

**AN ORDINANCE AMENDING TITLE I OF THE MUNICIPAL CODE OF THE CITY OF WAYNESVILLE
REGARDING GOVERNMENT PROVISIONS AND APPROVING THE 2021 CODIFICATION OF ORDINANCES;
FIXING AN EFFECTIVE DATE**

WHEREAS, upon review, the City staff have found it necessary to modify and amend Title I of the Codification of Ordinances to reflect current personnel and city official provisions and bring the City into compliance with Missouri State Statute; and

WHEREAS, the City's Municipal Code book was last codified in March of 2010; and

WHEREAS, the City has contracted with Municode, a codification and document management company, to amend the City's Municipal Code Book by all pertinent ordinances passed from April 1, 2010 until April 1, 2021; and

WHEREAS, the City Council of the City of Waynesville wishes to amend Title I and approve the 2021 codification of the City Municipal Code Book.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WAYNESVILLE, MO AS FOLLOWS:

Section 1. That "Title I" of the Municipal Code of the City of Waynesville is repealed.

Section 2. A new "Title I", is hereby enacted according to "Exhibit A", which is attached to and made a part of, this ordinance.

Section 3. The Code titled "Code of Ordinances, City of Waynesville, Missouri" or "Waynesville Municipal Code", consisting of Chapters 100 through 760, each inclusive, is adopted.

Section 4. It is declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Code, since the phrases, clauses, sentences, paragraphs and sections would have been enacted by the City Council without the incorporation in the Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 5. Whenever any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying such ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance prior to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 6. The City Clerk or his/her designated representative, shall add to or amend the Code when ordinances are passed in such form as to indicate the intention of the City Council and to make the same

a part of the Code referencing the additions and amendments.

Section 7. The City Clerk shall prepare and print supplements to this Code whenever authorized or directed by the City Council and shall update the digital version of the Code, accessible by the general public, in order for the Code to be current through the date of adoption of the latest ordinance included in the supplement.

- A. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the City Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- B. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- C. When preparing a supplement to this Code, the City Clerk may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - 1. Organize the ordinance material into appropriate subdivisions;
 - 2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles;
 - 3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - 4. Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
 - 5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the City Clerk make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Section 8. It shall be unlawful for any person in the City to change or amend, by additions or deletions, any part or portion of this Code or to insert or delete pages or portions thereof or to alter or tamper with this Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

Section 9. Nothing contained in this ordinance by adopting this Code shall be construed to repeal or otherwise affect the following:

- A. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of the ordinance adopting this Code;
- B. Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- C. Any ordinance fixing salaries or other compensation of officers, employees or special counsel of the city not inconsistent with such Code;
- D. Any appropriation ordinance;
- E. Any right or franchise granted by the city council to any person, firm or corporation;
- F. Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, or in any way affecting any street or public way in the city;
- G. Any ordinance establishing and prescribing the street grades of any street in the city;
- H. Any ordinance providing for local improvements or assessing taxes therefor;
- I. Any ordinance dedicating or accepting any plat or subdivision in the city;
- J. Any ordinance establishing traffic regulations for specific streets or portions thereof, not inconsistent with the Code;
- K. Any ordinance annexing property to the city;
- L. Any zoning ordinance of the city;
- M. Any ordinance levying taxes, not in conflict or inconsistent with the provisions of the Code;
- N. Any ordinance fixing utility rates and charges.

Such repeal shall not be construed to revive any ordinance or part of an ordinance which is repealed by the Code.

Section 10. The provisions of Section 3 to Section 9 shall be incorporated into the Waynesville Municipal Code.

Section 11. This ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL ON THIS 20th DAY OF MAY, 2021.


DR. JERRY BROWN, MAYOR

ATTEST:

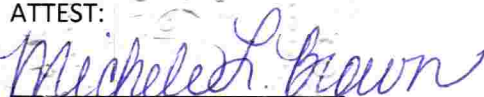

Michele Brown, City Clerk

EXHIBIT A

TITLE I. GOVERNMENT PROVISIONS

CHAPTER 100

CHAPTER 100: GENERAL PROVISIONS

Article I – Construction of Code

100.001	General Definitions
100.002	Incorporation of State and County Laws
100.003	Headings
100.004	Designation
100.005	Ordinances not included in This Code
100.006	General Repealer
100.007	Severability

Article II – Municipality

100.010:	City of the Third Class
100.020:	RESERVED
100.030:	RESERVED
100.040:	RESERVED
100.050:	RESERVED
100.060:	General Penalty
100.070:	Continuity of Government

ARTICLE I

CONSTRUCTION OF CODE

Editor's Note—For purposes of classification, the provisions formerly set out as Title VII, Ch. 700, §§ 700.010–700.040, Ch. 705, §§ 705.010, 705.020, and Ch. 710, § 710.010, have been renumbered and included herein as Art. I, §§ 100.001–100.007, at the editor's discretion.

