

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 110.730 OF THE CHESTERFIELD CITY CODE REGARDING THE APPOINTMENT OF THE CITY CLERK

WHEREAS, the City of Chesterfield employees a City Clerk; and,

WHEREAS, the Elected Officials of the City of Chesterfield seek to provide professional and consistent services; and,

WHEREAS, Chapter 77.046 of the Revised Statutes of the State of Missouri provides that the City may provide that non-elected officers and employees of the City shall be appointed and discharged by the City Administrator; and,

WHEREAS, the Elected Officials of the City of Chesterfield recognize the professionalism, skill, competency and consistency which are essential to the effective function of the Chesterfield City Clerk; and,

WHEREAS, the Elected Officials of the City of Chesterfield recognize the susceptibility to inconsistency and record retention integrity, along with other related issues that are associated with limited term appointments, turnover and patronage in the City Clerk function; and,

WHEREAS, the Elected Officials of the City of Chesterfield desire to employ career professional employees and avoid patronage political appointments; and,

WHEREAS, the City of Chesterfield seeks to establish the position of City Clerk as a career professional employee and to amend section 110.730 to provide for the appointment of individuals to the position of City Clerk for an indefinite term as are other professional officials of the City.

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

Section 1. Section 110.730 of the Chesterfield City Code is hereby amended to read as follows:

The City Clerk shall be appointed by the City Administrator with the approval of the Council for an indefinite term. He/she shall be chosen on the basis of his/her administrative skills and qualifications, with special reference to his/her experience in or knowledge of accepted practice pertaining to the duties of his/her office as hereafter set forth. The City Clerk may be removed from office by the City Administrator with consent of the Council.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2023.

Presiding Officer

Mayor Bob Nation

ATTEST:

CITY CLERK

FIRST READING HELD: _____

Chapter 77 Revised Statutes of the State of Missouri
Effective - 28 Aug 2013

77.046. Other officers, appointment, discharge, regulations concerning. —

1. Upon the adoption of a city administrator form of government, the governing body of the city may provide that all other officers and employees of the city, except elected officers, shall be appointed and discharged by the city administrator, but the governing body may make reasonable rules and regulations governing the same.
2. Nothing in this section shall be construed to authorize the city to remove or discharge any chief, as that term is defined in section 106.273.

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 17th day of July, 2017.

Bob Nation
PRESIDING OFFICER

Bob Nation
Bob Nation, MAYOR

ATTEST:

Vickie Hass
Vickie Hass, CITY CLERK

FIRST READING HELD 5/2/2016

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Section 110.730 Appointment.

[CC 1990 § 2-91; Ord. No. 4 § 1, 6-1-1988; Ord. No. 2966, 7-17-2017]

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 110.740 Duties Generally.

[CC 1990 § 2-92; Ord. No. 4 § 2, 6-1-1988]

- A. The City Clerk shall, among other duties, keep a journal of the proceedings of the Council. He/she shall safely and properly keep all records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City and generally shall perform all of the duties required of him/her by ordinance or orders of the Council. He/she is hereby empowered to administer official oaths and also oaths to personnel certifying to demands or claims against the City.
- B. He/she shall have custody of the City Seal and shall affix said seal to and countersign all such public instruments, documents and papers as are required by law or ordinance to be attested with the Seal of the City. He/she shall furnish to the City Attorney or Council any record, document or paper in his/her office which either may be called for or be used in any court; but for the same he/she shall take and file a receipt.
- C. He/she shall, whenever required, furnish the Mayor, Council or any committee of the Council copies of any books, accounts, records, vouchers or documents in his/her office or any information relating to the business of the City; and shall at all times permit the Mayor, any member of the Council, any interested City Officer or other person to examine any books, papers or documents of public record in his/her office.

Section 110.750 Duties Concerning Elections.

[CC 1990 § 2-93; Ord. No. 4 § 3, 6-1-1988]

The City Clerk shall, in all City elections, perform all the duties specified or required of him/her by the Board of Election Commissioners of St. Louis County and shall also perform all other duties as may be required of him/her by City ordinance.

Section 110.760 Clerk And The Duties And Responsibilities Thereof.

[CC 1990 § 2-94; Ord. No. 4 § 4, 6-1-1988]

The City Clerk shall also prepare, seal with the City Seal and countersign all commissions and other official documents which the Mayor is required to issue and properly keep records thereof.

