

**AN ORDINANCE AMENDING ORDINANCE 7 PERTAINING TO THE MAYOR'S OBLIGATION TO PERFORM THE CITY ADMINISTRATOR'S DUTIES.**

**WHEREAS**, The City Council of the City of Chesterfield sought to identify differences in the Chesterfield Code when compared to Ordinance 7, Ordinance 8, and Ordinance 11; and

**WHEREAS**, The Finance and Administration Committee of City Council reviewed identified differences and have made recommendations to reconcile the Code and Ordinances to provide clarity and consistency; and

**WHEREAS**, Ordinance 7, was passed and approved by the City Council on June 1<sup>st</sup>, 1988; and

**WHEREAS**, Section 9 of Ordinance 7 requires the Mayor to perform the duties of the City Administrator during any period in which the City is without a City Administrator or City Administrator Pro tem; and

**WHEREAS**, the City of Chesterfield passed and approved Ordinance 398 on February 5<sup>th</sup>, 1990, which provided for the adoption and enactment of a new Code for the City of Chesterfield, providing for the repeal of certain Ordinances therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and providing when such Code and Ordinance would become effective; and

**WHEREAS**, the adopted Code did not incorporate the specific provisions of Ordinance 7, Section 9; and

**WHEREAS**, Missouri Revised Statutes, RSMo 77.450 provides guidance for temporary appointments.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.**

Section 7 of Ordinance #9 which is copied below for reference, is hereby deleted in its entirety.

***(To be deleted) Ordinance #7, Section 9. During any period in which the City of Chesterfield is without a City Administrator or City Administrator pro tem, the Mayor shall have the responsibility to perform the City Administrator's duties.***

**Section 2.**

All other sections and provisions of Ordinance #9 are unchanged.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**Bob Nation, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Vickie Hass, CITY CLERK**

RECOMMEND TO DELETE

FIRST READING HELD \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 2-74 AND 2-80 OF THE CITY CODE PERTAINING TO THE CITY ADMINISTRATORS DUTIES AND AUTHORITY.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:**

**Section 1.** Chesterfield City Code Section 2-74 is hereby repealed in its entirety and replaced with the following words and phrases:

**Section 2-74 Duties and authority.**

*The City Administrator shall be the Chief Administrative Officer of the City and shall serve as the Chief Administrative Assistant to the Mayor. He shall be responsible for the administration and management of the business and employees of the City. He shall have the following duties and powers:*

**(1) General administrative.**

- (a) *Carry out all lawful policies established by the Mayor and City Council.*
- (b) *Establish short and long-range goals for the City with the approval of the Mayor and City Council.*
- (c) *Develop a plan of organization to establish areas of responsibility, lines of authority and formal channels of communication for approval by the Mayor and City Council.*
- (d) *Provide for the maintenance of the physical property and equipment of the City; meet operation conditions in compliance with applicable federal, state and local legal requirements.*
- (e) *Provide for periodic reports to the Mayor and City Council on all aspects of the City's activities.*
- (f) *Provide for meaningful relationships and communications between the City and its residents.*
- (g) *Provide for an economic, efficient and safe delivery of supplies and services necessary in rendering efficient services to the City and its residents.*
- (h) *Provide for a sound, stable and realistically economical insurance and bonding program for all aspects of City liability and risk.*
- (i) *Supervise the operational activities of all City Departments.*
- (j) *Coordinate the activities of all Departments, Agencies and Offices.*

- (k) *Prescribe such rules and regulations as are necessary for the conduct of the City's Departments, Agencies and Offices, and revoke, suspend or amend any rule or regulation of any City Department, Agency or Office.*
- (l) *Be accountable to the Mayor and City Council for any actions taken when requested to do so, and at all times be subject to the supervision, direction and control of the Mayor subject to review by the City Council.*
- (m) *Prepare and submit to the Mayor and City Council an annual statement of objectives which will specify goals and time tables consistent with objectives set forth by the Mayor and City Council.*
- (n) *Perform related duties as required by the Mayor and City Council not inconsistent with the statutes of the State of Missouri and the ordinances of the City of Chesterfield.*
- (2) *Budgetary. A plan for the fiscal solvency and security of the City, including the submission of a realistic annual budget which provides for a program of sound fiscal management.*
- (3) *Committee liaison.*
  - (a) *Attend all meetings of the City Council and, as requested, meetings of all City Council committees.*
  - (b) *Serve as liaison between the Mayor and City Council and the various Committees, Boards and Commissions of the City and their members.*
- (4) *Personnel.*
  - (a) *Recommend the establishment and maintenance of personnel programs employing sound personnel policies and practices which are internally consistent and externally competitive.*
  - (b) *Promote the organization and continuing development of a competent City staff.*
  - (c) *Design, prepare and submit for review and adoption by the City Council personnel procedures, position classifications and compensation schedules for employees covered in the City's personnel program.*
  - (d) *Prescribe the functions and duties of officers and employees of the City not otherwise prescribed by any ordinance of the City of Chesterfield.*
  - (e) *Appoint, promote or remove from service all officers, who are not elected to office, and employees of the City, except as otherwise provided by law or City ordinance; provided, however, that any person so removed from service may appeal his dismissal to the Mayor and City Council by giving notice in writing within ten (10) days following notification of dismissal. All such actions by the Administrator shall be based upon merit, qualifications or disqualifications of the officers or employees concerned without*