100.001: GENERAL DEFINITIONS

- A. Whenever the word "person" is used, that word shall include, when appropriate, an individual person, or any firms, association, company, corporation, or any other group of persons operating together or any other legal entity.
- B. Whenever the singular is used, it shall include the plural.
- C. Whenever the masculine gender is used, it shall include the feminine gender.
- D. Whenever the word "City" is used that word shall mean the City of Waynesville.

100.002: INCORPORATION OF STATE AND COUNTY LAWS

- A. Whenever reference is made to any law of the State of Missouri, then, unless otherwise provided, such reference shall be prospective.
- B. Whenever reference is made to any ordinance of Pulaski County, then, unless otherwise provided, such reference shall be prospective, and any specification of Chapter or Section in the Revised Ordinances of Pulaski County shall be for convenience only, and shall not indicate any intention that the reference shall not be prospective.

100.003: HEADINGS

The headings of Sections, Chapters and Titles are intended merely as guides and not as part of this Code for purposes of interpretation or construction.

100.004: DESIGNATION

This Code shall be known as the Municipal Code of the City of Waynesville, and the word "Code", when used in any Title, Chapter or Section of this Code, shall mean the Municipal Code of the City of Waynesville.

100.005: ORDINANCES NOT INCLUDED IN THIS CODE

The adoption of this Code shall not of itself be deemed to repeal any specific ordinance fixing boundaries, granting franchises, providing for the employment of officials or employees of the City, setting tax rates, providing for specific salaries of the City, setting tax rates, providing for specific

salaries not provided for in this Code, establishing election or other special districts within the City, calling for any election, or approving subdivision plats, or, accepting dedications or other easements or property interest.

100.006: GENERAL REPEALER

All ordinances of the City other than those set forth in Section 100.005, whether or not they are inconsistent with any provisions of this Code, are hereby repealed.

100.007: SEVERABILITY

The Sections, paragraphs, sentences and clauses of this Code are severable and if any Section, paragraph, sentence or clause of this Code is severable and if any Section, paragraph, sentence or clause of this Code is declared to be unconstitutional by a court of competent jurisdiction, such unconstitutionality shall have no effect upon any of the remaining Sections, paragraphs, sentences or clauses of this Code.

**ARTICLE II
MUNICIPALITY**

100.010: CITY OF THE THIRD CLASS

On the 3rd day of June, 1931, the City of Waynesville was incorporate as a City of the Fourth Class under the laws of the State of Missouri. On the 6th day of April, 1971, the City of Waynesville changed status from a City of the Fourth Class to a City of the third Class and maintains that status under the laws of the State of Missouri at the present time. [Ord. No. 33: Ord. No. 293]

100.020: RESERVED

Editor's Note—For purposes of classification, the provisions formerly set out as Title I, Ch. 00, § 100.020 has been renumbered and included herein as Title I, Ch. 135, Art. I, §§ 135.020, at the editor's discretion.

100.030: RESERVED

Editor's Note—For purposes of classification, the provisions formerly set out as Title I, Ch. 00, § 100.030 has been renumbered and included herein as Title I, Ch. 135, Art. I, §§ 135.030, at the editor's discretion.

100.040: RESERVED

Editor's Note—This section previously pertained to Deferred Compensation and has been omitted due to change in policy.

100.050 RESERVED

Editor's Note—For purposes of classification, the provisions formerly set out as Title I, Ch. 00, § 100.050 has been renumbered and included herein as Title I, Ch. 135, at the editor's discretion.

100.060. GENERAL PENALTY¹

- A. Any person convicted of violating any provision of the Municipal Code of the City of Waynesville, including provisions which do not prescribe the punishment for violation thereof and provisions which prescribe a different punishment for violation thereof, shall, for each such conviction, suffer a penalty of a fine not more than \$500.00 or imprisonment in the City Jail for not more than ninety (90) days, or by both such fine and imprisonment.
- B. Any person convicted having failed to perform that which he was required to do by the provisions of any of the ordinances of the City of Waynesville shall be punished in the same manner and to the same extent as set forth in Subsection (A) hereof.
- C. Notwithstanding the provisions of Subsection (A)(B) of this Section, if the penalty for an offense is fixed by any Statute of the State of Missouri then the same penalty shall apply for conviction of violation of any ordinance of the City of Waynesville for the same offense., [Ord. No. 384 §3-5]

1. Editor's Note: For provisions regarding fines and court costs for minor traffic violations, see Ch. 125, Municipal Court, Art. II

100.070: CONTINUITY OF GOVERNMENT

- A. This Section shall be known as the *Continuity of Government Succession Ordinance of the City of Waynesville, Missouri*.
- B. The Continuity of Government Program is based upon the premise that all civil government must continue to function effectively should the United State be attacked. In order for government to function, it is necessary that there be duly authorized persons to operate it, and if for any reason, such as injury or absence, any elected or appointed officer is unavailable, those designated below should perform the duties of the one he/she is to succeed.
- C. This plan must be self-executing. There should be no need for post attack action by an appointing official.
- D. This Section should provide for:
 - 1. Pre-determined automatic interim succession to office.
 - 2. Sufficient depth of succession.
 - 3. Provision for all contingencies which would require succession, such as absence or inability to act.
 - 4. The emergency interim successor should obtain neither title nor tenure. He/She would be relieved by the return of the incumbent.
- E. Therefore, the City of Waynesville designated the following to succeed in event of unavailability of the City Administrator or Mayor:

Elected Officials
Mayor Pro Tem
Councilmen

Appointive Officers

City Clerk
Chief of Police

[Ord. No. 211 §§1-5, Ord. No. 619 §§ 1-5]

100.080: SOCIAL MEDIA POLICY

Editor's Note—For purposes of classification, the provisions regarding Audits of City Books, formerly set out as Title I, Ch. 00, § 100.080 has been renumbered and included herein as Title I, Ch. 135, Art. I, §§ 135.015, at the editor's discretion.

