



CITY OF CHESTERFIELD
Public Health & Safety Committee Meeting

August 21, 2023

5:30 PM

Conference Room 102-103

1. Call to Order
2. Roll Call
3. Approval of Minutes - May 8, 2023
4. Interview of candidate for Police Personnel Board.

The committee will interview a candidate for potential appointment to the Police Personnel Board.

5. Resolution approving the installation of a License Plate Recognition Camera by the City of Ballwin within the Municipal boundaries of the City of Chesterfield.

The Committee will review and consider a Resolution which if approved by council, will authorize the installation of a license plate recognition camera by the City of Ballwin within the Chesterfield Municipal boundaries at the intersection of Clayton/Henry/Schoettler Roads

6. Thefts at/in commercial/retail district of Chesterfield Valley.

The committee will discuss action options regarding the on-going issue of thefts from/at retail establishments in Chesterfield Valley.

7. Security glass at City Hall front desk – Chief Johnson will update the committee on acquiring bids for the installation of safety barrier at City Hall front desk.
8. Other
9. Next Meeting
10. Adjourn

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE PH&S COMMITTEE MEETING SHOULD CONTACT CITY CLERK VICKIE MCGOWND AT (636) 537-6716, AT LEAST TWO (2) BUSINESS DAYS PRIOR TO THE MEETING.

MINUTES
PUBLIC HEALTH & SAFETY COMMITTEE MEETING

3

May 8, 2023

1. Call to Order

The meeting was called to order at 3:30 PM by Chairperson Councilmember Mary Ann Mastorakos.

2. Roll Call

Councilmember Mary Ann Mastorakos, Ward II, Chairperson, Councilmember Barb McGuinness, Ward I, Councilmember Michael Moore, Ward III, and Councilmember Merrell Hansen, Ward IV. Also, in attendance was Chief Ray Johnson, Captain Cheryl Funkhouser, Captain Mark Bruegenhemke, and Mr. McLeod Patton.

3. Approval of Minutes

Councilmember Hansen motioned and Councilmember McGuinness seconded to review the minutes at the next Council meeting because only one Councilmember (Hansen) was at the March 8, 2022 minutes. The motion to carried 4-0.

4. Election of Vice-Chairperson of the Public Health & Safety Committee

Councilmember McGuinness motioned and Councilmember Hansen seconded to nominate Councilmember Moore for the position of Vice-Chairman of the Public Health & Safety Committee. The motion was approved 4-0.

5. Elect Liaison to the Police Personnel Board

Councilmember McGuinness motioned and Councilmember Moore seconded to nominate Councilmember Mastorakos to the position of Liaison to the Police Personnel Board. The motion approved 4-0.

6. Interview of Nominee to Police Personnel Board

Councilmember Mastorakos introduced Mr. Frank M. (McLeod) Patton to the members of the Committee.

Chief Johnson explained the responsibilities of the Police Personnel Board. These responsibilities mainly center upon interviewing and recommending applicants for the position of Police Officer in the City of Chesterfield.

Councilmember McGuinness and Councilmember Moore asked how Mr. Patton's experience in the military and in the private sector will assist in the process. Mr. Patton responded that his years of experience working with the military relate similarly as an advisor for selection of officers for the Department.

Councilmember McGuinness asked if there would be an orientation for Mr. Patton. Chief Johnson noted that Board members and Police Department staff would be available for guidance.

7. Security glass at City Hall Front Desk

Chief Johnson reported that the City has not yet received a bid regarding security glass for the Front Desk at City Hall. He also noted that contractors seem reluctant to bid on this project.

Councilmember McGuinness motioned and Councilmember Moore seconded to remove this item from the agenda for upcoming meetings until a bid is received. This motion carried 4-0.

8. Golf Carts

Councilmember Hansen noted that two subdivisions are requesting additional information on which exact vehicles can be operated on City streets. Chief Johnson replied that only vehicles that are licensed by the State of Missouri are allowed on City streets. If licensed, drivers have to obey all the State laws subscribed for all other vehicles and drivers.

9. Councilmember McGuinness requested that Councilmembers be given "cheat sheets" for abbreviations utilized in the End of Shift reports. Chief Johnson will provide.

9. No new meeting date was set at this time.

10. Chairperson Mastorakos adjourned the meeting at 4:22 PM.

EXPERIENCE

Commission On Accreditation for Law Enforcement Agencies, Inc. 2002 to 2023
Assessment Team Leader

Conducted 60 assessments of municipal, county, state, and university law enforcement agencies in 22 states and one Canadian province. Served as the team leader on 53 of the assessments, responsible for the coordination of the assessment activities, feedback to the agency leadership, and preparation of the final assessment report.

The Fitch Group 2016 to 2021
Senior Consultant

Served as a subject matter expert on accreditation, assisting four municipal and one county law enforcement agencies successfully achieve initial accreditation by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

United States Department of Treasury, Bureau of the Mint 2011 to 2014
Program Analyst

Successfully managed the initial CALEA law enforcement accreditation of the United State Mint Police, a federal agency of 300 sworn police officers protecting the employees, assets, and facilities at six facilities coast-to-coast, including the United States Gold Depository at Fort Knox, Kentucky. The scope of work included drafting agency directives, including policies, procedures, and processes compliant with federal law and regulation, security concerns, multiple labor agreements, and accreditation standards; participating in leadership work groups; and, analyzing projects and programs to ensure compliance with directives and standards.

Florissant Police Department 1979 to 2011
Police Captain

Progressed through the ranks from police officer to captain and served throughout every facet of a municipal police department of 120 personnel including 92 sworn officers. I was promoted to captain in 1999 and as one of three bureau commanders reported directly to the Chief of Police.

While commander of the Bureau of Field Operations I was responsible for all uniformed police services including patrol, traffic safety, school officers and special operations.

