit of the circulator stating that each signature was made in the circulator's presence and is the genuine signature of the person whose name it purports to be.
 - (2) **Required information.** Each signer of a petition shall sign his or her name in ink or indelible pencil, and designate his or her residence by street and number, or other description sufficient to identify the place. Printed or typed names of each signer shall be included in each petition.
 - (3) **No embellishment of nominating petition.** A nominating petition shall not include any political party or other designation.

- (4) *Form of petition.* The City Clerk shall provide form nominating petition papers.
 - (5) *Verification of signatures.* If necessary, no later than the Thursday following the close of the filing period the City Clerk will distribute nominating petitions to the appropriate election authorities for verification of signatures. Election authorities will return to the City Clerk nominating petitions showing valid and invalid signatures with a count of valid signatures.
- (d) *Primary ballot.*
- (1) *Determination of signature threshold.* The City Clerk will total the number of valid signatures reported by each election authority for each person to determine compliance with the requirement for valid signatures. Persons who submit a nominating petition to the City Clerk with the required signatures will be placed on the primary ballot for the office designated in the petition.
 - (2) *One office.* A person may be on the City primary ballot seeking only one office.
 - (3) *Submission of information to election authorities.* The City Clerk will prepare the appropriate documents for submission to the election authorities setting forth those persons to be placed on the primary ballot as soon as possible.

Sec. 603. Non-partisan election.

Elections for any City office will be non-partisan.

Sec. 604. Election dates.

- (a) *Regular elections.* The City will hold a general election on the fourth Tuesday of March, and a primary election four weeks prior to the general election. The next general election will be held on March 27, 2007, and every four years thereafter.
- (b) *Special elections.* The City may call special elections for any lawful purpose as provided by state law.
- (c) *Alternate election dates.* If authorized by state law, the Council may change the dates for regular elections.

Sec. 605. Results of elections.

- (a) *Primary election.*
 - (1) *General.* The two candidates for Mayor, the two candidates for at-large members of the Council, and the two candidates for district Council mem-

bers, who receive the highest number of votes in the primary election for each office, respectively, will be placed on the general election ballot. As soon as determined, the City Clerk will provide the required information to the election authorities for the general election.

(2) *Write-in candidates.* If one or both of the two candidates receiving the highest number of votes is a write-in candidate, then that candidate must receive a total number of votes equal to or in excess of the number of nominating signatures required for that office to qualify for the regular election ballot.

(3) *Death, withdrawal, disqualification, failure to meet minimum write-in requirements.* In case of the death, withdrawal or disqualification of any candidate entitled to have his name printed on the ballot at the regular municipal election, or any write-in candidate who does not receive the minimum number of votes required, the candidate receiving the next highest number of votes at the primary election will be placed on the general election ballot, provided they are eligible.

(b) *General election.* The candidate for Mayor, the candidate for member at large of the Council from each district and the candidate for member of the Council from each district, who shall receive the greatest number of votes at the regular municipal election for each such office, respectively, shall be declared elected.

Sec. 606 – Sec. 699. Reserved.

ARTICLE VII. INITIATIVE, REFERENDUM AND RECALL

DIVISION 1. INITIATIVE

Sec. 701. Initiative petitions.

Any new ordinance or any ordinance to amend or repeal, in whole or in part, any existing ordinance, may be submitted to the Council by petition signed by electors of the City equal in number to at least five per cent (5%) of the total vote cast for candidates for the office of Mayor at the last preceding regular municipal election. Each petition paper shall contain the proposed ordinance in full and all papers for each petition shall be uniform in character.

Sec. 702. Action by Council.

Such petition described in section 701 shall be examined by the City Clerk and if it be found sufficient shall certify and submit the ordinance set forth therein to the Council at its next meeting. If the Council fails to pass such ordinance within sixty days after such submission, or passes it in a form different from that set forth in the petition, the committee of petitioners hereinafter provided for may require that it may be submitted to a vote of the electors in its original form. If the committee of petitioners requires the submission of the proposed ordinance to the electors, they shall so certify to the City Clerk within ten days after the final action by the Council or expiration of the sixty-day period.

Sec. 703. Election.

Upon receipt of such certification the City Clerk shall certify the fact to the Council at its next regular meeting. The Council shall thereupon submit the proposed ordinance to the electors at the next available municipal or state election held not less than thirty (30) days after such certification by the committee of petitioners for which the City can lawfully provide required notices to the election authorities without seeking a court order.

Sec. 704. Repeal of initiated ordinances.

No ordinance adopted at the polls under the initiative shall be amended or repealed by the Council within one year of such adoption except by the affirmative vote of nine (9) members thereof. Thereafter such ordinance may be amended or repealed as any other ordinance.

Sec. 705 – Sec. 709. Reserved.

DIVISION 2. REFERENDUM

Sec. 710. Referendum petition.

Any ordinance passed by the Council, except emergency measures, shall be subject to referendum of the electors. If within forty (40) days after the passage of any such ordinance, and subject to the provisions as to notice required by section 503(b)(2) of this charter, a petition signed by electors equal in number to at least ten per cent (10%) of the total vote cast for candidates for the office of Mayor at the last preceding regular municipal election be filed with the City Clerk, requesting that the ordinance or any part thereof be repealed or submitted to a vote of the electors, it shall not take effect until the steps herein indicated have been taken. Referendum petitions need not contain the entire text of the ordinance, or of any entire section or sections thereof, the repeal of which is sought, but the text of any portion, the repeal of which is so sought, less than a complete section shall be set forth in such petition.

Sec. 711. Election.

The petition, and any supplementary petition, shall be examined by the City Clerk and if found sufficient by the Clerk, the Clerk shall certify that fact to the Council at its next regular meeting and the ordinance or part thereof shall not go into effect unless approved by the electors as hereinafter provided. Upon receipt of the Clerk's certificate, the Council shall proceed to reconsider the ordinance or part thereof and its final vote upon such reconsideration shall be upon the question "Shall the ordinance (or part of the ordinance) specified in the referendum petition be repealed?" If, upon such reconsideration by the Council, such ordinance, or such part thereof, be not repealed, it shall be submitted to the electors at the next available municipal or state election held, not less than thirty (30) days after such final vote by the council for which the City can lawfully provide required notices to the election authorities without seeking a court order. If, when submitted to the electors, any such ordinance, or such part thereof, be not approved by a majority of those voting thereon, it shall be deemed repealed.

Sec. 712. Initiative and referendum ballots.

Ordinances or parts thereof, submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter, shall be submitted by ballot upon which there shall appear a ballot title, which may be the legal title of any such proposed or referred ordinance or which may be a concise and unprejudiced statement of the substance of such ordinance, or parts thereof, proposed to be repealed. The ballots used in voting upon any such ordinance, or part thereof, shall have below the ballot title thereof the two following propositions, one above the other, in the order indicated:

“For the Ordinance”

“Against the Ordinance”

Any number of ordinances, or parts thereof, may be voted upon at the same election and may be submitted on the same ballot.

Sec. 713. Conflicting ordinances.

If two (2) or more ordinances, whether initiated or referred, be adopted or approved at the same election and conflict in any of their provisions, only the ordinance receiving the highest affirmative vote shall be deemed adopted or approved.

Sec. 714 – Sec. 719. Reserved.

DIVISION 3. RECALL

Sec. 720. Recall petition papers.

Any officer elected by the vote of the people may be removed from office by the electors of the City or the district thereof by which the officer was chosen. The procedure for effecting such removal shall be as follows:

Any elector of the City, or the district by which the officer sought to be removed was chosen, desiring the removal of any such officer, may make and file with the City Clerk an affidavit stating the name and office of the person whose removal is sought and the grounds alleged for such removal. The Clerk shall thereupon deliver to the elector making the affidavit copies of petition papers in proper form for demanding such removal, printed copies of which the Clerk shall keep on file for distribution as herein provided. If insufficient copies are furnished by the Clerk, additional copies may be printed by the elector at the elector’s own expense, and may be used as hereinafter provided.

Sec. 720.5. Grounds for recall. (CS Ord 051253, eff. 9-1-06)

Grounds for recall must relate to and affect the administration of the official’s office, and be of a substantial nature directly affecting the rights and interests of the public. Grounds for recall are limited to objective reasons which reasonable people, regardless of their po-

litical persuasion, could agree would render any official's performance ineffective, which must be an act of misfeasance, the improper performance of some act which may lawfully be done, or malfeasance, the commission of some act wholly beyond the official's authority, or nonfeasance, the failure to perform a required duty. The Council shall not fail to place the matter before the voters based on the inadequacy of the grounds stated by the committee of petitioners.

Sec. 721. Filing recall petition.