*regard to his political beliefs or affiliations.*

- (f) *Establish such administrative rules and regulations, not inconsistent with law or established City policy, as may be necessary or proper for the efficient and economical conduct of the business of the City.*
- (5) Financial.
  - (a) *Supervise the collection and deposit of all taxes and revenues such as, but not limited to, sales, personal property, real estate, gasoline, cigarette and intangible taxes and road and bridge fund revenues, license and permit fees, federal revenue sharing funds and court fines.*
  - (b) *Supervise in the manner prescribed by ordinance the purchase of all materials, supplies and equipment for which funds are provided in the budget or appropriated by the City Council.*
  - (c) *Keep the Mayor and City Council advised of the financial condition and future needs of the City, including the anticipated financial impact of proposed ordinances and make such recommendations as he may deem appropriate.*
  - (d) *Supervise the preparation of a monthly status report covering all departmental operations and City financial conditions.*
  - (e) *Supervise and coordinate efforts on behalf of the City to obtain financial grants from any sources.*
  - (f) *Keep fully advised of the financial condition and future financial needs of the City.*
  - (g) *Serve as ex-officio Deputy Collector for the City and have and perform all of the authority, rights and duties of the Collector in the event of his refusal to do so, absence, illness or disability, but at no additional compensation therefor.*
- (6) Press releases. *The Administrator shall be responsible for keeping the public informed of the purposes and methods of the City government through all available news media.*
- (7) Other duties. *Perform such other duties as may be imposed upon him by the Mayor and City Council or by a contract of employment with the City.*

**Section 2.** Chesterfield City Code Section 2-80 is hereby repealed in its entirety and replaced with the following words and phrases:

Section 2-80 Interference by City Councilmembers prohibited, exceptions.  
*No member of the City Council shall directly interfere with the conduct of any Department, Agency or Office or with the duties of employees*

*subordinate to the Administrator. Nothing herein is intended to limit communications between Elected Officials, the City Administrator, and Department Heads. However, no Elected Official is authorized or permitted to interfere with employees subordinate to the Administrator that would require substantial effort, investigation, creation of work product or otherwise cause staff to deviate from the execution of normal work processes or existing assignments. Any such request by an elected official should be directed to a standing committee of City Council for disposition.*

**Section 3.** If any section, subsection, sentence, clause, phrase or portion of this amendment is for any reason held invalid or unconstitutional by a judgment of a court of competent jurisdiction, as to which not further appeal right exists, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity or remaining portions hereof.

**Section 4.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**PRESIDING OFFICER**

\_\_\_\_\_  
**Bob Nation, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Vickie Hass, CITY CLERK**

FIRST READING HELD \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 2-5 OF THE CITY CODE PERTAINING TO NOTICE OF LIABILITY CLAIMS.**

**WHEREAS**, The City Council of the City of Chesterfield sought to identify Ordinances or City Code sections which may deviate from the provisions of the Missouri Revised Statutes; and

**WHEREAS**, The Finance and Administration Committee of City Council reviewed identified differences and have made recommendations to reconcile the Code and Ordinances to provide clarity and consistency; and

**WHEREAS**, Chesterfield City Code Section 2-5 requires that notice be provided to the City Administrator; and

**WHEREAS**, Chapter 77.600 RSMo 1986 requires that the specified notice be delivered to the Mayor; and

**WHEREAS**, The City Council desires to reconcile the City Code with State Statutes.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.**

Chesterfield City Code Section 2-5 (a) is hereby amended by removing the reference to "City Administrator" and replacing it by requiring notice to be provided to the Mayor, to read as follows:

Sec. 2-5 Notice of claim prior to institution of suit for damages against the City

*(a) In accordance with Chapter 77.600 RSMo 1986, no action shall be maintained against the City on account of any injuries growing out of any defect or unsafe condition of or on any bridge, boulevard, street, sidewalk or thoroughfare in the City, until notice shall first have been given in writing to the **City Administrator Mayor.***

**Section 2.**

All other sections and provisions of City Code Section 2-5(a) are unchanged.