As commander of the Bureau of Support Services for 11 years, I was responsible for leadership of the Communications Division / 9-1-1 Public Safety Answering Point, Records, Information Technology, Internal Affairs, Budgeting and Purchasing, Accreditation, Public Information/Community Relations, and the Facility and Fleet. I prepared and managed budgets in excess of \$11MM, coordinated long-range strategic planning, conducted staff studies and workload assessments, and developed written policy and procedure.

JOHN F. FOSTER JR

EDUCATION

FBI National Academy, 220th Session
Federal Bureau of Investigation, Quantico, VA, 2005

Master of Public Administration
Southern Illinois University, Edwardsville, IL, 2003

Bachelor of Science in Criminal Justice
Northeast Missouri State University, Kirksville, MO, 1981

Associate in Applied Science in Criminal Justice
St. Louis Community College, St. Louis, MO, 1978

MEMBERSHIPS / ACTIVITIES

FBI National Academy Associates 2005 to Present
Active Member of the Eastern Missouri Chapter

FBI National Academy Associates 2008 to 2016
Youth Leadership Program Instructor and Program Coordinator
Served as an instructor in a leadership program for high school sophomores and juniors from throughout the United States and foreign countries. The program, held annually at the FBI National Academy, is modeled on the law enforcement executive leadership training of the FBI National Academy program. Selected as the program coordinator in 2013, responsible for the annual planning and delivery of the curriculum as well as the coordination of eight law enforcement executives who served as program instructors.

Boy Scouts of America, St. Louis Area Council 2017 to Present
St. Louis Area Council Risk Management Committee Member
Developed a Council procedure for the response to armed assaults on Council properties in Missouri and Southern Illinois. Annually instruct the summer camp staff at all Council sites with emphasis on threat awareness and anti-bullying.

In 2023 conducted and documented Physical Security Vulnerability Risk Assessments of the two largest BSA Council properties.

- A. Citizen of the United States at the time of application and Missouri resident at time of appointment.
 - B. No felony record or serious misdemeanor.
 - C. Minimum age of 21 years or must have reached their 21st birthday at time of completion of the 16 week academy training course.
 - D. High school graduate or equivalent.
 - E. Must hold valid driver's license from any state at time of application and a valid Missouri driver's license at time of appointment.
 - F. Must have had an honorable discharge from military, if applicable.
 - G. May not have participated in a Chesterfield Police Department hiring process within the past twelve (12) months.
3. The applicant must also provide the City with the following:
- A. A copy of high school diploma or equivalency certificate.
 - B. Copy of service discharge, if applicable.
 - C. Copy of degrees or diplomas that may be referred to in the application.
 - D. Signed credit and record check waiver.
4. Testing:
- A. Candidates for employment will be tested in a variety of areas. The tests shall carry a numerical or Pass/Fail weight as set out in the chart below.

<u>Areas of Testing</u>	<u>Weight</u>
Physical Fitness	Pass/Fail
Written	40%
Oral Interview	60%
Psychological Evaluation	Pass/Fail
Medical Evaluation	Pass/Fail
Drug Test	Pass/Fail
Background Investigation	Pass/Fail

B. WRITTEN EXAM

A grade of 70% or above shall be considered passing.

C. ORAL REVIEW

Candidates must appear before an Oral Review Board which shall evaluate the applicant in such categories as appearance, ability to effectively communicate, social sensitivity, judgement, responsibility, maturity, honesty, integrity, job knowledge and approach, as per rating sheet. As deemed necessary by the Board of Police Commissioners, the Oral Review Board shall consist of members of the Board of Police Commissioners, Police Department representatives of City Government, and outside personnel.

D. PHYSICAL FITNESS - POLICE OFFICER

In order to measure the capability of the applicant to perform certain tasks related to the position, candidates for employment must successfully complete a physical performance examination. While specific tasks may change from time to time, test events shall be designed to measure strength and/or flexibility of specific muscle groups, agility, and cardiovascular strength and endurance.

As a condition of continued employment, all officers shall sign a statement agreeing that physical performance standards will be met on an annual basis. Specific performance tasks shall be designated by the Board of Police Commissioners and the Chief of Police, and shall correspond to the physical performance testing in use for employment at the time.

E. In addition, preference points shall be assigned to the overall examination score of each candidate based on the following criteria:

<u>Criteria</u>	<u>Possible Points</u>
Associate of Arts Degree (60 college credit hours) and eligible for Junior status	1
Bachelor of Arts or Science Degree	2
Masters of Arts or Science Degree	3
Police Reserve officer who has served a period of two years in the department and is in good standing	2

5. Probationary Period:

A. The probationary period for all permanent employees is one (1) year from their first date of employment.

(1) During this year, supervisory personnel will observe the demonstrated ability, fitness, and willingness of a new employee to perform adequately in the job. Any person on probation may be dismissed by the Department Head with approval of the City Administrator without the right of a review of any kind.

(2) All police officers shall complete basic police training at a State recognized training academy. Following the completion of the basic police academy, the officer shall be assigned to department in-service training as designate by the Chief of Police.

B. Any employee leaving the employment of the Chesterfield Police Department prior to completing the required probationary period will not be eligible for re-appointment without special permission of the Board.

BY ORDER OF


Ray Johnson, Chief of Police

2/14/95
Date

APPROVED BY:


Michael G. Herring, City Administrator

2/14/95
Date

cc: City Attorney

I have read and understand this General Order. Any questions I might have had have been satisfactorily answered by my supervisor.

- e. All those businesses that are considered closely regulated businesses have been informed of their status and the possibility of unannounced, warrantless, administrative searches.
- (14) Any warrantless entry authorized in subsection (13) must abide by the following guidelines:
- a. A police officer must be present for any warrantless search;
 - b. And the search must occur between the hours of 9:00 am and 5:00 pm, Monday — Friday or within the normal operating hours of the business;
 - c. Those executing the search must reasonably believe that all the elements of subsection (13) are satisfied; and
 - d. The scope of the search is limited to those elements relevant to the business occurring and possible violations of municipal code ordinances.

Sec. 24-6. through Sec. 24-15. (Reserved)

ARTICLE II

Police Personnel Board

Sec. 24-16. Members.