- A. *Purpose.* The purpose of this policy is to establish rules for utilizing the City's technology resources, managing the City's official social media sites and accounts, and for employees who utilize social media for personal use.

The intended purpose behind establishing social media sites is to disseminate information from the City, about the City, to its citizens. The City of Waynesville has an overriding interest and expectation in deciding what is "spoken" on behalf of the City on social media sites.

For the purpose of this policy, "social media" is understood to be created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the internet. Social media includes, but is not limited to sites such as Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, and Instagram.

For purposes of this policy, "comments" include information, articles, pictures, videos or any other form of communicative content posted on a City of Waynesville social media site.

B. General Policy.

1. The establishment and use by any City department of City social media sites are subject to approval by the City Administrator or his/her designees. All City of Waynesville social media sites shall be administered by the City Clerk and other designated City Officials and/or members of City of Waynesville staff.
2. City social media sites should make clear that they are maintained by the City of Waynesville and that they follow the City's Social Media Policy.
3. Wherever possible, City social media sites should link back to the official City of Waynesville website for forms, documents, online services and other information necessary to conduct business with the City of Waynesville.
4. The department heads will monitor content on City social media sites to ensure adherence to both the City's Social Media Policy and the interest and goals of the City of Waynesville.
5. The City reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the City Clerk for one (1) year, including the time, date and identity of the poster, when available.
6. These guidelines must be displayed to users or made available by hyperlink.

7. The City will approach the use of social media tools as consistently as possible, enterprise wide.
8. The City of Waynesville's website at www.waynesvillemo.org will remain the City's primary and predominant internet presence.
9. All City social media sites shall adhere to applicable Federal, State and local laws, regulations and policies.
10. City social media sites are subject to the Missouri Sunshine Law. Any content maintained on a social media format that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
11. Comments on topics or issues not within the jurisdictional purview of the City of Waynesville may be removed.
12. Employees representing the City government via social media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies. Authorized employees exhibiting behavior on social media sites that is not in accordance with City policy are subject to disciplinary action.
13. This Social Media Policy may be revised at any time.

C. Comment Policy.

1. As a public entity, the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.
2. The intended purpose behind establishing City of Waynesville social media sites is to disseminate information from the City, about the City, to its residents.
3. The Citizens of Waynesville have the right to express their opinions of City officials and City business both in a positive or negative manner. That being said, comments containing any of the following inappropriate forms of content shall not be permitted on City of Waynesville social media sites and are subject to removal and/or restriction by the City Administrator or his/her designees:
 - a. Any comment not related to the original topic, including random or unintelligible comments.
 - b. Profane, obscene, violent, or pornographic content and/or language.
 - c. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender or national origin.
 - d. Defamatory or personal attacks.
 - e. Threats to any person or organization.
 - f. Comments in support of, or in opposition to, any political campaigns or ballot measures.

- g. Comments regarding solicitation of commerce, including but not limited to advertising by any business or product for sale.
 - h. Conduct in violation of any Federal, State or local law.
 - i. Encouragement of illegal activity.
 - j. Information that may tend to compromise the safety or security of the public or public systems.
 - k. Content that violates a legal ownership interest, such as a copyright, of any party.
4. A comment posted by a member of the public on any City of Waynesville social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Waynesville, nor do such comments necessarily reflect the opinions or policies of the City of Waynesville.
 5. The City of Waynesville reserves the right to deny access to City of Waynesville social media sites for any individual, who violates the City of Waynesville Social Media Policy, at any time and without prior notice.
 6. Any person(s) banned from any City of Waynesville social media site may appeal that decision to the City Administrator. Any additional appeal may be made to the Economic Development and Governmental Affairs Committee.
 7. Departments shall monitor their social media sites for comments requesting responses from the City and for comments in violation of this policy.
 8. When a City of Waynesville employee responds to a comment, in his/her capacity as a City of Waynesville employee, the employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other City employees.
 9. All comments posted to any City of Waynesville social media site are bound by the social media site's terms and policies.

D. Records Retention.

1. Social media sites contain communications sent to or received by the City and its authorized employees, and such communications are therefore public records subject to the Freedom of Information Act and the Missouri Sunshine Law. These retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video).
2. The Administrator maintaining a site shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible.
3. Only the appointed site Administrator may delete any content from social media sites and only then after a printed copy is produced and maintained of the deletion to satisfy record retention requirements. This content includes, but is not limited to, written posts, audio, video and private messages sent or received on the City's social media sites. Any violation of this policy by City staff or other designee will result in the immediate withdrawal of access to all City maintained sites.