Section 110.770 Compensation.

[CC 1990 § 2-95; Ord. No. 4 § 5, 6-1-1988]

Compensation for the City Clerk shall be established by the Council within the guidelines as established in the City Compensation Classification Pay Plan.

Section 110.780 Clerical Assistants.

[CC 1990 § 2-96; Ord. No. 4 § 6, 6-1-1988]

At the request of the City Clerk, the City Administrator may appoint clerical assistants for the Clerk; such positions shall be authorized by the City Council.

Section 110.790 Deputy City Clerk.

[CC 1990 § 2-97; Ord. No. 18 §§ 1 — 3, 6-1-1988]

- A. Appointment. The City Administrator may, as is necessary, appoint a Deputy City Clerk to act for and on behalf of the City Clerk when said City Clerk is unavailable.
- B. Duration Of Appointment. The duration of appointments shall be for an appropriate period of time for the performance and function of the office.
- C. Existing City Employees To Be Appointed — Compensation. The appointments shall come from existing City employees and no additional compensation shall result from the appointments above unless authorized by the City Council.

Section 110.800 Acting City Clerk.

[CC 1990 § 2-98; Res. No. 38 §§ 1 — 3, 10-17-1988]

- A. City Administrator To Act As City Clerk. The City Administrator may as is necessary act for and on behalf of the City Clerk when said City Clerk is unavailable.
- B. Duration Of Authority. The duration of any authority to act on behalf of the official City Clerk shall be for an appropriate period of time for the performance and function of the office while the City Clerk is absent.
- C. Appointees Other Than City Administrator — Compensation. Anyone other than the City Administrator who shall be designated as the Acting City Clerk shall be an existing City employee and no additional compensation shall result from their acting as the City Clerk unless authorized by the City Council.

Section 110.810 through Section 110.850. (Reserved)

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Section 110.730 Appointment.

[CC 1990 § 2-91; Ord. No. 4 § 1, 6-1-1988; Ord. No. 2966, 7-17-2017]

The City Clerk shall be appointed by the City Administrator with the approval of the Council for an indefinite term. He/she shall be chosen on the basis of his/her administrative skills and qualifications, with special reference to his/her experience in or knowledge of accepted practice pertaining to the duties of his/her office as hereafter set forth. The City Clerk may be removed from office by the City Administrator with consent of the Council.

Section 110.740 Duties Generally.

[CC 1990 § 2-92; Ord. No. 4 § 2, 6-1-1988]

- A. The City Clerk shall, among other duties, keep a journal of the proceedings of the Council. He/she shall safely and properly keep all records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City and generally shall perform all of the duties required of him/her by ordinance or orders of the Council. He/she is hereby empowered to administer official oaths and also oaths to personnel certifying to demands or claims against the City.
- B. He/she shall have custody of the City Seal and shall affix said seal to and countersign all such public instruments, documents and papers as are required by law or ordinance to be attested with the Seal of the City. He/she shall furnish to the City Attorney or Council any record, document or paper in his/her office which either may be called for or be used in any court; but for the same he/she shall take and file a receipt.
- C. He/she shall, whenever required, furnish the Mayor, Council or any committee of the Council copies of any books, accounts, records, vouchers or documents in his/her office or any information relating to the business of the City; and shall at all times permit the Mayor, any member of the Council, any interested City Officer or other person to examine any books, papers or documents of public record in his/her office.

Section 110.750 Duties Concerning Elections.

[CC 1990 § 2-93; Ord. No. 4 § 3, 6-1-1988]

The City Clerk shall, in all City elections, perform all the duties specified or required of him/her by the Board of Election Commissioners of St. Louis County and shall also perform all other duties as may be required of him/her by City ordinance.

Section 110.760 Clerk And The Duties And Responsibilities Thereof.

[CC 1990 § 2-94; Ord. No. 4 § 4, 6-1-1988]

The City Clerk shall also prepare, seal with the City Seal and countersign all commissions and other official documents which the Mayor is required to issue and properly keep records thereof.

Section 110.770 Compensation.

[CC 1990 § 2-95; Ord. No. 4 § 5, 6-1-1988]

Compensation for the City Clerk shall be established by the Council within the guidelines as established in the City Compensation Classification Pay Plan.