[Ord. No. 137, § 1, 7-18-1988; Ord. No. 328, § 1, 8-7-1989; Ord. No. 534, § 1, 12-17-1990; Ord. No. 1226, § 1, 2-3-1997]

There is hereby established a Police Personnel Board which shall consist of six (6) members. Said members are to be residents of the City, appointed by the Mayor with the approval of the Council. The term for each member shall be for three (3) years except initially two (2) members shall be appointed for one year, two (2) members shall be appointed for two (2) years, and two (2) members shall be appointed for three (3) years. Members appointed will serve their terms or until their successors shall be appointed, subject to resignation or removal for cause.

Sec. 24-17. Appointment.⁴

[Ord. No. 137, § 2, 7-18-1988; Ord. No. 328, § 2, 8-7-1989; Ord. No. 534, § 2, 12-17-1990; Ord. No. 1226, § 2, 2-3-1997; Ord. No. 1336, § 1, 11-3-1997]

The Police Personnel Board is appointed pursuant to Ordinance No. 135 [Article III of this chapter] as passed and approved by the City. Allegiance to a particular political party shall no longer be required as of the date of the passage of this Ordinance. Any vacancy in the membership of the Board shall be filled by appointment for the unexpired term, using the same procedures as appointments for new members.

4. Cross reference — Board of Police Commissioners to serve as Personnel Board, § 24-64.

Sec. 24-18. Chairman and Secretary.

[Ord. No. 137, § 3, 7-18-1988; Ord. No. 137, § 3, 7-18-1988; Ord. No. 328, § 3, 8-7-1989; Ord. No. 534, § 3, 12-17-1990]

The Board shall annually elect a Chairman and Secretary. They shall hold office for one year or until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Secretary shall keep the minutes of all meetings in a permanent record book, and shall be the custodian of all forms, papers, books, records, and completed examinations by the Board.

Sec. 24-19. Duties. ⁵

[Ord. No. 137, § 4, 7-18-1988; Ord. No. 328, § 4, 8-7-1989; Ord. No. 534, § 4, 12-17-1990; Ord. No. 1226, § 3, 2-3-1997]

The duties of the Board shall be to hear grievances from members of the Department of Police as hereinafter provided; and to assist in selecting candidates for appointments as members of the Department of Police, as hereinafter provided.

The Board shall formulate and adopt all necessary requirements, rules and regulations reasonably necessary for the efficient operation of the merit system and appointment of members of the Department, in accordance with State Statutes. The rules approved by the Board shall then be submitted to the City Council and shall become effective when approved by the City Council by resolution.

The Board shall, on request, advise the City Council on questions relating to Police Department organization, policy, and procedures for which their opinions are sought by the Council. Such reports shall not include confidential investigations or disciplinary matters. Copies of any such reports shall be given to the Mayor, the Chief, and the City Administrator.

Sec. 24-20. Meetings.

[Ord. No. 137, § 5, 7-18-1988; Ord. No. 328, § 5, 8-7-1989; Ord. No. 534, § 5, 12-17-1990; Ord. No. 909, § 1, 5-16-1994; Ord. No. 1226, § 4, 2-3-1997]

The Police Personnel Board shall meet from time to time as necessary to carry out their duties as outlined in Section 24.19 herein.

Special meetings may be called by any three (3) members of the Board upon written notification stating the purpose of such special meeting to the other members of the Board. Such notice shall be given at least twenty-four (24) hours in advance of the special meeting.

5. Cross reference — Duties of Personnel Board, § 24-65.

Sec. 24-21. Quorum.

[Ord. No. 137, § 6, 7-18-1988; Ord. No. 328, § 6, 8-7-1989; Ord. No. 534, § 6, 12-17-1990]

Four (4) members of the Board shall constitute a quorum for the transaction of all business at any regular or special meeting.

Sec. 24-22. Order of business.

[Ord. No. 137, § 7, 7-18-1988; Ord. No. 328, § 7, 8-7-1989; Ord. No. 534, § 7, 12-17-1990; Ord. No. 1226, § 5, 2-3-1997]

The order of business at any meeting shall be as follows:

- (1) Approval of minutes from previous meeting;
- (2) Communications, including a report from the Chief on the status of the Department on matters pertaining to the responsibilities of the Board;
- (3) Unfinished business;
- (4) New business; and
- (5) Adjournment.

Sec. 24-23. Procedure.

[Ord. No. 137, § 8, 7-18-1988; Ord. No. 328, § 8, 8-7-1989; Ord. No. 534, § 8, 12-17-1990]

Where this article is silent, the parliamentary procedure prescribed in Robert's Rules of Order, Revised, shall be followed, as far as applicable.

Sec. 24-24. Motions.

[Ord. No. 137, § 9, 7-18-1988; Ord. No. 328, § 9, 8-7-1989; Ord. No. 534, § 9, 12-17-1990]

Motions may be made orally by any member of the Board and shall be recorded in the minutes together with action taken thereon.

Sec. 24-25. Annual report.

[Ord. No. 137, § 10, 7-18-1988; Ord. No. 328, § 10, 8-7-1989; Ord. No. 534, § 10, 12-17-1990; Ord. No. 1226, § 6, 2-3-1997; Ord. No. 1883, § 2, 10-21-2002]

The Board shall submit an annual report to the Mayor and to the City Council. Such report shall be submitted within sixty (60) days after the end of the City's fiscal year.

Sec. 24-26. Severability.

[Ord. No. 137, § 11, 7-18-1988; Ord. No. 328, § 11, 8-7-1989; Ord. No. 534, § 11, 12-17-1990]

If any provisions of this article shall be found to be invalid, such finding shall not affect the continued validity of any other provision of this article.

Sec. 24-27. Application for employment by Department of Police.