A petition demanding the removal of any officer elected by the vote of the people shall be known as a recall petition. A recall petition, to be effective, must be filed with the City Clerk, or with the election authorities, within thirty (30) days after the filing of the affidavit as provided in the next preceding section, and to be sufficient, must bear the signatures of registered voters of the City or district from which such officer was elected equal in number to at least twenty per cent (20%) of the total vote cast therein for candidates for the office of Mayor at the last preceding regular municipal election. A recall petition, if insufficient as originally filed, may be supplemented as provided in this article. The committee of petitioners hereinafter described shall have the right, at their option, to file a recall petition either with the City Clerk or with the election authorities of the City, and the City Clerk or the election authorities, as the case may be, with equal force and effect, shall have the power to certify as to the sufficiency of such recall petition.

Sec. 722. Recall election ordered.

The City Clerk or election authorities shall examine such recall petition and any supplementary petition, and if found sufficient, the Clerk or they shall at once submit same to the Council with the Clerk's or their certificate to that effect and shall notify the officer whose removal is sought of such action. If the officer whose removal is sought does not resign within five (5) days after such submission, the Council shall thereupon order and fix a day for holding a recall election in the City or district from which such officer was elected at the next available municipal or state election held not less than forty-five (45) days after the petition shall have been presented to the Council for which the City can lawfully provide required notices to the election authorities without seeking a court order.

Sec. 723. Candidates to succeed officer recalled.

Candidates to succeed any officer whose removal is sought shall be placed in nomination by petition, signed, filed and verified as provided for nominating petitions for a primary election, except that each petition paper shall specify that the candidate named therein is a candidate to succeed the particular officer whose removal is sought.

Sec. 724. Ballots in recall election. (CS Ord 051253, eff. 9-1-06)

Ballots used at a recall election shall conform to the following requirements:

(Mayor _____ or Council member _____) has been subjected to recall by submission of a recall petition. Which of the following candidates should serve as (Mayor or Council member) to serve out the existing term of office?

Below shall be listed the names of all qualified candidates, which may include the official subject to recall.

Sec. 725. Result of recall election. (CS Ord 051253, eff. 9-1-06)

The candidate who shall have received the highest number of votes at such election, shall be deemed elected and shall serve for the unexpired term unless sooner removed as provided in this Charter, provided that the candidate received greater than 50% of the votes. If no candidate received greater than 50% of the votes, the two candidates receiving the greatest number of votes shall participate in a runoff election held at the next available municipal or state election held for which the City can lawfully provide required notices to the election authorities without seeking a court order.

Sec. 726. Election when an officer resigns. (CS Ord 051253, eff. 9-1-06)

If an officer, for whose recall an affidavit has been filed with the City Clerk, and a petition for the officer's recall shall be filed within thirty days next thereafter, or for whose recall a petition is submitted to the Council, shall resign within five days after the filing of such affidavit with the City Clerk (when followed within thirty days next thereafter by the filing of a petition for his recall), or within five days after the submission of such petition to the Council, the election shall be held as hereinbefore provided, except that the official resigning from office may not be a candidate. No vacancy resulting from such resignation of an officer, after the filing of an affidavit for recall, when following within thirty (30) days next thereafter by the filing of petition for recall, shall be filled for the unexpired term by a majority vote of the City Council or of the remaining members thereof, but such vacancy shall be filled by election as hereinbefore provided.

Sec. 727. Limitations on recall petitions.

No recall petitions shall be filed against any officer within six (6) months after the officer takes office, nor, in case of a member subjected to a recall election and not removed thereby, until at least six (6) months after such election.

Sec. 728 – Sec. 729. Reserved.

DIVISION 4. INITIATIVE, REFERENDUM AND RECALL PETITIONS

Sec. 730. Signatures to petitions.

The signatures to an initiative, referendum, or recall petition need not all be appended to one paper, but to each separate petition paper there shall be attached an affidavit of the circulator thereof as provided by this section. Each such petition paper shall consist of sheets of uniform size, printed and signed on only one side. Each such petition paper shall, at the top of such petition paper, contain a description of the ordinance or matter of

authorities, shall determine its sufficiency and shall attach thereto a certificate showing the result of the Clerk's or their examination. If the Clerk or they, as the case may be, shall certify that the petition is insufficient, the Clerk or they shall set forth in the certificate the particulars in which it is insufficient and shall at once notify the committee of the petitioners of the Clerk's or their findings.

Sec. 732. Supplementary petitions.

If the City Clerk, or the election authorities, if a recall petition is filed with such authorities, shall find an initiative, referendum or recall petition to be insufficient, the committee of petitioners may at any time within ten (10) days after the making of a certificate of insufficiency by the City Clerk, or by the election authorities, if a recall petition was filed with such authorities, file a supplementary petition upon additional papers as provided in case of an original petition. The Clerk, or the election authorities, if a recall petition was filed with such authorities, shall, within five (5) days after such a supplementary petition is filed, make examination of such supplementary petition, and, if the Clerk's or their certificate shall show the petition, as supplemented still to be insufficient, the Clerk or they shall file it in the Clerk's or their office and notify the committee of the petitioners of the findings, and no further action shall be had on such insufficient petition. The determination that any petition is insufficient shall not prejudice the filing of a new petition for the same purpose. No technical rule shall govern the determination of the sufficiency of such petitions or the signatures appealed thereto, but the intent and the identity of each signer thereof shall be fairly determined.

Sec. 733 – Sec. 799. Reserved.

ARTICLE VIII. BUDGET AND FINANCIAL PROCEDURES

DIVISION 1. BUDGET

Sec. 801. Fiscal year.

Unless otherwise provided by the City Council, the fiscal year of the City shall begin with the first day of May and end with the thirtieth day of April next following.

Sec. 802. Method of accounting.

In the event accounting methods other than a cash basis is authorized by State law, the Council may adopt by ordinance procedures to implement an alternative accounting method. The Council is authorized to modify by ordinance the reporting requirements of this Charter to be consistent with a new accounting method.

Sec. 803. Annual budget requests.

- (a) *Budget requests.* On or before the 15th day of November of each year the head of each department under the City Manager and each department, board, commission and office not under the City Manager shall submit to the City Manager

requests for appropriations necessary to fulfill the needs of the department, board, commission or office for the ensuing fiscal year.

- (b) ***Basis for requests.*** Requests shall be based upon carefully prepared estimates of work to be performed and costs and expenses to be incurred. Requests and estimates of work to be performed shall be submitted in a form prescribed by the City Manager.
- (c) ***Uniform classification.*** The classification of requests as to purposes of expenditure shall be as nearly uniform as possible for each function and activity. For each such division requests shall be itemized, with at least the character and object of the expenditures proposed noted.

Sec. 804. Annual budget.

- (a) ***Recommendations of City Manager.*** An annual budget shall be prepared by the City Manager or by such other officer as the City Manager may instruct so to do, and shall be submitted to the Mayor not later than January 15.
- (b) ***Items included.*** The annual budget shall present the following information for each current operating fund and each fund from which payment of interest and principal of the bonded indebtedness is to be made:
 - (1) ***Revenues.*** An itemized statement of estimated revenues to be realized in cash from all sources for the year which the budget is to cover, together with a comparative statement of estimated cash receipts for the current fiscal year and actual cash receipts for the two fiscal years next preceding the current fiscal year.
 - (2) ***Appropriations.*** An itemized statement of appropriations recommended by the City Manager for the ensuing year, with a comparative statement of estimated expenditures for the current fiscal year and actual expenditures for the two fiscal years next preceding the current fiscal year
 - (3) ***Additional information.*** Such other information as may be required by the Mayor and the Council.
- (c) ***Transmittal to the Council by the Mayor.*** The Mayor shall transmit to the Council not later than the second regular meeting in February the annual budget prepared by the City Manager, with any comments of the Mayor.
- (d) ***Copies of the proposed budget.*** Before submission to the Council, the City Manager shall have prepared for public distribution, a reasonable number of copies of the budget as submitted to the Mayor and Council.
- (e) ***Multi-year budget.*** In the event multi-year budgeting is authorized under State law, the Council may adopt by ordinance procedures to implement multi-year budgeting.

Sec. 805. Adoption of budget.