The City of Waynesville reserves the right to report any violation of the social media site's terms and polices to the social media site with the intent of the social media site taking appropriate and reasonable responsive action.

- E. Personal Use. All City employees may have and participate on personal social networking and social media sites. Interaction with these sites should remain personal in nature and be used to share personal opinions or nonwork-related information. Following this principle helps ensure a distinction between sharing personal and City views. The following policy is for City employees who have a personal social media and/or social networking site or who decide to comment on posts about official City business:
1. Any online conduct, postings or comments adversely affecting your job performance, the performance of fellow employees or that otherwise adversely affects members of the public, customers, suppliers or people who work on behalf of the City are not allowed.
 2. Inappropriate postings that may include discriminatory remarks, comments that might constitute harassment or bullying, threats of violence or similar inappropriate or unlawful conduct will not be tolerated. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment based on race, sex, disability, religion or any other status protected by law or City policy.
 3. City employees and representatives shall be respectful and dignified when any posting refers to the employee's work environment, co-workers or the City itself. Unless authorized, City staff will not represent themselves as a spokesperson for the City.
 4. City staff should limit use of social media while at work to breaks and/or the employee's lunch time. City staff should refrain from using social media while on work time or on equipment provided by the City unless it is work-related as authorized by your supervisor. Use of City email addresses to register on social networks, blogs, or other online tools utilized for personal use is prohibited.
 5. Unauthorized City staff should not speak to the media on the City's behalf. All media inquiries should be directed to the City Administrator or his/her designated representative.
 6. Violation of this policy may result in disciplinary action up to and including termination.

CHAPTER 105

ELECTIONS

Article I – General Provisions

- 105.010. Conformance of City Elections with State Law
- 105.020. Date of Municipal Election
- 105.030. Declaration of Candidacy – Dates for Filing
- 105.035. Disqualification as Candidate for Elective Public Office, When – Disqualification from Participation in Election, When – Affidavit to be Filed, Requirements – Investigation of Alleged Delinquency
- 105.040. Declaration of Candidacy – Notice to Public
- 105.050. Forms for Declaration of Candidacy
- 105.060. Declarations of Candidacy to Remain on File
- 105.070. Withdrawal of Declaration of Candidacy
- 105.080. Notice of Elections
- 105.085. Vacancy in Elected Office

Article II – Wards

- 105.090. Division in to Wards
- 105.100. Ward Descriptions

ARTICLE I
General Provisions

105.010. CONFORMANCE OF CITY ELECTIONS WITH STATE LAW

All City elections shall be conducted and held in conformance with the provisions of **Chapter 115, RSMo.**

105.020. DATE OF MUNICIPAL ELECTION

- A. A municipal election for the qualified voters of this City shall be held on the first Tuesday after the first Monday in April of each year.
- B. On the first Tuesday after the first Monday in April of 2000 and every four (4) years thereafter, a municipal election of the qualified voters of the City of Waynesville shall be held for the purpose of electing a Mayor who shall hold his/her office for a term of four (4) years and until his/her successor is elected and qualified.
- C. On the first Tuesday after the first Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Waynesville shall be held for the purpose of electing one (1) Councilman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- D. On the first Tuesday after the first Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Waynesville shall be held for the purpose of electing one (1) Councilman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified. [Ord. No. 440 §1; Ord. No. 940 §1, 10-16-97]

105.030. DECLARATION OF CANDIDACY - DATES FOR FILING

- A. Candidates for any of the offices to be filled at an annual municipal election or at a special election called for that purpose shall file their declaration of candidacy with the City Clerk during regular office hours at the Waynesville City Hall.
- B. No declaration of candidacy for any of the offices to be filled at an election shall be accepted by the City Clerk prior to 8:00 A.M. on the fifteenth (15th) Tuesday prior to the date of the election, or after 5:00 P.M. on the eleventh (11th) Tuesday prior to the election.

105.035. DISQUALIFICATION AS CANDIDATE FOR ELECTIVE PUBLIC OFFICE, WHEN - DISQUALIFICATION FROM PARTICIPATION IN ELECTION, WHEN - AFFIDAVIT TO BE FILED, REQUIREMENTS - INVESTIGATION OF ALLEGED DELINQUENCY

- A. No person shall qualify as a candidate for elective public office in the State of Missouri who has been found guilty of or pled guilty to a felony under the Federal laws of the United States of America or to a felony under the laws of this State or an offense committed in another state that would be considered a felony in this State.
- B. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any State income taxes, personal property taxes, municipal taxes, real property

taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State.