[Ord. No. 137, § 12, 7-18-1988; Ord. No. 328, § 13, 8-7-1989; Ord. No. 534, § 12, 12-17-1990; Ord. No. 1226, § 7, 2-3-1997]

Application for employment by the Department of Police shall be on forms approved by the Police Personnel Board and shall be addressed to the Board and filed under oath with the Board Secretary, through the City Personnel Department.

Sec. 24-28. Residency requirements.

[Ord. No. 137, § 13, 7-18-1988; Ord. No. 534, § 13, 12-17-1990; Ord. No. 1883, § 3, 10-21-2002]

From and after the passage of this article, all sworn in and commissioned personnel of the department shall be citizens of the United States and live within the State of Missouri during employment with the city police force.

Sec. 24-29. General disqualifications for employment by Department.

[Ord. No. 137, § 14, 7-18-1988; Ord. No. 328, § 14, 8-7-1989; Ord. No. 534, § 14, 12-17-1990; Ord. No. 763, § 1, 2-16-1993]

The Board may refuse to consider an applicant or, after consideration, to refuse to certify him as eligible if:

- (1) The applicant is found to be lacking in any of the preliminary requirements established for the position;
- (2) The applicant is disabled or inhibited to an extent which would render the individual unfit and unable to perform the bona fide occupational requirements of the position; but only then if no reasonable accommodations can be made which would assist the applicant to a point where the disability was no longer a deterrent to employment;
- (3) The applicant has been found to have conflicting interests which may impair or compromise total effectiveness in a given classification including criminal background, business interests, and/or related areas;
- (4) The applicant has made any false statement on the application;
- (5) The applicant had used or attempted to use political pressure or bribery to secure an advantage in the screening or appointment procedure;

- (6) The applicant has previously been terminated for just cause or has had a previous unsatisfactory service record with the City or another employer;
- (7) The applicant has presented an application beyond the formal deadline or has failed to sign the application form;
- (8) The applicant requests such an action;
- (9) An ample number of better qualified candidates are available for the position.

Sec. 24-30. Hearing upon disqualification.

[Ord. No. 137, § 15, 7-18-1988; Ord. No. 328, § 15, 8-7-1989; Ord. No. 534, § 15, 12-17-1990]

Any applicant who shall be disqualified from consideration for a position in the Department shall be notified in writing by the Board and, upon receipt of such written notice, shall be given the opportunity to be heard with regard to such disqualification.

Sec. 24-31. Examination of candidates for appointment.

[Ord. No. 137, § 16, 7-18-1988; Ord. No. 534, § 16, 12-17-1990; Ord. No. 763, § 1, 2-16-1993]

The Board shall establish procedures for examination of candidates for appointment to the Department. These procedures shall be submitted to the City Council for approval. Such procedures shall include but not be limited to tests for physical agility; psychological evaluation; a written examination; a drug screen, credit check, background investigation to determine the individuals suitability and personal fitness for the position sought; and an oral examination to enable the Board to properly evaluate and grade the applicant on suitability for the position. Following an offer of employment, the candidate may be required to submit to a medical exam to determine if the individual can meet the bona fide physical requirements of the position and a workers compensation record check to determine if the individual presents a hazard to himself or others. For promotional appointments, performance ratings shall also be considered.

For positions higher than the rank of Sergeant, the Chief shall notify the Board as to vacancies that are or are likely to be available. The Board shall advertise for candidates and, after an appropriate time to allow applications to be received, shall examine the candidates and certify each candidate who applies as qualified or not. The Chief of Police, with the approval of the City Administrator, will select from the qualified candidates to fill vacancies. The Chief shall give preference to candidates from within the Department, but shall not be required to promote from within.

For positions at the rank of Sergeant and lower, the Board shall maintain lists of candidates who have passed the examinations for each rank. These lists shall be in order of merit, based on examination scores and preference points as described hereinafter. The lists shall be kept current using procedures as determined by the Board and approved by the City Council. Whenever vacancies exist for a rank, the Chief, with the approval of the City Administrator, shall select from the top portion of the list. For single vacancies, the top portion of the list

shall be the top three (3) names. For multiple vacancies, the top portion shall be as determined by the Board, but it shall not be less than two (2) more than the number of vacancies nor more than three (3) times the number of vacancies.

Preference points shall be assigned to the overall examination score of each candidate based upon the following criteria:

- (1) A certified Police Officer as defined in Section 66.250 Revised Statutes of Missouri, as amended — Three (3) points.
- (2) Educational degrees:
 - a. A holder of an Associate Arts Degree of sixty (60) college semester hours and eligible for junior status — One point.
 - b. A holder of a Bachelor of Arts or Science degree — Two (2) points.
 - c. A holder of a Masters Degree — Three (3) points.

Preference points for academic degrees are not cumulative and shall be assigned exclusively for the highest degree earned.

Sec. 24-32. Background investigation and fingerprint check.

[Ord. No. 137, § 17, 7-18-1988; Ord. No. 328, § 17, 8-7-1989; Ord. No. 534, § 17, 12-17-1990; Ord. No. 1883, § 4, 10-21-2002]

The Department shall conduct or arrange for background investigations of all applicants. Applicants who have been investigated by other police agencies may be subject to less thorough investigations than other candidates. Each eligible applicant must submit to fingerprinting by the department and be subsequently cleared by a check with the Federal Bureau of Investigation, Missouri State Highway Patrol, St. Louis County Police Department and the Chesterfield Department of Police immediately prior to certification of appointment.

Sec. 24-33. Appointments; probationary period.

[Ord. No. 137, § 18, 7-18-1988; Ord. No. 328, § 18, 8-7-1989; Ord. No. 534, § 18, 12-17-1990; Ord. No. 763, § 1, 2-16-1993; Ord. No. 1226, § 8, 2-3-1997]

All appointments to the Department shall be for an initial review period of twelve (12) months during which the performance of the appointee shall be monitored and evaluated by the Chief of Police. The review periods may be extended by the City Administrator upon the recommendation of the Chief. Such an extension of review for a period of not more than ninety (90) days is at the discretion of the Chief.