- (a) ***Council review of the proposed budget.*** Upon receipt of the annual budget, the Council shall review the budget to determine the need for the expenditures requested and the adequacy, reliability and propriety of estimated revenues. The review will include hearings with the City Manager and department officers. At the completion of this review, the Council shall hold at least one public hearing on the budget.
- (b) ***Council modifications.*** Following public hearings, the Council may increase or decrease the amount of, or eliminate any appropriation requested by the City Manager, and may add appropriations other than those included in the budget submitted by the City Manager.
- (c) ***Report.*** Upon completion of its review of the budget, and in any case not later than the first regular meeting in March, the Council shall place on file in the office of the City Clerk a copy of the document to be considered and shall set a date for a public hearing thereon, but in no case later than the second regular meeting in March.
- (d) ***Adoption of the budget.*** At the fourth regular meeting in March the Council shall by ordinance adopt the annual budget in detail specified below, with or without alteration or amendment.
- (e) ***Budget requirements and appropriations.*** The budget as adopted shall itemize purposes of expenditure by departments, activities, functions, and character classes in not less detail than "personal services", "contractual services", "commodities" and "capital outlays", and as adopted shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriation and authorization of the amount to be raised by taxation for the purposes of the City, provided that the total amount appropriated shall not in any event exceed the total revenues estimated to be realized in cash during such year, plus any unencumbered balance from previous years.
- (f) ***Limitations on expenditures.*** No officer, board, department or commission shall, during any fiscal year, spend any money, incur any liability, or enter into any contract which by its terms incurs the expenditure of money for any purpose for which no appropriation is provided, or is in excess of the amount appropriated for any purpose. Any officer, head of any department, or the members of any board or commission violating this provision shall be immediately removed from office by the appointing authority.
- (g) ***Appropriation ordinances and establishment of tax levies.*** The appropriation ordinance shall contain a statement of the estimated revenues for the ensuing fiscal year. Whenever practicable, ordinances fixing the tax levies shall be passed at the time the annual appropriation ordinance is passed, but no later than the fourth Monday in March. The Council may pass ordinances making additional appropriations after the passage of the annual appropriation ordinance, provided that such ordinances bear the certificate of the Director of Finance that a sufficient unappro-

priated balance remains in the fund from which the appropriation is to be made in accordance with the provisions of this Charter.

- (h) ***Bond funds.*** Monies of bond funds shall be appropriated only for the purposes for which the bonds were authorized and issued, and at such times as the funds may be needed for those purposes.
- (i) ***Alteration of dates and deadlines.*** The Council may change the dates for the elements of the budget adoption process and for the passage of the annual appropriation and tax levy ordinances. The annual budget shall be adopted and the annual appropriation and tax levy ordinances shall be passed not later than thirty days before the beginning of the fiscal year.
- (j) ***General fund.*** All general revenue receipts, not including receipts from special assessments or other levies for particular purposes as in this Charter specified, shall be credited to the general fund.

Sec. 806. Temporary loans.

- (a) The Council, by two-thirds vote of its members, may authorize the Director of Finance to borrow money from other city funds:
 - (1) to meet the operating and capital cash requirements of any other fund in anticipation of the receipts from revenues for the current fiscal year. All such loans shall be repaid on or before the due date out of the receipts from revenues of the fiscal year in which they are incurred, and shall become due within not more than nine months from the date of incurring the loan obligation, and in no event beyond the end of the fiscal year in which made; or
 - (2) to finance capital improvements from anticipated receipts of revenues for the current calendar year, plus any unencumbered balances from previous years. All such loans shall become due within not more than nine months from the date of incurring the loan obligation.
 - (3) Unless otherwise prohibited by law, the Council may by ordinance authorize the borrowing of monies from the unreserved and undesignated fund balances of a fund to meet the operating and capital cash requirements of another fund, provided that the Council makes provision for repayment within a designated time and provided that the repayment include interest at a reasonable rate.
- (b) The Council, by two-thirds vote of its members, may authorize the Director of Finance to borrow monies from non-city sources, using authority approved by the voters or the City Council to finance capital improvements in anticipation of issuing bonds to refinance the loan. All such loans shall become due within not more than nine months from the date of incurring the loan obligation. The City may not use revenues authorized for repayment of bonded indebtedness for repayment of such loans unless the loan is made pursuant to voted authority.

Sec. 807. Debt and economic incentive policies.

The Council shall enact by ordinance a policy that reflects best practices for the prudent issuance, management, and use of debt, including bonds, and the use of economic incentives.

Sec. 808 – Sec. 810. Reserved.

DIVISION 2. TAXATION AND SPECIAL ASSESSMENTS

Sec. 811. Property subject to taxation.

All property within the jurisdiction of the City subject to taxation under the constitution and laws of Missouri, both real and tangible personal, including the goods, wares and merchandise of all merchants doing business in the City, shall be included in the assessment, equalization, levy, extension of the tax levy and collection of City taxes. The Council may provide by ordinance for interest and penalties on any delinquent taxes. The City, by ordinance, may, under authority of any provision of the constitution or general laws of Missouri at the time existing, exempt any class of property within its jurisdiction from taxation, either wholly or by reduction of the rate thereon. Any taxation or exemption from taxation shall be uniform upon the same class of subjects.

Sec. 812. Objects of Taxation.

The City may license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever not exempt by the statutes of Missouri.

Sec. 813. Earnings and profits tax.

- (a) *Earnings and profits tax authorized.* Continuing the authority of the City granted by the electorate in 1963, the City is authorized to levy and collect, by ordinance, for general revenue purposes, an earnings tax on the following:
- (1) salaries, wages, commissions and other compensation earned by its residents;
 - (2) salaries, wages, commissions and other compensation earned by non-residents of the City for work done or service performed or rendered in the City;
 - (3) net profits of associations, businesses or other activities conducted by residents;
 - (4) net profits of associations, businesses or other activities conducted in the City by non-residents; and
 - (5) net profits earned by all corporations as the result of work done or services performed or rendered and business or other activities conducted in the City.

- (b) *Limitation on tax.* The tax shall not be in excess of one percent per year.
- (c) *Calculation of net profits or earnings.* Net profits or earnings of associations, businesses or other activities and corporations shall be ascertained and determined by deducting the necessary expenses of operation from the gross profits or earnings. The earnings or net profits subject to tax of any non-resident individual, of any association or business conducted by non-residents or of any corporation in any case in which the work done, services performed or rendered, and business or other activities conducted, is done, performed, rendered or conducted both within and without the City, may be ascertained by formulae set forth in the ordinance enacted or prescribed by rules or regulations adopted pursuant to the ordinance.
- (d) *Collection and remission of tax.* The City may impose upon the employer the duty of collecting and remitting to the City any tax that may be levied upon the earnings of employees and may prescribe penalties for failure to perform the duty. Each employer shall be entitled to retain the percent allowed by law of the total amount collected by the employer to compensate the employer for collecting the tax.
- (e) *Wage brackets.* The ordinance may create wage brackets within which the tax shall be uniform for taxpayers entitled to the same number of exemptions.
- (f) *Filing state or federal tax returns with the City not required.* The ordinance shall not require any taxpayer to file copies of the taxpayer's state or federal income tax returns with any City officer, employee or other person designated by the ordinance to collect or administer the tax.

Sec. 814. Special Assessments.

The Council may provide for levying, collecting and enforcing payment of special assessments for public improvements or special tax bills evidencing such assessments.

Sec. 815. Lien of taxes and assessments.

Unpaid taxes and special tax bills representing assessments provided for upon real property are perpetual liens thereon against all persons.

Sec. 816. Tax books and records received as evidence.

The tax book and all other books and papers made or kept by the Director of Finance, or any other officer, in any manner relating to any tax, shall be received in all courts as evidence of all the facts stated therein, and of the validity of the tax, costs, interest and penalty therein appearing, and a copy of such parts of the aforesaid books and papers as relate to the tax in question, certified to by the Director of Finance or any other officer having the same in charge, shall be received in evidence in like manner and with like effect.

Sec. 817. Fee taxed as costs in suit.

A fee of ten percent of the amount of the delinquent taxes and penalties shall be taxed

up as costs to go to the City in every suit for the collection of delinquent taxes under this article or the ordinances implementing this article.

Sec. 818. Abatement and reduction in valuation.

Unless otherwise provided by law, no person or property shall be exempted or released from any burden imposed by or according to law. No general or special tax or assessment, or interest or penalty thereon, shall be remitted or abated, or the right to enforce payment thereon be released, except in correction of a clerical error. After the levy of any tax, neither the amount thereof nor the valuation of any property for the levy shall be reduced except only in the correction of clerical errors.

Sec. 819. Error or delay.

No assessment of property or charges for taxes thereon shall be considered illegal on account of any informality in making the assessment, equalization, levy or extension, or in the tax lists, or on account of the same not being completed or delivered within the time required by law.

Sec. 820 – Section 830. Reserved.

DIVISION 3. BONDS.

Sec. 831. Issuing bonds.

The Council may incur debt and issue general obligation, revenue, judgment, or other bonds, except to pay for current expenses of the year of issue. In connection with the issuance of waterworks, wastewater or airport revenue bonds, the City may acquire land and facilities for waterworks, wastewater or airport purposes, within or without the limits of the City.

Sec. 832 – Sec. 835. Reserved.

DIVISION 4. AUDITS AND REPORTS

Sec. 836. Audits.