- C. Each potential candidate for election to a public office shall file an affidavit with the Department of Revenue and include a copy of the affidavit with the declaration of candidacy required under Section 115.349, RSMo. Such affidavit shall be in substantially the form as set out in Section 115.306, RSMo.
- D. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State, the Department of Revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the Department of Revenue finds a positive affirmation to be false, the Department shall contact the Secretary of State, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The Department shall notify the candidate of the outstanding tax owed and give the candidate thirty (30) days to remit any such outstanding taxes owed which are not the subject of dispute between the Department and the candidate. If the candidate fails to remit such amounts in full within thirty (30) days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint. [RSMo. § 115.306, 2015, 2017]

105.040. DECLARATION OF CANDIDACY – NOTICE TO PUBLIC

The City Clerk shall, on or before the 16th Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City. [RSMo. § 115.127.5, 2003]

105.050. FORMS FOR DECLARATION OF CANDIDACY

All candidates for any of the offices to be filled at an annual municipal election or at a special election called for that purpose shall file their declaration of candidacy on forms provided for that purpose, which forms shall require the following information (and which may require additional relevant information):

- A. Name of the candidate as the candidate wishes it to appear on the ballot, which need not be the candidate's complete legal name, but if the name is not the correct legal name of the candidate then it shall not be a name which appears to be likely to confuse or mislead the voters;
- B. The mailing address of the candidate;
- C. The place of residence of the candidate, if different than the candidate's mailing address;
- D. The date of birth and social security number of the candidate;
- E. Name of the office which the candidate seeks to fill;
- F. Signature of the candidate to a statement that the information given on the form is accurate and that the candidate meets all legal qualifications for the office sought and that the candidate will file, as and when required by law, all reports and forms required by Chapter 130, RSMo, and any other applicable Statute. [R.O. 2010 § 105.070; Ord. No. 440 § 5, 1-19-1978]

105.060. DECLARATIONS OF CANDIDACY TO REMAIN ON FILE.

All declarations of candidacy shall be public record and shall remain on file in City Hall, subject to inspection and copying by the public, for a period of at least six (6) months after the date of the election for which the declaration was filed if the candidate was not elected at that election, and for a period of at least six (6) months after the expiration of the term of office if the candidate was elected at that election. [R.O. 2010 § 105.080; Ord. No. 440 § 6, 1-19-1978]

105.070. WITHDRAWAL OF DECLARATION OF CANDIDACY.

Any person who has filed a declaration of candidacy may withdraw that declaration only by presenting a signed request to do so, which request must be filed with the City Clerk by not later than the last day on which declarations of candidacy may be filed for that election. In the event of a valid withdrawal of candidacy, that person's name shall not appear as a candidate for office on the election ballot. The declaration of candidacy and request for withdrawal thereof shall be public records and shall remain on file in the City Hall, subject to inspection and copying by the public, for a period of at least six (6) months after the date of the election for which the declaration was originally filed. [R.O. 2010 § 105.090; Ord. No. 440 § 7, 1-19-1978]

105.080. NOTICE OF ELECTIONS.

In City elections, the City Clerk shall notify the Pulaski County Clerk prior to 5:00 P.M. on the 10th Tuesday prior to any City election except as noted in Section 115.125, RSMo. The notice shall be in writing, shall specify that the City Council is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The notice and any other information required by Section 115.125, RSMo., may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the 10th Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission. [RSMo. § 115.125, 2018]

105.085 VACANCY IN ELECTED OFFICE

In the event of a vacancy in any elected office of the City of Waynesville which is required by law to be filled by election prior to the date of the next annual municipal election, the City Council shall fix a date for such special election, which date shall be on a Tuesday. [Ord. No. 440 §3]

ARTICLE II

Wards

Section 105.090. DIVISION IN TO WARDS.

The territory within the City limits of the City of Waynesville is hereby divided into four (4) wards to be known as "Ward 1," "Ward 2," "Ward 3," and "Ward 4," with boundaries which have heretofore existed for each ward. [Ord. No. 2126 § 1, 12-18-2014; Ord. No. 2145 § 1, 3-25-2015]

Section 105.100. WARD DESCRIPTIONS.

- A. Ward 1 shall consist of all lands within the City limits of the City of Waynesville, Missouri, lying easterly of Roubidoux Creek, plus all lands within the City Limits of Waynesville, Missouri, lying westerly of Roubidoux Creek and easterly of the following described line:

Beginning at the northwest corner of the southeast quarter of the southeast quarter of Section 23, Township 36 North, Range 12 West; thence southerly along the west line of said southeast quarter of the southeast quarter to the northwest corner of the northeast quarter of the northeast quarter of Section 26, Township 36 North, Range 12 West; thence southerly along the west line of said northeast quarter of the northeast quarter to the easterly right-of-way of Broadway Street; thence southerly along said easterly right-of-way to the southerly right-of-way of Bates Street; thence northerly along said southerly right-of-way to the aforesaid easterly right-of-way of Broadway Street; thence southwesterly along said easterly right-of-way to its intersection with the northerly right-of-way of Historic Route 66; thence southerly to the intersection of the southerly right-of-way of Historic Route 66 and the easterly right-of-way of Old State Route H; thence southerly along said easterly right-of-way of Old State Route H to its intersection with the northerly right-of-way of Interstate 44, the ending point.