At any time during the initial review period, the Chief, with the approval of the City Administrator, may terminate an officer, with or without cause. An officer terminated during the review period cannot appeal such action to the Board. The City Administrator may also,

recommend such demotion which must be approved by the City Administrator. A demotion becomes a permanent part of the officer's personnel record.

Sec. 24-42. Dismissals.

[Ord. No. 137, § 26, 7-18-1988; Ord. No. 328, § 26, 8-7-1989; Ord. No. 534, § 27, 12-17-1990; Ord. No. 1226, § 13, 2-3-1997]

When appropriate, an employee may be dismissed which involves the permanent removal of an officer from the payroll. The Chief shall record in writing the date and time of the rule infraction, prior record of any similar infractions and efforts made to correct the problem. The Chief shall recommend dismissal which must be approved by the City Administrator. Notification of dismissal may be made by the Chief, or appointed authority, by delivering a written statement to the officer. If the Chief, based on the reason for discharge, desires to make an immediate separation from the City service, a suspension with or without pay pending discharge may be utilized with approval by the City Administrator. Prior to the final decision to dismiss any officer, the officer will be given:

- (1) Written notice of the charges; and
- (2) An explanation of the basis of the City's charges; and
- (3) An opportunity to present his explanation of the matter.

At any time during the probationary period, the City Administrator, with or without the recommendation of the Chief of Police, may dismiss an officer with or without cause.

Sec. 24-43. Appeal of discipline.

[Ord. No. 137, § 27, 7-18-1988; Ord. No. 328, § 27, 8-7-1989; Ord. No. 534, § 28, 12-17-1990; Ord. No. 2040, § 1, 10-7-1996; Ord. No. 1226, § 14, 2-3-1997]

All officers other than probationary officers may appeal discipline greater than a written reprimand to the Board. Appeals must be in writing and submitted to the Secretary of the Board within seventy-two (72) hours of the effective date of the administration of discipline.

Upon receipt of an appeal, the Secretary shall notify the Chief within five (5) days of the need for a hearing on the charge(s).

Sec. 24-44. Notice of hearing.

[Ord. No. 137, § 28, 7-18-1988; Ord. No. 328, § 28, 8-7-1989; Ord. No. 534, § 29, 12-17-1990]

Upon receipt of an appeal of discipline, the Board shall set a date for a hearing, which date shall be no more than thirty (30) days following the filing of the appeal.

Sec. 24-45. Hearing procedure.

[Ord. No. 137, § 29, 7-18-1988; Ord. No. 328, § 29, 8-7-1989; Ord. No. 534, § 30, 12-17-1990]

Proceedings on any hearing of an appeal of discipline shall commence with a written complaint, made by the Chief, which shall set forth a plain and concise statement of the facts giving rise to the complaint.

All parties to a hearing shall have a right to be represented by counsel at their own expense.

All proceedings hereunder shall be tape recorded by the Secretary of the Board or recorded by a court reporter employed by the Board, but shall be transcribed only at the request of the Board or a party to the hearing. All tapes and records shall be retained for a five-year period. Transcripts of the hearing shall be prepared at the requesting party's expense.

All witnesses shall be sworn before testifying. Witnesses for the complainant shall be heard first, followed by witnesses for the accused Police Officer. Each party shall have the right to cross-examine witnesses of every other party.

The Board shall consider only evidence presented at the hearing.

The hearing may be continued from time to time at the motion of the Board or at the motion of any party upon cause being shown to the satisfaction of the Board. Before continuance will be granted at the request of an accused Police Officer who has been suspended pending the hearing, he shall execute a release of any claim he might then or thereafter have for compensation during the period of such continuance.

Sec. 24-46. Filing of papers.

[Ord. No. 137, § 30, 7-18-1988; Ord. No. 328, § 30, 8-7-1989; Ord. No. 534, § 31, 12-17-1990]

All papers may be filed with the Board by mailing them personally to the Secretary of the Board at the Government Center. The filing date of any paper shall be the date it was received by the Secretary, in the event the paper is delivered personally. In the event a paper is filed by mail, then the filing date shall be the date which is postmarked on the mailing envelope.

Sec. 24-47. Form of papers.

[Ord. No. 137, § 31, 7-18-1988; Ord. No. 328, § 31, 8-7-1989; Ord. No. 534, § 32, 12-17-1990]

All papers filed in any proceeding hereunder shall be typewritten or hand printed and shall be on one side of the paper only. If typewritten, the lines shall be double-spaced except that long quotations may be single-spaced and indented.

All papers shall not be larger than eight and one half (8½) inches wide by eleven (11) inches long and shall have four (4) outside margins of not less than one inch.

All papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney. His name and address shall appear thereon.

Sec. 24-48. Findings and order.

[Ord. No. 137, § 32, 7-18-1988; Ord. No. 328, § 32, 8-7-1989; Ord. No. 534, § 33, 12-17-1990; Ord. No. 1235, § 1, 3-3-1997]

Within fifteen (15) days following the conclusion of any hearing hereunder, the Board shall enter its findings by delivery of the written findings to the accused police officer or by delivering in the U.S. Mail a copy of said written findings to be mailed no later than the 15th day by certified mail to the police officer at his last known address. At the next regularly called meeting of the Board, the findings shall be entered on the record of the Board.

On the findings of the Board, the Board may sustain the action of the Chief or reverse the actions of the Chief with instructions for a greater or lesser form of discipline which may exceed thirty (30) days or the Board may order the police officer terminated.

Included in the authority of the Board as noted above is the authority to order the demotion of an officer to a lower rank, which may include to probationary status, with or without a reduction in pay to the pay of a probationary officer. Reduction to probationary status shall be for such period of time as shall be directed by the Board not to exceed one year. The Board shall have the power and authority to order the police officer to meet specific conditions as part of said probation.

Sec. 24-49. Decision of board final.

[Ord. No. 137, § 33, 7-18-1988; Ord. No. 328, § 33, 8-7-1989; Ord. No. 534, § 34, 12-17-1990]

Subject to the right of judicial review, the Board shall be the final judge of what constitutes cause for disciplinary action and of whether the evidence adequately establishes such cause; and no rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.