- (a) *Annual audit.* The Council shall annually provide, through the City Manager or any other official designated by the Council for this purpose, for an independent certified audit of the City's books and records for the current fiscal year be made by certified public accountants, experienced and qualified in municipal and governmental auditing. Each such audit shall be conducted in conformance with generally accepted auditing standards. The accountants shall certify as to the correctness of the schedules contained in the audit report, and all certified schedules shall be incorporated in an annual report of the Director of Finance.
- (b) *Selection of Financial Auditor.*

- (1) ***Recommendation to the Council.*** The financial auditor will be an external, independent auditor recommended by a committee of five individuals. Such committee will include the Finance Director, Internal Auditor, City Auditor and two financial experts selected from the community by the City Manager. Financial experts will be individuals who have financial expertise through education and experience as a public accountant or auditor or a principal financial officer, comptroller, or principal accounting officer of an issuer of audited financial statements.
- (2) ***Approval by Council.*** Before a contract is executed by the City Manager, or any other official designated by the Council for this purpose, with the financial auditor, a firm will be approved by the City Council Committee designated to oversee financial matters for the City. No external financial audit contract will exceed five years in its term. Succeeding contracts with the same firm will require a rotation of partners.
- (c) ***Audit Reporting.*** The results of the annual audit will be presented to the City Council Committee designated to oversee financial matters for the City within thirty (30) days of completion of audit field work.
- (d) ***Special audits.*** The Council may at any time by ordinance provide for a special audit of the accounts of any officer or department of the City, to be performed by certified public accountants or by the City Auditor.
- (e) ***Use of generally accepted accounting principles.*** The basis of accounting for preparation of the annual audit shall be in accordance with generally accepted accounting principles. The financial statements will be prepared on an annual basis in conformance with generally accepted accounting principles unless the Council increases the frequency of reporting.

Sec. 837. Monthly reports.

- (a) ***Reports prepared.*** The Director of Finance shall submit to the City Manager and to the Council not later than twenty days after the close of each month, a financial report on the financial condition of the City as of the last day of each month.
- (b) ***Distribution of reports.*** Copies of such statements shall be furnished to the City Manager and the Council, and at the same time each department director shall be furnished a detailed statement of expenditures, including encumbrances, and unencumbered balances for each appropriation for the director's department.
- (c) ***Statement of revenues.*** The statement of revenues shall be so classified as to show actual cash collected. It shall also show cash collected on account of years preceding the current fiscal year.
- (d) ***Statement of expenses.*** The statement of expenses shall be so classified as to show actual cash expenditures, and expenses incurred but not paid. It shall also show

cash expenditures on account of obligations arising in years preceding the current fiscal year.

Sec. 838. Annual report.

The annual financial report of the City for each fiscal year shall show for the year all the information required by this section for the monthly reports, with comparisons with the same items in the next preceding fiscal year, and such other information as may be required by the Council, by the City Manager, or as the Director of Finance may desire to present. The report shall be prepared by the Director of Finance and shall be available for public examination.

Sec. 839 – Sec. 899. Reserved.

ARTICLE IX. HUMAN RESOURCES

Sec. 901. Human Resources Board.

- (a) **Board established.** There is created a Human Resources Board to consist of three members appointed by the Mayor to serve four year terms and until a successor qualifies as a member of the Board.
- (b) **Duties.** The Human Resources Board shall:
 - (1) **Appeals.** Conduct de novo hearings on appeals on demotions, suspensions, and termination of employment of regular employees in the classified service;
 - (2) **Discipline.** Sustain, diminish or increase employee discipline, and impose any other orders it deems appropriate;
 - (3) **Rules.** Adopt rules for the Board's operations.
- (c) **Qualifications.**
 - (1) **Requirements.** Members of the Human Resources Board shall be:
 - (A) qualified electors of the City of Kansas City; and
 - (B) known to be in sympathy with the merit principle as applied to the classified service.
 - (2) **Prohibitions.** Members of the Human Resources Board shall not be, or have been within the four years next proceeding the date of an appointment:
 - (A) a candidate for any public office;
 - (B) an elected or appointed member of a local, state or national commit-

tee of any political party or active member of any partisan political club or organization;

(C) a salaried public officer; or

(D) paid worker in any political party.

(d) *Chair.* The Board shall name one of its members as chair.

(e) *Secretary.* The Director of Human Resources shall act as secretary of the Board.

(f) *Removal.* The Mayor may remove a member of the Board only upon charges of nonfeasance, malfeasance or misfeasance in office, and after a public hearing to be held before the Mayor, not less than ten days after notice to the member so charged, accompanied by a statement in writing of the specific acts charged. At the hearing the member may be represented by counsel and shall be entitled to present witnesses in defense.

Sec. 902. Classification of municipal service.

The municipal service of the City shall be divided into the unclassified service and the classified service.

Sec. 903. The unclassified service.

The unclassified service shall comprise:

(a) All persons filling elective office;

(b) The City Manager and Assistant City Managers;

(c) Directors of each department, including the Director of Parks and Recreation, and their Deputy Directors;

(d) Members of all boards and commissions;

(e) The executive secretary to the City Manager, Assistant City Managers, and Mayor and one secretary for each department Director;

(f) The City Clerk and Deputy City Clerk;

(g) The City Auditor, Deputy City Auditor and Internal Auditor;

(h) Contract employees, who must be serving to fill only a temporary need;

(i) Persons employed to make or conduct a special inquiry, investigation, examination or installation, if the Council or the City Manager certifies that such employment is

temporary, and that the work should not be performed by employees in the classified service; and

- (j) Assistants to elected officials not otherwise members of the classified service.

Sec. 904. The classified service.

The classified service shall comprise all positions in all departments and offices not specifically included in the unclassified service.

Sec. 905. Human Resources rules.

- (a) *Director to establish rules.* The Director of Human Resources will, subject to the approval of the City Manager, make rules relating to the classified service to provide at least the following:
 - (1) *Classification of positions.* For the classification of all positions in the classified service. The classification shall be based upon and graded according to duties and responsibilities and so arranged as to permit the filling of higher grades through promotion;
 - (2) *Examinations and tests.* For examination or tests, when deemed appropriate by the Director of Human Resources, upon public notice, to ascertain the relative fitness of applicants for appointment to the classified service of the City. Such examinations and tests shall be practical and shall relate to matters which will fairly measure the relative fitness of the job applicants to discharge the duties of the positions to which they seek to be appointed;
 - (3) *Qualifications of applicants.* For determining if job applicants meet the minimum qualifications for the position for which they have applied;
 - (4) *Rejection of applicants.* For the rejection of candidates who fail to comply with or meet the minimum qualifications for the position;
 - (5) *Transfers.* For transfer from a position to a similar position in the same class and grade;
 - (6) *Probation.* For a period of probation not exceeding six months after which a person becomes a regular employee.
 - (7) *Appointment of unskilled laborers.* For the appointment of unskilled laborers after such post-offer tests of physical agility as the Human Resources Director may prescribe; and
 - (8) *Records.* For keeping of records of efficiency and seniority of all officers and employees of the classified service, such records to be based upon investigation by the Human Resources Director and upon reports from appointing officers.

- (b) *Administration of Human Resources rules.* The Human Resources Director will supervise the execution of the provisions of this article and rules established to implement the classified system.
- (c) *Compliance with rules.* All persons in the public service of the City will comply with the Human Resources rules and aid in their enforcement.

Sec. 906. Compensation.

- (a) *Compensation fixed.* The Council shall establish a schedule of compensation for employees in the municipal service.
- (b) *Uniform compensation and schedule of compensation.* In the classified service, the Council shall provide uniform compensation for like service as determined by the grading and classification of the Human Resources Director. Such schedule of compensation may establish a minimum and a maximum for any class, and any other benefits. An increase in compensation within the limits provided for any class may be granted by the City Manager or other appointing authority upon the basis of efficiency and seniority records, subject to such rules and regulations as may be established.
- (c) *Employee authorizations.* A schedule of the maximum number of employees in each class shall be prepared for each department by each department director, subject to the approval of the City Manager. Any such schedule may be amended, or a new schedule prepared, by the department director, subject to such approval.

Sec. 907. Removal, demotion or suspension; employee's right of review by Human Resources Board.

- (a) *Review of employee discipline.* Any regular employee in the classified service of the City removed, suspended or demoted by an appointing authority may request a hearing before the Human Resources Board to have the action of the appointing authority reviewed in a de novo hearing.
- (b) *Procedure to demand review.* A written request for a hearing by the Board must be filed with the Director of Human Resources within ten calendar days after notice has been issued of the removal, suspension or demotion.
- (c) *Hearing by the Board.* Hearings by the Board to review removals, suspensions, or demotions shall be conducted under the Board's rules and regulations, and when permitted by law shall be closed. The Director of Human Resources shall make such investigation and reports as the Board may direct. The board may inquire into all the facts and circumstances pertaining to such removal, suspension, or demotion of an employee and for that purpose may administer oaths, compel the production of books and papers by subpoenas duces tecum and compel the attendance of witnesses by subpoena at the request of either the employee involved, the appointing authority or any member of the Board.