- B. Ward 2 shall consist of all lands within the City limits of the City of Waynesville, Missouri, lying north and west of the following described lines:

North line of the southwest quarter of Section 24, Township 36 North, Range 12 West, west line of the northwest quarter of the southwest quarter of said Section 24, north and west lines of the southeast quarter of the southeast quarter of Section 23, Township 36 North, Range 12 West, Broadway Street, and north line of the southwest quarter of Section 26, Township 36 North, Range 12 West.

- C. Ward 3 shall consist of all lands within the City limits of the City of Waynesville, Missouri, lying northerly of Historic Route 66 in the southwest quarter of Section 26, Township 36 North, Range 12 West and Section 27, Township 36 North, Range 12 West and Section 34, Township 36 North, Range 12 West except the southwest quarter of the southwest quarter of said Section 34 and the northeast quarter of the southeast quarter of Section 33, Township 36 North, Range 12 West.

- D. Ward 4 shall consist of all lands within the City limits of the City of Waynesville, Missouri, bounded on the east by Old State Route H, on the north by Historic Route 66 and on the south by Interstate 44; also all lands within the City limits of Waynesville, Missouri, lying south of Interstate 44; also all lands within the City limits of Waynesville, Missouri, within Sections 3, 4 and 5, Township 35 North, Range 12 West, also the southwest quarter of the southwest quarter of Section 34, Township 36 North, Range 12 West, also the east half of the southeast quarter of the southeast quarter of Section 33, Township 36 North, Range 12 West. [Ord. No. 597 §1-7; Ord. No. 950 §1—7, 11-20-97, Ord. No. 2126 §§ 2 – 5, 12-18-2014; Ord. No. 2145 §§ 2 – 5, 3-25-2015]

CHAPTER 110

MAYOR AND CITY COUNCIL

Article I – Mayor and City Council General Provisions

- 100.005 Policy
- 110.010. Mayor – Qualifications
- 110.020. Councilman – Qualifications
- 110.030. RESERVED
- 110.040. Powers and Duties of Mayor and Council – Generally
- 110.050. Mayor to be President of Council – Vote
- 110.060. Mayor Shall Communicate to the Council, What
- 110.070. Mayor to Sign all Commissions and Appointments – Bond Approval by Mayor
- 110.080. Style of Ordinances – Procedure to Enact
- 110.090. Mayor to Approve Ordinances – May Veto – Proceedings When Vetoed
- 110.100. Mayor Shall Enforce all Ordinances
- 110.110. Mayor May Remit Fines
- 110.120. Mayor Pro Tem
- 110.140. Vacancy in Office of Mayor, How Filled, Exceptions – Mayor Pro-Tem, Duties of
- 110.150. Powers of Council – Witnesses, Papers
- 110.160. RESERVED
- 110.170. May Remove Elective Officers with Consent of Council
- 115.180. Vacancies of Elected Seats – How Filled.

Article II – City Council Meetings

- 110.190. Proceedings of – How Kept
- 110.200. Meetings – Held Where
- 110.210. Notice of Meetings
- 110.220. Regular Meetings – Held When, Notice
- 110.230. Council Meeting Procedures Relating to Newly Elected Officials
- 110.240. Adjourned Meetings
- 110.250. Special Meetings
- 110.260. Closed Meetings

CHAPTER 110

MAYOR AND CITY COUNCIL

Article I – Mayor and City Council General Provisions

Section 110.010. MAYOR – QUALIFICATIONS.

No person shall be Mayor unless he/she be at least thirty (30) years of age, a citizen of the United States and a resident of such City at the time of and for two (2) years next preceding his/her election. When two (2) or more persons shall have an equal number of votes for the office of Mayor, the matter shall be determined by the Council. [RSMo. § 77.230]

Section 110.020. COUNCILMAN – QUALIFICATIONS.

No person shall be Councilman unless he/she is at least twenty-one (21) years of age prior to taking office, a citizen of the United States, and an inhabitant of the City for one (1) year preceding his/her election, and a resident of the ward from which he/she is elected six (6) months preceding his/her election. Whenever there is a tie in the election of a Councilman, the matter shall be determined by the Council. [RSMo. § 77.060]

Section 110.030. RESERVED

Section 110.040. POWERS AND DUTIES OF MAYOR AND COUNCIL – GENERALLY.

The Mayor and Council shall have the care, management and control of the City and its finances, and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same. [RSMo. § 77.260]

Section 110.050. MAYOR TO BE PRESIDENT OF COUNCIL – VOTE.

The Mayor shall be President of the Council and shall preside over same, but shall not vote except in case of a tie in said Council, when he/she shall cast the deciding vote; but provided, however, that he/she shall have no such power to vote in cases when he/she is an interested party. He/she shall have the superintending control of all the officers and affairs of the City, and shall take care that the ordinances of the City and the State laws relating to such City are complied with. [RSMo. § 77.250]

Section 110.060. MAYOR SHALL COMMUNICATE TO THE COUNCIL, WHAT.