Sec. 24-50. Subpoenas and service of papers.

[Ord. No. 137, § 34, 7-18-1988; Ord. No. 328, § 34, 8-7-1989; Ord. No. 534, § 35, 12-17-1990]

Either the complainant or the accused Police Officer may, at any time, before the hearing hereunder, file with the Board a written request for subpoena for any individual to appear for a hearing or to produce books, papers, records, accounts, and other documents as may be deemed by the Board to be relevant to the hearing. On the approval of the Board of such request, subpoenas will be issued for the named persons. Subpoenas may be served by any person twenty-one (21) years of age or older designated by the party requesting the subpoenas. Requests for subpoenas shall contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents to be produced.

All papers required to be served shall be delivered personally to the party designated or mailed to the designated party at his last known residence by United States certified mail, return receipt requested, in an envelope properly addressed with postage prepaid. Proof of service of any paper may be made by the certification of any person delivering the same to the designated party personally or by filing a return receipt showing that a paper was mailed by certified mail, return receipt requested, to the designated party's address where it was received by such party.

Sec. 24-51. through Sec. 24-60. (Reserved)

**ARTICLE III
Merit System**

Sec. 24-61. Police Department established.

[Ord. No. 135, § 2, 7-18-1988]

There is hereby established the Department of Police of the City which shall consist of the Chief of Police and such other officers and members as may be provided from time to time by the City Council.

Sec. 24-62. Merit system adopted.

[Ord. No. 135, § 3, 7-18-1988]

Pursuant to Section 85.541 of the Revised Statutes of Missouri 1986 as amended, a Merit System Police Department for the third class City of Chesterfield is adopted.

Sec. 24-63. Members of Police Department.

[Ord. No. 135, § 4, 7-18-1988]

An ordinance shall be adopted including provisions for the appointment, promotion, suspension, demotion, and discharge of members of the Police Department [See Article II].

Sec. 24-64. Personnel Board.⁶

[Ord. No. 135, § 5, 7-18-1988; Ord. No. 1226, § 15, 2-3-1997; Ord. No. 1883, § 5, 10-21-2002]

Members of the Personnel Board shall not hold any other political office while serving as members of the Board.

6. Cross references — Board of Police Commissioners established; members, § 24-16; appointment, § 24-17.

A RESOLUTION OF THE CITY OF CHESTERFIELD, MISSOURI TO PERMIT THE CITY OF BALLWIN, MISSOURI TO INSTALL A LICENSE PLATE RECOGNITION CAMERA WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF CHESTERFIELD.

WHEREAS, the City of Chesterfield, Missouri (the "City") received a request from the City of Ballwin, Missouri ("Ballwin") to place a license plate recognition camera within the City's municipal boundaries at the intersection of Clayton, Henry, and Schoettler Roads; and,

WHEREAS, the City has no objection to Ballwin placing a license plate recognition camera within the City's municipal boundaries; and,

WHEREAS, the City has previously installed its own license plate recognition cameras within the City's municipal boundaries and finds that the installation of license plate recognition cameras has benefited the public health, safety, and welfare; and,

WHEREAS, the City Council believes that Ballwin's installation of a license plate recognition camera in the municipal boundaries of the City would enhance the public health, safety, and welfare of citizens of both the City and Ballwin.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CHESTERFIELD, MISSOURI, AS FOLLOWS:

1. The City Council hereby states that the City has no objection to the City of Ballwin, Missouri installing a license plate recognition camera at the intersection of Clayton, Henry, and Schoettler Roads and the City agrees to waive any associated costs and/or permits that would be required by the City.
2. Nothing herein is intended to relieve Ballwin of any terms and conditions of St. Louis County including any permitting requirements within the St. Louis County right-of-way. The City is not a party to any agreement, including but not limited to, any agreement to maintain any right-of-way.
3. This Resolution shall be in full force and effect from and after its passage and approval.

Passed and adopted this _____ day of _____, 2023.

Presiding Officer

Mayor

Attest:

City Clerk

The following is a step-by-step procedure that any municipality within St. Louis County can follow to obtain a permit allowing the installation of License Plate Recognition Cameras with County maintained right of ways.

Step 1

The Municipality, their consultant or contractor shall submit plans along with a Special Use Permit Application to St. Louis County's Civil Plan Review Section. The following items will need to be provided or detailed in the plans and permit application.

1. Exact Location of each license plate recognition (LPR) camera proposed to be installed. The locations will be conceptually evaluated using the following criteria:
 - a. Are the cameras entirely within the city limits of the municipality requesting the cameras?
 - b. Are the cameras used solely for LPR purposes?
 - c. Is the requested camera location a duplication of existing LPR cameras previously installed within the County's right of way?
 - d. Does the LPR camera adversely affect any mode of transportation or mobility?
 - e. Has this request for an LRP camera originated from a subdivision? If yes, the Subdivision must submit their request through the municipality.
2. Detailing how the camera will be installed to ensure the installation meets County standards.

If these criteria are met, the County will provide conceptual approval of the submitted plans.

Step 2

After the County has given conceptual approval of the plans submitted, the County will draft an Agreement for the installation, operation, and maintenance of the LPR cameras requested. The Agreement will be submitted to the City for execution prior to execution by the appropriate County officials.

In an effort to streamline the process, the City should submit the following information and documentation along with the plans and permit application:

1. Contact information for three individuals to sign the Agreement on behalf of the City. The three individuals are typically the Mayor/City Manager, the City Clerk, and the City Attorney. The contact information shall include their full legal name, title, phone number and email address. The County will utilize the DocuSign program to facilitate the execution of this Agreement.

2. An ordinance, statute or other legal document that state the three individuals have the authority to execute this Agreement on behalf of the City.

Step 3

To complete the permit, the Municipality, their consultant, or contractor shall submit all additional standard special use permit materials such as certificate of insurance.