(d) *Actions of the board.*

- (1) *Wrongful action by the appointing authority or unreasonable discipline.* If the Board decides by the greater weight of the evidence that the employee was wrongfully discharged, suspended, or demoted, or that the discipline administered was too severe, it may, within its sole discretion and with or without total or partial loss of pay,
 - (A) *Reinstatement to former position.* Reinstatement the employee in the employee's former position;
 - (B) *Reinstatement to vacant position.* If consented to by the appointing authority, reinstate the employee to some other vacant position;
 - (C) *Reinstatement within classified service.* Direct the appointment of the employee to such other vacant position in the classified service of the same or equivalent class or grade as the previous position; and
 - (D) *Additional orders.* Make such other orders as the Board may deem necessary to effectuate the purposes of the provisions of this section.
- (2) *Appropriate action by the appointing authority or insufficient discipline.* If the Board determines that the greater weight of the evidence does not show that the employee was wrongfully discharged, suspended, or demoted, or that the discipline administered was insufficient, it may, within its sole discretion:
 - (A) *Affirm action.* Affirm the actions of the appointing authority;
 - (B) *Increase discipline.* Modify the actions of the appointing authority by increasing the discipline; or
 - (C) *Additional orders.* Make such other orders as the Board may deem necessary to effectuate the purposes of the provisions of this section.

(e) *Report of the Board.* The Board shall report all decisions in writing to the Director of Human Resources, to the appointing authority and to the employee involved.

(f) *City Manager's review.*

- (1) *Review authorized.* All decisions of the Board are subject to review by the City Manager. The City Manager may affirm, change, modify or reverse decisions of the board. The City Manager will notify, in writing, the Human Resources Board, the Director of Human Resources, the appointing authority and the employee.
- (2) *Procedure for review.* No review shall be made by the City Manager of any decisions of the Human Resources Board except on the record of such pro-

ceedings and unless a written request for review is made of the City Manager by the employee or appointing authority involved, within ten calendar days after the mailing of written notification of the decision of the Board to the employee or appointing authority. The party requesting the review shall provide the transcript and exhibits to the City Manager.

- (3) *Appointing authority may not seek review in all situations.* A decision of the board shall be final and conclusive in each case where the Board finds an employee's removal, suspension or reduction in rank was influenced or caused by either the religious or the political opinions or affiliations of the employee.

- (g) *Sufficiency of notices.* All notices required to be given under the provisions of this section shall be deemed sufficient if delivered in person or if mailed to the last known post office address of the employee or appointing authority involved. Notices shall be deemed delivered when personally delivered or when placed in the mail.

Sec. 908. Restrictions and forfeiture of employment.

- (a) *Political solicitation in work areas.* No officer, agent or employee of the City shall permit any political solicitation in any building or room occupied for the discharge of official duties of the City, unless the building or room is operated for use of the public.

- (b) *Freedom from political pressures.* No employee of the City shall promote, remove or reduce any other employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command or advise any employee to make any contribution or render any service.

- (c) *Interference in elections.* No employee of the City shall use official authority or influence for the purpose of interfering with any partisan election or any nomination for office, or affecting its result.

- (d) *Religious and political matters irrelevant to employment matters.* No questions in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension or removal shall be affected or influenced by such opinions or affiliations.

- (e) *Interference with the classified system.* No persons shall make any false statement, certificate, mark, rating or report with regard to any application, test, certification or appointment or in any manner commit or attempt to commit any fraud preventing the impartial execution of the Human Resources system.

- (f) *No payment for employment opportunities.* No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable con-

sideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the service of the City.

- (g) *Interference with examinations or qualifications.* No employee of the Human Resources department, examiner or other person shall defeat, deceive or obstruct any person in the person's right to examination, eligibility, certification, appointment or promotion, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment.
- (h) *False information in employment application.* No employee or applicant for employment shall make a false statement on any application for employment.
- (i) *Forfeiture of employment.* Any employee of the City who violates any of the provisions of this section shall be discharged forthwith from the City service. It shall be the duty of the person or persons with authority to discharge, to discharge such offending person at once. Any elector of the City may bring suit to restrain the payment of compensation to any such offending employee and as an additional remedy any such elector may also obtain a writ of mandamus to compel the dismissal of the offending employee. Employees discharged by an elector's mandamus, shall have no right of review of the action before the Human Resources Board. Any person dismissed under this section shall be ineligible for appointment to any position in the service of the City for a period of five years.

Sec. 909. Candidacy for office.

- (a) *Mayor and Council members may not serve in a second municipal position.* No person elected to the Council shall, during the time for which elected, be appointed to any other office or position created by the Charter in the service of the City.
- (b) *Inconsistent offices.* No appointive officer or employee of the City may hold an office inconsistent with the person's municipal duties.

Sec. 910 – Sec. 999. Reserved.

ARTICLE X. PARKS AND RECREATION

Sec. 1001. Board of Parks and Recreation Commissioners.

- (a) *Board established.* The Board of Parks and Recreation Commissioners shall consist of five members appointed by the Mayor to serve during the term for which the Mayor shall have been elected and until their successors are appointed and have qualified. One of the members shall be designated by the Mayor as president of the board.
- (b) *Removal.* A member may be removed by the council upon recommendation of the Mayor.

- (c) *Duties.* The Board of Parks and Recreation Commissioners shall directly superintend, control, manage, develop and extend all parks, parkways, boulevards and other properties and resources as assigned by the City Council upon recommendation of the Board.
- (d) *Secretary.* The Board of Parks and Recreation Commissioners shall appoint a secretary to hold office at the will of the Board to keep a record of the proceedings of the Department, and of all official declarations, resolutions, orders and recommendations of the Board, as such.

Sec. 1002. Board meetings.

The Board of Parks and Recreation Commissioners shall hold a public business meeting at least once each month.

Sec. 1003. Parks within or without the city.

- (a) *Geographic distribution of parks.* The Board of Parks and Recreation Commissioners shall provide for, improve, develop and maintain parks, parkways and boulevards suitably distributed throughout the City as the needs of the City and its component parts may require.
- (b) *Acquisition of parkland.* The Board of Parks and Recreation Commissioners may purchase or otherwise acquire in the name of the City, with the authority of the City Council, the necessary parkland and property rights. The City Council may provide for the purchase, condemnation or acquisition of property within or without the City for parks, parkways, boulevards and other highways, and to establish and improve the property, including the establishment of park districts. Payment for any such property within or without the city limits may be made out of the general fund or by the issue and sale of bonds of the City or by special assessment upon real estate, within the City, benefited by such acquisition, or otherwise as may be recommended by the Board and provided by ordinance.

Sec. 1004. Lands dedicated to parks and boulevards forever.

- (a) *General.* The lands obtained for park, parkway or boulevard purposes shall remain forever parks, parkways, and boulevards for the use of all inhabitants of the City.
- (b) *Removal from system.* If any property is determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use, such property may be removed from the park system by a vote of the people.

Sec. 1005. Maintenance tax.

- (a) *Annual assessments.* All real estate, exclusive of improvements thereon may, upon recommendation of the Board of Parks and Recreation Commissioners, be specially assessed annually for maintaining, adorning, constructing, repairing and oth-

erwise improving the parks, parkways, roads and boulevards, and park facilities or portions thereof, which are under the management of the Board of Parks and Recreation Commissioners.

- (b) *“Park and Boulevard Special Maintenance Fund” established.* The funds so assessed and collected shall be known as the “Park and Boulevard Special Maintenance Fund,” which will reflect the establishment of any park districts.
- (c) *Basis for assessments.* Assessments may be made according to the valuation and assessment made or used for taxation for city purposes of real estate, exclusive of improvements thereon, provided, that any real estate, exclusive of improvements, which shall not be listed in the assessment books used for taxation for general city purposes, may, by order of the Council, be listed and valued for the purposes of this assessment.
- (d) *Maximum assessments.* Annual assessments authorized by this section shall never exceed in any one year five mills upon each dollar of valuation.
- (e) *Lien.* Every assessment shall be made and collected as provided by ordinance and shall be a lien on the property charged from the date of taking effect of the ordinance making the levy.
- (f) *Penalties, interest and collection.* The Council may provide penalties and interest for the failure to pay such assessments when due and may provide for the sale of the property assessed to satisfy said assessments.

Sec. 1006. Vehicle license taxes.