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[CC 1990 § 2-91; Ord. No. 4 § 1, 6-1-1988; Ord. No. 2966, 7-17-2017]

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Section 110.740 Duties Generally.

[CC 1990 § 2-92; Ord. No. 4 § 2, 6-1-1988]

- A. The City Clerk shall, among other duties, keep a journal of the proceedings of the Council. He/she shall safely and properly keep all records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City and generally shall perform all of the duties required of him/her by ordinance or orders of the Council. He/she is hereby empowered to administer official oaths and also oaths to personnel certifying to demands or claims against the City.
- B. He/she shall have custody of the City Seal and shall affix said seal to and countersign all such public instruments, documents and papers as are required by law or ordinance to be attested with the Seal of the City. He/she shall furnish to the City Attorney or Council any record, document or paper in his/her office which either may be called for or be used in any court; but for the same he/she shall take and file a receipt.
- C. He/she shall, whenever required, furnish the Mayor, Council or any committee of the Council copies of any books, accounts, records, vouchers or documents in his/her office or any information relating to the business of the City; and shall at all times permit the Mayor, any member of the Council, any interested City Officer or other person to examine any books, papers or documents of public record in his/her office.

Section 110.750 Duties Concerning Elections.

[CC 1990 § 2-93; Ord. No. 4 § 3, 6-1-1988]

The City Clerk shall, in all City elections, perform all the duties specified or required of him/her by the Board of Election Commissioners of St. Louis County and shall also perform all other duties as may be required of him/her by City ordinance.

Section 110.760 Clerk And The Duties And Responsibilities Thereof.

[CC 1990 § 2-94; Ord. No. 4 § 4, 6-1-1988]

The City Clerk shall also prepare, seal with the City Seal and countersign all commissions and other official documents which the Mayor is required to issue and properly keep records thereof.

Section 110.770 Compensation.

[CC 1990 § 2-95; Ord. No. 4 § 5, 6-1-1988]

Compensation for the City Clerk shall be established by the Council within the guidelines as established in

Chapter 120

CITY DEPARTMENTS

State Law References: Fiscal administration and indebtedness in cities of third class, §§ 95.280 to 95.350, RSMo.

EXCERPTS

ARTICLE I
Department Of Finance

Section 120.010. Established. [CC 1990 § 2-121; Ord. No. 15 § 1, 6-1-1988]

There is hereby established the Department of Finance which shall consist of the Director of Finance and such other employees as may be authorized from time to time by the City Council to provide for the necessary administrative support services required for all City operations.

Section 120.020. Functions. [CC 1990 § 2-122; Ord. No. 15 § 2, 6-1-1988]

The Department of Finance shall have responsibility for the management and control of all monies coming to the City from any source. The department shall maintain such records and accounts as are required to properly document both the receipt and expenditure of all City funds. In addition, the department shall be responsible for such other functions as may from time to time be authorized by the City Administrator.

Section 120.030. Office Of Director Of Finance. [CC 1990 § 2-123; Ord. No. 15 § 3, 6-1-1988]

- A. There is hereby created the office of Director of Finance. The Director of Finance shall be appointed by the City Administrator with the approval of the Council for an indefinite term. He/she shall be chosen on the basis of his/her administrative and financial qualifications, with special reference to his/her experience in or knowledge of accepted practice pertaining to the duties of his/her office as hereafter set forth. The Director may be removed from office by the City Administrator with approval of the Council.
- B. The City Administrator shall serve as ex officio Director until such position is filled by appointment.

Section 120.040. Duties Of Director. [CC 1990 §§ 2-124, 2-346; Ord. No. 15 § 4, 6-1-1988; Ord. No. 492 § 6, 9-4-1990]

- A. Control. The Director of Finance, under the supervision of the City Administrator, shall exercise control and supervision over all employees assigned to the Department of Finance and to exercise general supervision over all officers and employees of the City charged in any manner with the receipt, collection or disbursement of revenue or with the collection and return of the City revenue into the Treasury.
- B. Financial Records. The Director of Finance shall be charged with preparing and keeping all financial records of the City, which records shall be at all times subject to inspection by the City Administrator, the Mayor and any members of the City Council.
- C. Purchases. Subject to the supervision and approval of the City Administrator, the Director of Finance shall make all purchases of materials, supplies or equipment for the City in the manner provided by law and subject to the limitations imposed by law.