The Mayor shall, from time to time, communicate to the Council such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City. [RSMo. § 77.290]

Section 110.070. MAYOR TO SIGN ALL COMMISSIONS AND APPOINTMENTS – BOND APPROVAL BY MAYOR.

The Mayor shall sign the commissions and appointments of all City officers elected or appointed in the City, and shall approve all official bonds. [RSMo. § 77.320]

Section 110.080. STYLE OF ORDINANCES – PROCEDURE TO ENACT

The style of the ordinances of the City shall be: *"Now Therefore, be it ordained by the Council of the City of Waynesville, Missouri, as follows: "No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Council shall vote therefor, and the "ayes" and "nays" shall be entered in the minutes. Every proposed ordinance shall be introduced to the Council in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Council. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Council. No bill shall become an ordinance until it shall have been signed by the Mayor or Mayor Pro Tem presiding at the meeting of the Council at which it shall have been passed. When so signed, it shall be delivered to the Mayor for his/her approval and signature, or his/her veto. [RSMo. § 77.080]*

Section 110.090. MAYOR TO APPROVE ORDINANCES – MAY VETO – PROCEEDINGS WHEN VETOED.

Every bill presented to the Mayor and returned to the Council with the approval of the Mayor shall become an ordinance, and every bill presented as aforesaid, but returned with his/her objections thereto, shall stand reconsidered. The Council shall cause the objections of the Mayor to be entered at large within the minutes, and proceed at its convenience to consider the question pending, which shall be in this form: *"Shall the bill pass, the objections of the Mayor thereto notwithstanding?"* The votes on this question shall be taken by "yeas" and "nays" and the names entered within the minutes, and if two-thirds (2/3) of the Council shall vote in the affirmative, the City Attorney shall certify the fact of the Roll Call, and the bill thus certified shall be deposited with the City Clerk, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the City Council, and shall also possess the power to approve all or any portion of the general appropriation bill, or to veto any item or all of the same; provided, that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Council, the same shall become a law without his/her signature. [RSMo. § 77.270]

Section 110.100. MAYOR SHALL ENFORCE ORDINANCES.

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the Government of the City, and he/she is hereby authorized to call on every male inhabitant of the City, over eighteen (18) years of age and under fifty (50), to aid in enforcing the laws. [RSMo. § 77.350]

Section 110.110. MAYOR MAY REMIT FINES.

The Mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under ordinances of the City; but this Section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any officer of the City by reason of any prosecution under the laws or ordinances of said City. [RSMo. § 77.360]

Section 110.120. MAYOR PRO TEM.

- A. At the first regular meeting of the City Council after the election in each year, which meeting shall occur no later than the fourth Tuesday in April, the Council shall elect one (1) of its members Mayor Pro Tem, who shall hold his/her office for the term of one (1) year, and who, in the absence of the Mayor, shall preside at the Council meetings, provided that in the absence of the Mayor and Mayor Pro Tem, the Council may select one (1) of its members present to preside at such meeting, who shall be styled "Acting Mayor Pro Tem."
- B. The Mayor Pro Tem or Acting Mayor Pro Tem is entitled to vote on all votes as a Council Member while serving as Mayor Pro Tem or Acting Mayor Pro Tem. In the event of a tie vote, the Mayor Pro Tem or Acting Mayor Pro Tem can vote to break the tie. This situation may result in the Mayor Pro Tem or Acting Mayor Pro Tem voting twice on an individual vote. [Ord. No. 1545 § 1–2, 4-21-2011]

110.130: AUTHORIZING VOTES OF CITY COUNCIL; COMMITTEE MEETINGS BY VIDEOCONFERENCING

- A. All votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the Waynesville City Council. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of the Waynesville City Council or at committee meetings shall be cast by members of the Waynesville City Council who are physically present and in attendance at the meeting or who are participating via videoconferencing. When it is necessary to take votes by roll call in a meeting of the Waynesville City Council, due to an emergency of the Council, with a quorum of the members of the Council physically present and in attendance and less than a quorum of the members of the Council participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the Council justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
- B. All regular meetings of the Waynesville City Council or committee meetings of the Council require a quorum of said body physically present before any official business can be conducted and before any voting by any member videoconferencing is allowed.

Section 110.140. VACANCY IN OFFICE OF MAYOR, HOW FILLED, EXCEPTIONS – MAYOR PRO TEM, DUTIES OF.

When any vacancy shall happen in the office of Mayor, by death, resignation, removal from the City, removal from office, refusal to qualify or otherwise, nominations of a successor may be made by any member of the Council and selected with the consent of a majority of the members of the Council. The Council may adopt procedures to fill any such vacancy consistent with this Section. In the case of a temporary absence of the Mayor or disability to perform the duties of his/her office, the Mayor Pro Tem of the Council shall perform the duties of Mayor until the Mayor shall return or such disability be removed; and during the time the Mayor Pro Tem of the Council shall act as Mayor, the Mayor Pro Tem shall receive the same compensation that the Mayor would be entitled to. [RSMo. § 77.240]

Section 110.150. POWERS OF COUNCIL – WITNESSES, PAPERS.