- (a) *Use of tax.* Subject to the right of the City Council to appropriate not to exceed three percent thereof to the firemen’s pension fund, all sums derived from license taxes collected by the City for licenses upon all vehicles of every kind and class licensed by the City shall be appropriated and used exclusively for maintaining, adorning, constructing, repairing, renovating and otherwise improving, in whole or in part, the parks, parkways, boulevards, highways, or other facilities, which belong to the City, and are under the control and management of the Board of Parks and Recreation Commissioners.
- (b) *Duty of Director of Finance.* The Director of Finance from time to time as the license taxes are collected and paid into the City treasury, will credit the taxes to the Park and Boulevard Special Maintenance Fund.

Sec. 1007. Front foot assessments.

- (a) *Annual levy.* The Council may, upon recommendation of the Board of Parks and Recreation Commissioners, and for the purpose of maintaining, repairing and otherwise improving the boulevards, parkways, roads and other highways under the control and management of the Board, levy by ordinance annually, a special as-

assessment on the lots, tracts and parcels of land abutting on boulevards, parkways, roads and highways under the Board's control.

- (b) *Maximum levy.* No annual assessment shall exceed the sum of one dollar per abutting foot of lands on the boulevards, parkways, roads and highways.
- (c) *Lien.* Every assessment shall be a lien on the property charged from the date of the enactment of the ordinance making the levy and shall be enforced and collected in the manner provided by ordinance. The City Council may provide for penalties for the failure to pay assessments when due, and may provide for the sale of property assessed to satisfy the assessments.

Sec. 1008. Disbursement of park funds.

The Board of Parks and Recreation Commissioners may expend money belonging to the park district funds, or appropriated to the Parks and Recreation Department from the general fund, or available from any other source, for the construction or maintenance of parks, parkways, boulevards, roads or other public property under its control.

Sec. 1009. Gifts.

Real or personal property, or the income from such property, may be granted, bequeathed, devised or conveyed to the City for the purpose of the establishment, improvement or ornamentation of parks, parkways or boulevards, or for the establishment or maintenance in any park, or zoological, horticultural or other gardens, observatories, monuments or works of art, or other park purposes, upon such terms and conditions as may be prescribed by the grantors or donors and agreed to by the City Council and the Board of Parks and Recreation Commissioners. Real estate may be devised or conveyed to the city for the purpose of establishing or making additions to parks, parkways or boulevards, or additions, upon conditions, including exemption from the payment of benefits or assessments for local improvements, as may be prescribed by the grantors or donors; provided, that the location of the real estate be acceptable and the conditions of the conveyance be agreed to by the City Council and the Board of Parks and Recreation Commissioners.

Sec. 1010. Use of parks.

The Board of Parks and Recreation Commissioners is hereby authorized to license or lease any land, building, or parts thereof in any park for any public park and recreation purposes to any person undertaking to serve that purpose, in the manner provided by this Charter, and may grant concessions in a park or park facility for the sale of refreshments, recreational services, and for other park and recreational purposes to the public using the same, upon terms and under regulations as the board may prescribe; provided however, that the sale of spirituous, vinous, or malt liquors or other intoxicating beverages shall only be permitted within any park, parkway or public ground under the control and management of the Board or at special permitted events by civic, religious, school, service, fraternal, patriotic, political or professional clubs or organizations, provided they have secured all other required permits, or at other locations as prescribed by

the Board. No concession shall be for a longer term than twenty years. No concession shall be granted for any purpose not within the objects for which such parks, squares, grounds or buildings are held by the city; and in every license, lease or concession the board shall reserve the right to enter at all times into and upon the premises so demised, and any breach of any license or lease entered into under this section, or any violation of the provisions of this section, shall be sufficient ground for the termination of the lease at the option of the Board.

All monies derived from any licenses, leases or concessions or from the sale of the products obtained from any park, or of any personal property in use by, or belonging to the Parks and Recreation Department, shall be paid into the treasury of the City, and be credited to the Parks and Recreation Department funds designated by the Board and be used and expended by the Board for park purposes, and none other.

Sec. 1011 – Sec. 1099. Reserved.

ARTICLE XI. BOARDS AND COMMISSIONS

DIVISION 1. CITY PLAN COMMISSION

Sec. 1101. Commission established.

There shall be a City Plan Commission consisting of eight members appointed by the Mayor to serve terms of four years beginning on the first day of the fiscal year in the year the appointment is made. In addition, the City Manager, President of the Board of Parks and Recreation Commissioners, Director of Public Works, and Director of the Water Services departments shall be advisory members without a vote. The Mayor shall designate one member as chair.

Sec. 1102. Duties.

- (a) *Planning.* The Commission shall have power to prepare or recommend plans for:
- (1) The location, extension, vacation, widening, construction, or improvement of streets, trafficways, boulevards, parks, playgrounds, community centers, other recreation facilities, public buildings, bridges, viaducts and subways;
 - (2) A system or systems of widening and opening various through streets so as to relieve traffic congestion;
 - (3) Matters of transit and transportation;
 - (4) Districting and zoning the City as to the use to which property may be put, and regulating the height, area and use of buildings and premises;
 - (5) The improvement of the river front and flood protection;
 - (6) The supervision and regulation of platting and opening subdivisions;

- (7) The future physical development of the City.
- (b) **Legislation.** The Commission shall recommend state and municipal legislation as may be necessary to carry out its plans.

Sec. 1103. Zoning.

The Commission shall have power to prepare plans, reports and ordinances and to make recommendations relating to the exercise of zoning powers, including the following:

- (a) Division of the City into districts and for each district the imposition of regulations, restrictions, or prohibitions designed to promote the public health, safety, convenience, comfort, morals, prosperity or general welfare;
- (b) Erection of buildings and other structures and of premises to be used for trade, industry, residence or other specified purposes;
- (c) Designation of the kinds or classes of trade, industries, residences or other purposes for which buildings or other structures or premises may be permitted to be erected, constructed, reconstructed, altered, repaired or used;
- (d) Regulation and limitation on the height and bulk of buildings and other structures; and
- (e) Regulation of building lines and limiting the percentage of lot occupancy and regulating and limiting the area of courts and other spaces.

Sec. 1104. Reports on ordinances.

The City Council, by ordinance, may provide for Commission comments on specified ordinances. The Commission may make to the Council a report or suggestion in relation to such ordinances.

Sec. 1105 – Sec. 1110. Reserved.

DIVISION 2. BOARD OF ZONING ADJUSTMENT

Sec. 1111. Board established.

A Board of Zoning Adjustment shall be established according to the requirements of the laws of Missouri.

Sec. 1112. Duties.

- (a) **Duties.** Subject to the provisions of state law, and in addition to applicable duties provided by law, the Board of Zoning Adjustment shall have power to:

- (1) Determine and vary the application of the regulations, restrictions, prohibitions and limitations contained in a zoning ordinance;
 - (2) Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative officer charged with the enforcement of any zoning ordinance; and
 - (3) Perform such other duties and exercise such other powers as may be prescribed by ordinance or statute.
- (b) *Procedures.* The procedure before the board and the authority exercised by it shall be as provided by law. Every decision of the board shall be subject to review in the manner and with the effect provided by law.

Sec. 1113 – Sec. 1115. Reserved.

DIVISION 3. MUNICIPAL OFFICIALS AND OFFICERS ETHICS COMMISSION

Sec. 1116. Commission established.

There is created a Municipal Officials and Officers Ethics Commission of seven members appointed by the Mayor, with at least one member residing in each Council district to serve a four year term and until a successor is appointed. One member shall be named by the Mayor as chair. No members of the Commission shall hold any other public office or be a candidate for any public office, or be an elected or appointed member of any local, state or national committee of any political party, or an active member of any political party or active member of any partisan or nonpartisan political club or organization.

Sec. 1117. Duties.

- (a) *Advisory opinions.* The Commission shall have the power and duty to render advisory opinions and to investigate and report on allegations of violations of the City's Charter and ordinances concerning conflict of interest and financial disclosure by members of the City Council, including the Mayor, the City Manager, the City Manager's assistants, department directors, the City Clerk, and the City Auditor, and appointed officers of City boards and commissions. The Commission with the concurrence of at least four members may issue advisory opinions upon the written request by any member of the City Council or the Mayor, the City Manager, the City Manager's assistants, department Directors, the City Clerk, the City Auditor, and appointed officers of City boards and commissions, and persons employed by the City not otherwise subject to review by an administrative ethics committee. Advisory opinions may also be rendered to address possible conflicts of interest if a person assumes a public office.
- (b) *Investigations.*
 - (1) *Authority.* The Commission, with the affirmative vote of at least four of its members, upon the sworn complaint of any resident of the City or upon

their own initiative, may investigate any alleged violation.