ARTICLE III
Department Of Public Works

Section 120.260. Department Established. [CC 1990 § 2-166; Ord. No. 33, § 1, 6-1-1988]

There is hereby established a Department of Public Works, which shall have such other sections or divisions as from time to time may be authorized by the City Council and assigned to the Department of Public Works.

Section 120.270. Functions. [CC 1990 § 2-167; Ord. No. 33, § 2, 6-1-1988]

The Department of Public Works shall have responsibility in the areas of public works, including City Engineering design and review functions, City streets and sewers, zoning and development code enforcement, building code and maintenance code enforcement, inspection of building construction and property maintenance, parks, housing and neighborhood preservation, project coordination and such other duties related to overall community development as from time to time may be authorized by the City Council.

Section 120.280. Awards And Contracts; Power Of Director Generally. [CC 1990 § 2-168; Ord. No. 33, § 3, 6-1-1988]

- A. No award or contract shall be binding upon the City of Chesterfield until it shall be approved by the City Council, approved as to legal form by the City Attorney and certified by the City Clerk.
- B. In addition to the powers enumerated below, the Director shall have the powers delegated to such position or subordinate positions by ordinance of the City, plus such other duties as may be prescribed from time to time by the City Administrator.

Section 120.290. City Administrator To Serve As Director Until Position Filled. [CC 1990 § 2-169; Ord. No. 33, § 4, 6-1-1988]

The City Administrator shall serve as the ex officio Director of Public Works until this position is filled by appointment.

Section 120.300. Contracts For Activities Assigned To Department. [CC 1990 § 2-170; Ord. No. 33, § 5, 6-1-1988]

The City Council may from time to time contract with consultants, contractors, other municipalities or other governmental agencies for activities assigned to the Department of Public Works. Said contracts shall be administered by the Director of Public Works.

Section 120.310. Office Of Director Of Public Works; Created; Supervisory Control. [CC 1990 § 2-171; Ord. No. 33, § 6, 6-1-1988]

- A. There is hereby established the Office of Director of Public Works. The Director shall be appointed by the City Administrator with the approval of the City Council for an indefinite term. The Director may be removed from office by the City Administrator with the approval of the City Council.
- B. The Director, under the Administrator's supervision, shall have control and

ARTICLE IV
Department Of Planning

Section 120.480. Established. [CC 1990 § 2-191; Ord. No. 30, § 1, 6-1-1988]

There is hereby established a Department of Planning, which shall have such other sections or divisions as from time to time may be authorized by the City Council and assigned to the Department of Community Development.

Section 120.490. Functions. [CC 1990 § 2-192; Ord. No. 30, § 2, 6-1-1988]

The Department of Planning shall be responsible for the overall planning and development of the City, including the preparation and maintenance of the zoning map, official map and Comprehensive Plan of the City; community development, including zoning and other development ordinances; the preparation of special studies and the provision of information on the physical, social and economic characteristics of the City; housing and neighborhood preservations; the coordination of new development proposals and project approvals; and shall recommend long-range plans for the City and review all projects, plans and applications to insure compliance with all ordinances of the City concerning zoning, subdivision and development requirements; and such other duties as may be prescribed from time to time by the City Administrator.

Section 120.500. Office Of Director Of Planning. [CC 1990 § 2-193; Ord. No. 30, § 3, 6-1-1988]

- A. There is hereby established the Office of Director of Planning. The Director shall be appointed by the City Administrator with the approval of the City Council for an indefinite term. The Director may be removed from office by the City Administrator with the approval of the City Council.
- B. The Director, under the Administrator's supervision, shall have control and supervision over all employees assigned to the Department of Planning.
- C. The Director shall:
1. Interpret and enforce the Zoning and Subdivision Ordinances in a strict and uniform manner;
 2. Determine if use is in compliance with the spirit of the ordinances;
 3. Provide staff assistance to the Planning Commission;
 4. Notify the Board of Adjustment of variations in Zoning Ordinances;
 5. Develop long and short-range plans for future development of the community;
 6. Receive input from or assist other Departments;
 7. Review development proposals to ensure conformance to ordinance regulations;
 8. Approve reoccupancy permits in conjunction with Public Works;
 9. Plans and assign work to division staff;