**BILL NO. 3084**

**ORDINANCE NO. \_\_\_\_\_**

**Section 3.** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**PRESIDING OFFICER**

\_\_\_\_\_  
**Bob Nation, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Vickie Hass, CITY CLERK**

FIRST READING HELD \_\_\_\_\_



**AN ORDINANCE AMENDING SECTION 2-29 OF THE CITY CODE PERTAINING TO DUTIES AND POWERS OF THE MAYOR AND CITY COUNCIL.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.**

Chesterfield City Code Section 2-29 is hereby amended by deleting the sentence "The Mayor shall execute on behalf of the City all contractual and legal documents approved by the City Council" to read as follows:

Sec. 2-29 Duties and Powers

The Mayor shall be the chief executive officer of the City and shall be recognized as the official head of the City by the Governor for all legal purposes. The Mayor shall preside at all meetings of the City Council and all ceremonial occasions. ~~The Mayor shall execute on behalf of the City all contractual and legal documents approved by the City Council.~~ The Mayor shall preside over the City Council but shall not vote except in case of a tie in said Council, when he shall cast the deciding vote; but provided, however, that he shall have no such power to vote in cases when he is an interested party.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this amendment is for any reason held invalid or unconstitutional by a judgment of a court of competent jurisdiction, as to which no further appeal right exists, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity or remaining portions hereof.

**Section 3.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**PRESIDING OFFICER**

\_\_\_\_\_  
**Bob Nation, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Vickie Hass, CITY CLERK**

FIRST READING HELD \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE 12, ORDINANCE 528 AND SECTION 2-47 OF THE CITY CODE PERTAINING TO SCHEDULING OF REGULAR MEETINGS OF CITY COUNCIL.**

**WHEREAS**, The City Council of the City of Chesterfield sought to identify Ordinances or City Code sections which may deviate from the provisions of the Missouri Revised Statutes; and

**WHEREAS**, The City Council desires to reconcile the Chesterfield City Code with City Council scheduling preferences.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.**

Chesterfield City Code Section 2-47 is hereby repealed in its entirety and replaced as follows:

**Delete existing**

**Section 2-47 Regular Meetings.**

The regular meeting of the City Council shall be on the first and third Mondays of each month beginning at 7:00 p.m. and no notice of such regular meetings shall be required provided that if such meeting date should fall on a legal holiday or if there is no quorum present, the meeting shall be held on the following day at 7:00 p.m. The meeting place of the Council shall be at the City Hall unless otherwise ordered by the Council.

**Replace with new Section 2-47**

**Section 2-47 Regular Meetings.**

***Regular meetings of the Chesterfield City Council shall be on the First and Third Mondays of each month beginning at 7:00 p.m. The meeting place of the City Council shall be at the City Hall unless otherwise ordered by the City Council. The City Council may cancel or reschedule meetings if City Council determines it to be in the best interests of the general public. Notice for all meetings shall be provided in accordance with RSMo 610.***

**Section 2.**

This Ordinance shall be in full force and effect from and after its passage and approval.

**BILL NO. 3086**

**ORDINANCE NO. \_\_\_\_\_**

Passed and approved by the City Council of the City of Chesterfield,  
Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**PRESIDING OFFICER**

\_\_\_\_\_  
**Bob Nation, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Vickie Hass, CITY CLERK**

FIRST READING HELD \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 2-50 OF THE CITY CODE PERTAINING TO RULES OF PROCEDURE FOR THE MAYOR AND CITY COUNCIL.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.**

Chesterfield City Code Section 2-50 is hereby repealed and replaced with the following words and phrases:

Section 2-50 Rules of procedure.

*The following rules of procedure shall govern the conduct of all meetings of the City Council, although these rules, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the Council present at any meeting.*

Rule 1. *The Mayor shall decide all questions of order.*

Rule 2. *A member of Council discussing a question shall address the Mayor and no member of Council has the floor until recognized by the Mayor.*

**Delete Rule 3.**

~~**Rule 3. A roll call vote of yeas and nays shall be taken and recorded on the journal of proceedings for all ordinances or propositions which create any liability against or obligation on the part of the City or for the expenditure or appropriation of its money, and in all other instances where request therefore is made by any member of Council.**~~

Rule 34. *All motions and amendments shall be reduced to writing at the request of the Mayor or any Councilman and shall be handed to the City Clerk, who shall read the same to the City Council.*

Rule 45. *No vote or action of the City Council shall be rescinded at any special meeting unless there be present at such meeting as many members of the Council as were present when such vote or action was taken.*

Rule 56. *All meetings of the Council shall be open to the public, except as to portions of such meetings from which the Council may, by majority vote of the members present and voting, exclude the public as permitted under the Sunshine Act as amended.*

**Rule 67.** Any person in attendance at an executive session is honor-bound not to violate the confidentiality of the discussion taking place during the session, except as to any portions thereof which may clearly transgress the Sunshine Act.