Step 4

Once Step one, two and three are completed in their entirety, the Municipality, their consultant, or contractor will be issued a permit after payment of all applicable fees associated with the permit process.

Step 5

The Municipality, their consultant or contractor can then have the LPR camera(s) installed in compliance with the Special Use Permit.

APPLICATION FOR SPECIAL USE PERMIT

To the DIRECTOR of the DEPARTMENT OF TRANSPORTATION, St. Louis County, Missouri
41 South Central Avenue, 6th Floor, Clayton, Missouri 63105
Phone: (314) 615-8517 Fax: (314) 615-7084

- 1) Name of Applicant: Ballwin Police Department
- 2) Address of Applicant: 300 Park Dr
City: Ballwin State: MO Zip: 63011 Phone No.: (636) 227 - 9636 Ext: _____
Emergency Contact: Douglas Schaeffler Emergency No.: (636) 227 - 9636
Contractor (if applicable): Flock Safety
- 3) Type of Development (check boxes): New Existing Residential Commercial Industrial
- 4) Description of Work: Installing 1 solar powered ALPR camera in St. Louis County ROW
- 5) Location of Work: #04 Clayton Rd. @ Henry WB - GPS (38.621937829913676,-90.52395595482317)
- 6) Master Drainlayer/Plumber Name: _____ License Number: *D-* _____ *P-* _____
- 7) Proposed Starting Date: _____ 8) Days Required to Complete: _____
- 9) SL # _____ WL # _____ 10) Plumbing Permit Number: _____
- 11) PAC Number: _____ 12) MLD Number: _____
- 13) **By typing or signing my name, I acknowledge that I have read and understand the above conditions and attached general provisions.**

Company Name

Applicant's Signature

Date

----- THE FOLLOWING IS FOR OFFICE USE ONLY -----

Arterial Road System County Road System

Fees Collected: _____ Number of Units: _____ Grading: _____ Date: _____ By: _____

Special Use Permit Number: _____ Map Location: _____

ST. LOUIS COUNTY

SPECIAL USE PERMIT GENERAL PROVISIONS

DEFINITIONS

For purposes of this Application, the terms are defined as follows:

- 1) **Applicant**. The person (individual or artificial entity) that controls the property or the project authorized by this SUP. If Applicant uses a Contractor, the term "Applicant" includes the term "Contractor".
- 2) **Contractor**. The person (individual or artificial entity) that performs the work authorized by this SUP.
- 3) **County**. St. Louis County, Missouri.
- 4) **Department**. The St. Louis County Department of Transportation.
- 5) **Director**. The Director of the Department or his / her designee.
- 6) **Project**. The work performed by Applicant pursuant to this SUP.
- 7) **SUP**. This Special Use Permit.

TERMS AND CONDITIONS

By submitting this application, the Applicant agrees to comply with all obligations, requirements, terms and conditions contained in the General and Special Conditions contained in this application. Except in those instances and to the extent that Applicant makes a good faith determination that an emergency exists, Applicant shall perform no work on a Project prior to issuance of an SUP. If Applicant fails to comply with any General or Special Condition, County may suspend or revoke this SUP. If Applicant wishes to request an exemption from, or a modification of, any General or Special Condition, Applicant must follow the procedures specified below in General Condition No. 4, titled "Variance Procedure".

GENERAL CONDITIONS

- 1) **Notification**. Applicant shall notify County at least 48 hours in advance that work will start on the Project. In non-emergency situations, Applicant shall provide such notice by contacting the Permit Inspection Section of the Department at (314) 615-1166 or by email to the following address: Highways-Permit-Inspection@stlouisco.com. In emergency situations, Applicant shall provide such notice by calling the applicable number listed in County's Special Use Permit Booklet, Requirements and Conditions. Applicant shall not commence any work prior to such notification, except in emergency situations.
- 2) **Utilities Locates**. Applicant shall be responsible to request the location of all utilities, including traffic signal interconnect and facilities, prior to performing any work. Applicant shall call the Department at (314) 615-0215 for traffic signal facility locates, a minimum of 72 hours in advance of any work, except in the case of emergencies.
- 3) **Performance**. Applicant shall perform all work in a workmanlike manner, without unreasonable delay, and in full compliance with this SUP.