- (2) *Availability of witnesses and evidence.* The Commission shall have the power to examine witnesses under oath or affirmation and the power to subpoena all documents and persons necessary for their investigation.
- (3) *Procedure.*
 - (A) *Notification to the person.* The Commission shall, upon receiving such sworn complaint, or following their own affirmative vote to consider an investigation, notify the municipal official or officer, in writing, of the nature of the alleged complaint.
 - (B) *Response of the person.* The municipal official or officer shall be given at least ten days to provide the Commission with such information as the official deems appropriate to explain or justify the circumstances.
 - (C) *Decision to continue investigation.* Thereafter, the Commission may, by an affirmative vote of at least four members, proceed to commence an investigation for the purpose of producing a final report and recommendations on the matter.
 - (D) *Hearing.* At the request of the municipal official or officer, the Commission shall hold a hearing where the municipal official or officer can provide evidence and testimony and examine any other witnesses called to testify.
 - (E) *Response of the person.* Prior to the issuance of its final report and recommendations, the Commission shall provide an opportunity for the municipal official or officer to respond to the report and recommendations.

Sec. 1118. Staff.

The Commission may call upon the City Attorney, the City Auditor or any other appropriate public officer to assist them in their investigation. Contingent on the availability of funds, the Commission may utilize outside counsel or staff if it is reasonable and necessary to properly complete its work.

Sec. 1119. Records.

- (a) *Closed records.* When permitted by the Missouri law applicable to open meetings and records, and in recognition of the following factors, meetings and records of the Commission in connection with an investigation or advisory opinion shall be closed to the public:
 - (1) The information to be presented or to be discussed at the meeting or the

records may involve persons other than the municipal official or officer who are not under investigation and disclosure of such information may be harmful to such persons; or

(2) The information to be presented or discussed or the records may involve matters which if publicly disclosed might be adverse to the best interests of the City.

(b) *Review of closed records.* Information closed under this provision shall be reviewed annually to determine if it may be opened to public inspection.

(c) *Open records.* The Commission may, upon the affirmative vote of four members, open a meeting or records under the following circumstances:

(1) The municipal official or officer who is subject to such investigation requests an open meeting or record and the Commission determines that such action would not be adverse to the public interest; or

(2) The Commission makes a determination after an investigation that a violation of the Charter or ordinance has occurred in which event a final report on the investigation shall always be an open record.

Sec. 1120. Removal.

Commission members may be removed for cause, for ceasing to hold the qualifications to serve, refusal to serve, or malfeasance in office. Removal shall be by quo warranto.

Sec. 1121. Nonseverability.

If any part of this division is declared invalid by an appellate court of this state, it is the express intent that the division be deemed totally invalid.

Sec. 1122 – Sec. 1125. Reserved.

DIVISION 4. BOARD OF TRUSTEES OF CITY TRUSTS

Sec. 1126. Board established.

There is created and established an eleven member Board of Trustees of City Trusts. The Mayor shall appoint ten members and shall serve, ex officio, as president of the Board.

Sec. 1127. Duties.

(a) *Acceptance and administration of property.* The Board of Trustees of City Trusts may accept and administer for the benefit and on behalf of Kansas City all kinds of property, real, personal and mixed, whether situated within or without the corporate limits of Kansas City, acquired by gift, devise, bequest or otherwise to promote and aid charity, health, science, art, respect for and observance of law, civic

- pride and patriotism, national or state pride and patriotism, and all other civic or governmental purposes and objects which, in the opinion of the Board of Trustees, will contribute to the general welfare of Kansas City and its inhabitants.
- (b) *Reject property.* The Board of Trustees may reject any property, if, in its opinion, the acceptance would not promote and aid the purposes and objects to be furthered by the Board.
 - (c) *No power to obligate the City.* The Board of Trustees shall have no power or authority to obligate the City to any expense or create any liability against it, without the consent of the Council.

Sec. 1128. Staff.

The City Clerk shall be ex-officio the secretary of the Board of Trustees and shall keep and be the custodian of all minutes of proceedings, books, accounts, records, documents and all other papers and records of the Board of Trustees. The City Attorney shall provide legal counsel.

Sec. 1129. Rules.

- (a) *Quorum.* Seven members shall constitute a quorum.
- (b) *Actions of the board.* No act or action of the Board of Trustees shall be valid or effective without the concurrence of at least seven members thereof, except as otherwise provided.
- (c) *Adoption of rules.* The Board shall adopt and enter upon the minutes of its proceedings, rules, regulations and by-laws in furtherance of the Board's duties and to insure the systematic, accurate and efficient administration of the trusts.

Sec. 1130. Control of trust property.

- (a) *Conformity with the donor's intentions.* All trust property shall be under the sole and complete control and management of the Board of Trustees of City Trusts and shall be administered in conformity to the express authority of the donor.
- (b) *Modification of the trust.* If and when the purpose or object for which any trust was created shall have been fulfilled or the further use of the property for the purpose or object for which the trust was created is impossible, unnecessary, undesirable, impracticable or not substantially beneficial, then the board of trustees may, by a vote of not less than nine members, modify the trust and the purpose and object thereof and direct the application of such trust property to such other purpose and object as will most effectually accomplish the purposes and objects to be furthered by the board.
- (c) *Council approval.* Any modification and application must be approved, before becoming effective, by the City Council.

- (d) *Power to modify incorporated into all trusts.* All deeds, conveyances, wills and instruments creating trusts shall be deemed to have been made, executed, delivered and accepted subject to and in recognition of such power of modification of the purposes and objects to be furthered by the board, and of the application of the trust property to such other purposes and objects in the manner provided.

Sec. 1131. Coordination with community trusts.

The rules, regulations and by-laws of the board of trustees may, from time to time, with concurrence of nine of the trustees, provide for the coordination of its duties and activities with the duties and activities of such community trust or foundation as may be formed in Kansas City for similar purposes and objects.

Sec. 1132. Reports to be published.

The board of trustees shall cause to be made and published annually a full and complete report of the management and financial condition of all trusts, to be filed in the office of the City Clerk.

Sec. 1133 – Sec. 1135. Reserved.

DIVISION 5. MUNICIPAL ARTS COMMISSION

Sec. 1136. Commission established.

There shall be a Municipal Art Commission consisting of the Mayor or the Mayor's designee, who shall be its chair, and the chair of the City Plan Commission or another member of the City Plan Commission designated by the chair of the City Plan Commission, ex-officio, the President of the Board of Parks and Recreation Commissioners or another member of the Board of Parks and Recreation Commissioners designated by the president of the Board of Parks and Recreation Commissioners, ex-officio, and six other members and six alternate members appointed by the Mayor for terms of four years, who shall be persons competent to determine the artistic value of works of art.

Sec. 1137. Approvals required.

- (a) *Property of the City.* No work of art shall become the property of the City, by purchase, gift or otherwise, unless such work of art or a design, copy or likeness is approved by the Commission.
- (b) *Public property.* No work of art shall be contracted for, erected or placed in or upon, or allowed to extend over or upon any street, avenue, square, park, public building, or other property belonging to the City, unless such work of art or a design, copy or likeness is approved by the Commission.
- (c) *Public Works.* Unless its approval is dispensed with by the Council, the designs of buildings, bridges, viaducts, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the City, and arches, bridges, struc-

tures and approaches which are the property of any corporation or individual, and which shall extend upon any street, avenue, highway, park or property belonging to the City shall be subject to the approval of the Commission. The failure to secure the Commission's approval of such design shall in no case invalidate any public improvement proceeding.

- (d) *Removal, relocation or alteration.* No existing work of art owned by the City shall be removed, relocated or altered in any way without the approval of the Commission
- (e) *Not required for private display.* Such approval shall not be required for the placing of works of art, not owned by the City, within public museums, art institutes and similar buildings.

Sec. 1138. Time of approval.

- (a) *Timely consideration required.* If the Commission fails to act on any matter submitted to it within thirty days, the submission shall be deemed approved.
- (b) *City Manager request for consideration for removal or relocation.* In case the prompt removal or relocation of any existing work of art is deemed necessary by the City Manager, the Commission shall within ten days after notice from the City Manager approve or disapprove the removal or relocation, and in case of its failure to so act within such time after the receipt of the notice, it shall be deemed to have approved the removal or relocation.

Sec. 1139. Meaning of term "work of art".

The term "work of art" shall apply to and include all paintings, mural decorations, stained glass, statues, bas-reliefs, tablets, sculptures, monuments, fountains, arches or other structures of a permanent character intended for ornament or commemoration.

Sec. 1140. Member disqualified.

Any appointed member of the Commission who shall be employed by the City to execute a work of art or structure of any kind requiring the approval of the Commission, or who shall take part in any competition respecting such work of art or structure shall be disqualified from participating in the consideration of any matter involving the work.

Sec. 1141 – Sec. 1199. Reserved.

ARTICLE XII. GENERAL MATTERS

Sec. 1201. Kansas City a continuous body politic.