**Rule 78.** The City Administrator shall set the agenda for each regular meeting and each special meeting, and shall make the same known to the Council and to the press as far in advance of such meeting as may be practicable, preferably two (2) days in advance of such meeting.

**Rule 89.** The general public shall be afforded an opportunity to address the Council during the portion of the order of business set aside for Communications and Petitions. Any person desiring to address the Council shall be required to identify himself, stating his home address or place of business, and to address his remarks to the Mayor. Councilmen desiring further information or comment from the speaker or from any other person in the audience should request the same through the Mayor. Protracted, repetitive, irrelevant or abusive remarks from the public may be closed off at any time by direction of the Mayor.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**PRESIDING OFFICER**

\_\_\_\_\_  
**Bob Nation, MAYOR**

**ATTEST**

\_\_\_\_\_  
**Vickie Hass, CITY CLERK**

FIRST READING HELD \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 2-82 OF THE CITY CODE PERTAINING TO THE APPOINTMENT OF THE CITY ADMINISTRATOR DURING TEMPORARY ABSENCES.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.**

Chesterfield City Code Section 2-82 is hereby repealed in its entirety and replaced with the following words and phrases:

**Section 2-82 Administrator Pro-Tem.**

*In the event that the Administrator shall be absent due to illness, disability, vacation or for personal reasons, the City Administrator shall designate a **City Employee** to serve as temporary City Administrator who shall have and perform all of the powers, rights and duties of the Administrator during such absence, but the individual so designated shall receive no additional compensation therefor. In the event the duration of the absence is expected to exceed five (5) working days, the City Administrator's designate is subject to the consent of the Mayor.*

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this amendment is for any reason held invalid or unconstitutional by a judgment of a court of competent jurisdiction, as to which no further appeal right exists, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of remaining portions hereof.

**Section 3.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**PRESIDING OFFICER**

\_\_\_\_\_  
**Bob Nation, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Vickie Hass, CITY CLERK**

FIRST READING HELD \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 2-91 OF THE CITY CODE PERTAINING TO THE APPOINTMENT OF THE CITY CLERK.**

**WHEREAS**, The City Council of the City of Chesterfield sought to identify Ordinances or City Code sections which may deviate from the provisions of the Missouri Revised Statutes; and

**WHEREAS**, The Finance and Administration Committee of City Council reviewed identified differences and have made recommendations to reconcile the Code and Ordinances to provide clarity and consistency; and

**WHEREAS**, Chesterfield City Code Section 2-91 contains provisions regarding the appointment, supervision and termination of the City Clerk; and

**WHEREAS**, RSMo 77.410 prescribe the statutory duties of the City Clerk, and

**WHEREAS**, RSMo 77.046 provides that non-elected officers of the City shall be appointed and discharged by the City Administrator, and

**WHEREAS**, The City Council desires to reconcile the City Code with City Council procedures and practices.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.**

The existing Chesterfield City Code Section 2-91 is hereby repealed in its entirety and replaced as follows:

**Delete the existing section**

**Section 2-91 Appointment**

The City Administrator shall appoint the City Clerk with the consent of the City Council. The term of the City Clerk shall continue from the date of appointment for an indefinite period of time not to exceed four (4) years or until his employment is terminated by the Mayor with the approval and consent of the City Council. Such termination shall not be effective until thirty (30) days' written notice thereof has been given to the City Clerk.

**Section 2.**

Chesterfield City Code Section 2-91 is replaced as follows:

**Replace with New section which reads as follows:**

**Section 2-91 Appointment**

The City Administrator shall appoint the City Clerk with the consent of the City Council. The term of the City Clerk shall continue from the date of appointment for an indefinite period of time not to exceed four (4) years. The City Clerk may be removed from office by the City Administrator with consent of the City Council.

**Section 3.**

This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
**PRESIDING OFFICER**

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**Bob Nation, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Vickie Hass, CITY CLERK**

FIRST READING HELD \_\_\_\_\_