- 4) **Variance Procedure.** If Applicant has a good faith belief that a General or Special Condition, in whole or in part, should not apply to the Project or to the Applicant, Applicant shall file contemporaneously with this SUP application a "Variance Application" (see Exhibit "A", attached hereto) for an exemption or modification of such condition. The Variance Application shall contain a full explanation of the reasons in support of the request and all other relevant information requested on the Variance Application. The Director will respond to the Applicant by granting or denying the request in whole or in part, without undue delay.
- 5) **Indemnification.** Applicant shall defend, indemnify and hold harmless the County, its officers and employees, whether based on a claim for real or personal property, or to a person, for any and all damages arising from the negligence or intentional tort of said Applicant or its subcontractors in constructing, extending, restoring or maintaining its facilities within, upon or across a County owned easement or right-of-way. Additionally, for a period of six months from the completion of such work or use, Applicant will save the County harmless from any cost or expense occasioned or required in the refilling, repairing, or restoring of said easement or right-of-way, for such period, due to or occasioned by such use, excavation or encroachment.
- 6) **Insurance Coverage.** The applicant shall provide the County with a Certificate of Insurance, evidencing insurance coverages to current County requirements for any entity that performs work in County right-of-way associated with this application. Such certificates shall name "St. Louis County" as additional insured and shall be provided prior to the issuance of any permit. Upon request, County will provide specific amounts for coverages. Applicant will require all of its contractors and subcontractors to add St. Louis County as an additional insured; and provide copies of contractors' and subcontractors' Certificates of Insurance to County, prior to the commencement of work under this Permit by the contractor and/or subcontractor.
- 7) **Signs, Barricades, Flagmen.** While work is being performed in County right-of-way, Applicant shall comply with the most recent version of the Manual of Uniform Traffic Control Devices (MUTCD).
- 8) **Vertical Clearance.** Applicant shall maintain a vertical clearance for overhead installations of not less than 16 feet, 6 inches from the road surface.
- 9) **Cover for Underground Facilities.** At the time of installation, Applicant shall provide the following minimum cover for underground facilities, unless approved through the Variance Procedure: 42 inches for waterlines, 24 inches for parallel telephone cables, 18 inches for gas service lines, 24 inches for gas mains, and 30 inches for all other underground installations.
- 10) **Covers or Guards.** Applicant shall provide covers or guards as approved by Director for cable, wire, small diameter pipe and other objects that extend above the surface.
- 11) **Mud, Debris.** Applicant shall keep pavements clear of mud and debris, and keep ditches, culverts and other areas that convey surface water, open and free from mud and debris.
- 12) **Pavement Crossings/Opening.** The Project shall not include open cut of any paved portion of the right-of-way unless such open cuts are limited to time periods designated in paragraph 13, "Lane Interruption/Traffic Stream". The Director may prohibit open cuts or impose additional limits if, after considering all relevant factors, the Director makes a good faith determination that such open cuts will result in an unreasonable disruption of the traffic stream.
- 13) **Restoration of Asphalt Driving Surface.** In addition to the requirements of Standard Drawing C613.00, the contractor shall mill and overlay the full width of the impacted lane(s) or shoulder(s) for trench excavations that exceed 50 feet longitudinally. When 5 feet or less of pavement remains between the excavation and the nearest joint or pavement edge, the contractor shall mill and overlay to the joint or pavement edge.
- 14) **Disturbed Paved Right-of-Way.** At the completion of the Project, Applicant shall restore the paved right-of-way and any improvements thereon, to as good condition as before the Project, and keep and maintain such paved right-of-way in such condition for a period of six months. Applicant shall replace

the subgrade and surface with like kind materials. Applicant shall fill all voids and pavement openings with granular backfill, which shall be compacted to comply with Standard Specification for Road and Bridge Construction, Section 726.6.3. Applicant shall make final pavement repairs within thirty days of completed temporary pavement work. If within six months of the completion of the Project, the paved right-of-way fails to remain in as good condition as before the Project, applicant shall repair such right-of-way to effect such compliance.

- 15) **Lane Interruption / Traffic Stream.** In non-emergency situations, the Project shall not interrupt the traffic stream between the hours of 6:00 am to 9:00 am and 3:30 pm to 6:30 pm.
- 16) **Disturbed Unpaved Right-of-Way.** All disturbed unpaved areas of the right-of-way shall be re-graded, and vegetation restored to as good a condition as before the Project.
- 17) **Manholes.** Applicant shall conform utility boxes, valve boxes, manhole frame covers or any utility appurtenances to the transverse and longitudinal pavement slope, and make the top comply with the finished grade.
- 18) **Trees, Shrubs and Turf.** Applicant shall make all reasonable efforts not to cut, spray or damage trees, shrubs or turf in County right-of-way. If any such trees, shrubs or turf are damaged, Applicant shall restore or replace such items as is reasonable.
- 19) **Disturbed Driveways and Sidewalks.** Applicant shall repair or replace all subgrade, sidewalks, driveway approaches and associated drainage facilities that Applicant damages or removes with like kind materials. When Applicant disturbs 50% or more of a slab of a concrete driveway or sidewalk, Applicant shall replace such slab with a full slab. Applicant shall replace all paved improvements at the same depth as before the Project.
- 20) **Private Facilities.** If Applicant damages or removes privately owned facilities lawfully located within County right-of-way, Applicant shall immediately notify the owner, and repair or replace such facilities as soon as practical. Applicant will address any dispute with owners of private facilities as a civil matter arising in the course of business.
- 21) **Storage.** Applicant shall not store construction material or equipment on County right-of-way, if Applicant owns or controls property used for such storage within 500 feet of the Project. In any case, Applicant shall not store construction material or equipment if such storage impedes traffic or property access, or creates a sight distance hazard. Within thirty days after completion of the Project, Applicant shall restore all storage areas to as good a condition as before the Project.
- 22) **Costs.** Applicant shall bear all non-reimbursable costs of construction, maintenance, removal, repair and related costs associated with this SUP.
- 23) **Pedestrian Right-of-Way Obstruction.** Applicant work that closes, or impedes pedestrian traffic shall comply with the Manual of Uniform Traffic Control Devices (MUTCD).
- 24) **Trenches.** Applicant shall keep all trenches in right-of-way covered and protected during non-working hours. At the completion of the Project, all trenches within three feet of or under existing or future (programmed) pavement shall be backfilled with granular material.
- 25) **Landscaping and Monuments.** Applicant shall not install landscaping or entrance monuments unless replacing existing landscaping or monuments as specified by this SUP.
- 26) **Fill Material.** Applicant shall use fill material that consists of uncontaminated inert materials (soil, rock, concrete, asphaltic concrete, sand and similar materials). Applicant shall not allow materials such as wood, metals, plastics, textiles and hydrocarbons as fill material. Applicant shall report to appropriate federal, state or local officials the existence of any material subject to applicable reporting requirements.

Exhibit "A"

Application for Variance

SUP No. _____

By filing this Application with County, Applicant represents that it has a good faith belief that the General Conditions (GC) and/or Special Conditions (SC) specified below should not apply, in whole or in part, to Applicant's Project. Furthermore, Applicant affirms that the information contained herein, and the reasons stated herein, are true to the best of Applicant's knowledge and belief.

GC No. _____

Reasons why GC should not apply:

- 1)
- 2)
- 3)

SC No. _____

Reasons why SC should not apply:

- 1)
- 2)
- 3)

(See attached pages for requests for variances for additional GCs and SCs.)

Attached are all plans and documents that support Applicant's request for variance, including plans and documents relating to duration and extent of any adverse effect on traffic stream.

Approved:

(Applicant)

(St. Louis County Department of Transportation)