Kansas City is declared to be a continuous and uninterrupted body politic and corporate under each and all the successive Charters and amendments from the original incorporation of the City of Kansas and Kansas City, as well as under this Charter.

Sec. 1202. Ordinances and laws to remain in force.

All ordinances, regulations and resolutions in force at the time this Charter takes effect, and not inconsistent with the provisions of this Charter, shall remain and be in force until altered, modified or repealed by or under authority of this Charter or ordinance.

Sec. 1203. Code of ethics.

The City Council shall enact a code of ethics applicable to all elected officials, appointed officers, and employees of the City.

Sec. 1204. Officers having definite terms.

All officials elected or officers appointed for definite terms under the provisions of this Charter, shall continue to hold office unless lawfully removed, until their successors are elected or appointed and have qualified.

Sec. 1205. Removal of board members.

- (a) *Council action.* Members of boards and commissions, provision for whose removal is not otherwise made, may be removed by the Council upon recommendation of the Mayor.
- (b) *Automatic forfeiture.* Persons convicted of a felony or persons found guilty or entering pleas of guilty or nolo contendere to a felony under the laws of the United States or of any state, subsequently followed by the suspended imposition of sentence, shall automatically forfeit their position as a member of a board or commission upon conviction or plea of guilty or nolo contendere.

Sec. 1206. Certificate and oath of office.

Before entering upon the duties of office, every official shall file with the City Clerk a certificate of election or appointment, and shall take and subscribe before, and file with the City Clerk, an oath or affirmation that the person possesses all the qualifications for the office to which chosen, and is not subject to any of the disqualifications in this Charter named, will support the constitution and laws of the United States and of the State of Missouri, will observe the provisions of this Charter and ordinances of Kansas City, and will faithfully discharge the duties of the office.

Sec. 1207. Compensation of officials, officers.

- (a) *Fixed by ordinance.* The salary or compensation of officials and officers of the City shall be fixed by ordinance except as otherwise expressly provided in this Charter.
- (b) *No increase or decrease during a term of office.* The salary of no official elected or officer appointed for a definite term shall be increased or diminished during the term for which the person was elected or appointed.

- (c) *Fees.* All fees pertaining to any office shall be paid into the City treasury.

Sec. 1208. Franchises and permits.

- (a) *Grant of franchises and permits.* Subject to the limitations of state law, the City may by ordinance grant a franchise or permit for the construction and operation of a public utility or other similar business, including common carriers, in the streets and public grounds of the City. The City may prescribe the kind and character of service or product to be furnished, the manner in which the streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest.
- (b) *Regulations.* The Council shall at all times control the distribution of space in, over, under or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities or similar business shall be subject to the continuing right of the Council to require such reconstruction, relocation, change or discontinuance of the appliances used by the utility or similar business in the streets, alleys, avenues, highways, parks and public places of the City, as shall in the opinion of the Council be necessary in the public interest. The Council may delegate to the City Manager or other official the authority to establish rules and regulations for the use of rights of way.

Sec. 1209. Payments in lieu of taxes.

The City Council may require the payment in lieu of taxes from enterprise funds of the City, but not to exceed ten percent of the fund's gross revenue, representing taxes that would have been payable by private operators of the activities.

Sec. 1210. Title to City property inalienable.

- (a) *Title inalienable.* The title of the City to its lands and all other real property is inalienable.
- (b) *Exceptions.*
 - (1) *Vacation.* The City may vacate all or any part of any street or highway
 - (2) *Property not needed for public purposes.* The City may dispose of any building or parcel of land which the City may lawfully sell, no longer needed for public use, if the disposition is made on open and public competition and pursuant to ordinance.

Sec. 1211. Contracts.

- (a) *Contracts in the name of the City.* All contracts shall be executed in the name of the City.

- (b) *Availability of funds.* No contract or order purporting to impose any financial obligation on the city shall be binding upon the city unless it be in writing and unless there is a balance, otherwise unencumbered, to the credit of the appropriation to which the same is to be charged sufficient to meet the obligation thereby incurred, and unless such contract or order bear the certificate of the Director of Finance so stating or other acceptable means determined by the Director of Finance. This provision shall not be construed as to limit the letting of contracts for public improvements to be paid for by special assessments payable in installments, under which the City may become liable on account of City-owned property, nor as requiring the City to pay such installments prior to their maturity. In any such case, the certificate herein required from the Director of Finance shall cover only the payment or installment first due under such contract, together with a statement as to the estimated liability in future fiscal years on account of such assessments. Upon making such certification, the director of finance shall cause the amount of such contract to be charged as an encumbrance against such appropriation. Contracts for public utility service, however, need only bear the certification of the director of finance that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the same is to be charged, and a cash balance equal to an average month's bill, otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made.
- (c) *Award of contracts.* All contracts for the expenditure of city funds shall be awarded to the lowest and best bidder or best proposer after due opportunity for competition in accordance with this Charter and the ordinances of the City, except the following may be entered into without the necessity of soliciting bids or proposals:
- (1) Contracts for services of a specialized, professional or technical character;
 - (2) Emergency contracts when there exists an imminent threat to the public health, welfare or safety or it is necessary for the essential operations of the city;
 - (3) Contracts when the administrative and other costs to obtain bids or proposals exceed any probable price reductions; or
 - (4) As otherwise determined by ordinance.
- (d) *Award of contracts.* Any or all bids, proposals, offers or qualifications may be rejected by the city.

Sec. 1212. Charter Review.

The Mayor shall appoint a Charter Review Commission no less than once every ten years for the purpose of reviewing the terms and operation of the City Charter. The Commission may make recommendations to the Mayor and City Council for amendments to the City Charter or may recommend no changes.

Sec. 1213 – Sec. 1299. Reserved.

ARTICLE XIII. TRANSITION PROVISIONS.

Sec. 1301. Pending measures unaffected.

All measures and proceedings pending or under consideration in the Council at the time this Charter takes effect and not inconsistent with the provisions hereof, shall remain unaffected by this Charter and may be acted upon and disposed of as if they had originated and been introduced under this Charter.

Sec. 1302. Continuance of taxes, assessments and fees.

All existing taxing authorizations, assessments and fees adopted by the people of the City, or authorized by the City, are continued in full force and effect until modified or discontinued.

Sec. 1303. Ordinances to remain in force.

All ordinances, resolutions and regulations in force at the time this Charter takes effect which are not inconsistent with the provisions of this Charter, shall remain and be in force until altered, modified or repealed.

Sec. 1304. Pending actions and proceedings.

No legal action or proceeding, including any matter before the Kansas City Municipal Division of the Circuit Court, pending at the time this Charter shall take effect, brought by or against the City or any office, department, agency, official, officer or employee thereof, shall be affected or abated by the adoption of this Charter.

Sec. 1305. Continuance of contracts, public improvements and 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 as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the City that 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.

Sec. 1306. Continuance of membership of boards and commissions.

All members of boards and commissions at the time this Charter takes effect, shall remain members of their respective boards and commissions until their terms expire, at which time the terms of this Charter shall provide for the appointment or reappointment of members.

Sec. 1307. Divisions of the Municipal Division of the Circuit Court.

The divisions of the Kansas City Municipal Division of the Circuit Court existing at the effective date of this Charter shall continue to function until modified by the Council.

Sec. 1308. Effective date.

With the exception of sections 401, 406 through 415, 811 through 838, and 1001 through 1009, all provisions of this Charter shall become effective September 1, 2006. Sections 401, 406 through 415, 811 through 838, and 1001 through 1009 shall become effective on March 1, 2007.

Sections 1 through 24, 67, 76.5, 82, 86 through 92, 111 through 127b, 395 through 489, of the Charter of Kansas City, as amended, adopted February 24, 1925 are repealed effective September 1, 2006. Sections 25 through 49, 77 through 81, 83 through 85, 93 through 110, and 128 through 394.1 of the Charter of Kansas City, as amended, adopted February 24, 1925 are repealed effective March 1, 2007.

Any conflict between a provision enacted by this Charter effective September 1, 2006, and a provision from the City Charter, as amended, adopted February 24, 1925, remaining in effect on September 1, 2006, shall be resolved in favor of the most recent enactment.

Sec. 1309. Transition of directors and certain officials.

- (a) *Directors and other appointees.* Directors and other appointees of the Mayor and Council, and the City Manager shall continue in office.
- (b) *Internal Auditor.* The current Internal Auditor shall be deemed appointed by the City Manager upon the effective date of the elimination of the Internal Audit function as a Charter department.
- (c) *Departments and offices.* All departments and offices shall continue to exist until changed in accordance with this Charter or the ordinances of the City.
- (d) *Elected officials.* Terms of office for the Mayor, members of the Council, and judges of the Kansas City Municipal Division of the Circuit Court serving at the time of adoption of this Charter are recognized to end May 1, 2007.