The Council shall have power to compel the attendance of witnesses and the production of papers relating to any subject under consideration in which the interest of the City is involved, and shall have power to call on the proper officer of the City, or of the County in which such City is located, to execute such process. The officer making such service shall be entitled to receive therefor such fees as are allowed by law for similar service, to be paid by the City. The Mayor or Mayor Pro Tem, shall have power to administer oaths to witnesses. [RSMo. § 77.100]

Section 110.160. RESERVED

Section 110.170. MAY REMOVE ELECTIVE OFFICERS WITH CONSENT OF COUNCIL.

The Mayor may, with the consent of a majority of all the members elected to the City Council, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Council, sitting as a court of impeachment. Any elective officer may, in like manner, for cause shown, be removed from office by a two-thirds (2/3) vote of all the members elected to the City Council, independently of the Mayor's approval or recommendation. [RSMo. § 77.340]

Section 110.180. VACANCIES OF ELECTED SEATS – HOW FILLED.

If a vacancy occurs in any elective office other than the office of Mayor, a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Council. The Council may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next regular April election. [RSMo. § 77.450]

ARTICLE II

City Council Meetings

Section 110.190. PROCEEDINGS OF – HOW KEPT.

The Council shall cause to be kept minutes of its proceedings, and the "ayes" and "nays" of the members shall be entered on any question at the desire of any two (2) members. The Council may prescribe and enforce such rules as may be necessary to secure the attendance of its members and the expeditious transactions of its business. [RSMo. § 77.090]

Section 110.200. Meetings – Held Where

All regular and special meetings of the City Council shall be held in the City Council Chambers in City Hall, except to the extent that it may be necessary to use other facilities because of emergency conditions or because of construction or remodeling, or because of prior commitments to allow others to use the City Council Chambers; however, nothing herein shall be constructed to prohibit meetings from convening at, or adjourning to, places outside of City Hall for the purpose of making inspections, viewing property, or otherwise gathering information. If a special meeting of the City Council is to be held at a place other than the City Council chambers then the location of that place, and the reason for

holding the meeting there, shall be included in the written statement required by Section 110.200 of this Chapter; otherwise, the location of the meeting need not be stated. [Ord. No. 365 §6]

Section 110.210. Notice of Meetings

- A. At least twenty-four (24) hours prior to the commencement of any regular or special meeting of the City Council, the City Clerk, at the guidance of the City Administrator, shall cause notice of the meeting (which shall include the date, time and place of the meeting and a tentative agenda for the meeting) to be posted on the bulletin board referred to in subsection (C) of this section, hereof, and to be made available to any representative of the news media who requests the same. In addition, the City Clerk shall take such other steps as may be reasonable and practicable to cause the public to be made aware that the meeting is to take place.
- B. When it is necessary to hold a meeting of the City Council on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, then the City Clerk shall cause notice of such meeting to be given as promptly as is reasonably possible, and the minutes of the meeting shall state the nature of the good cause justifying such departure from the normal requirements.
- C. The City Clerk is authorized and directed to cause a bulletin board to be maintained in City Hall at 100 Tremont Center, Waynesville, Missouri, and to clearly designate this bulletin board as the place for posting of all notices of meetings of the City Council and all boards, commissions and similar bodies of the City of Waynesville. [R.O. 110.050; Ord. No. 422 §1; Ord. No. 641 §§2, 3; Ord. No. 941 §2, 10-16-97]

Section 110.220. Regular Meetings – Held When, Notice

- A. Regular meetings of the City Council shall be held no later than 5:30 P.M. on the third (3rd) Thursday of each month, except that a change in the date or time of the next regular meeting of the City Council may be affected by a majority vote of the members present at any regular meeting.
- B. The City Clerk shall prepare a written notice stating the time, date and place of each regular meeting of the City Council, and a written notice stating the time, date and place of each regular meeting of each other board, commission and similar bodies of the City. This notice shall also include a tentative agenda for each such meeting. Any item which has been placed on the agenda as a result of a request made by someone other than an officer of the City (acting in his official capacity) may be removed from the agenda by members of the body conducting the meeting.
- C. The City Clerk is authorized and directed to cause a bulletin board to be maintained in City Hall at 100 Tremont Center, Waynesville, Missouri, and to clearly designate this bulletin board as the place for posting of all notices of meetings of the City Council and all boards, commissions and similar bodies of the City of Waynesville. (Ord. No. 422 §1; Ord. No. 641 §§2, 3; Ord. No. 941 §2, 10-16-97)

Section 110.230. Council Meeting Procedures Relating to Newly Elected Officials

- A. City officials who are elected at the annual municipal election in April of each year shall assume the office to which he/she was elected at the time of taking the Oath of Office.
- B. The Mayor and members of the City Council in office immediately prior to the annual municipal election shall conduct all business properly coming before the City Council at the first (1st)

regular meeting after the annual municipal election to the extent that business relates to the following:

1. Approval of minutes of the prior meeting,
2. Approval of agenda for the current meeting,
3. Approval of bills to be paid by the City,
5. Receiving comments from citizens,
4. Receiving committee reports and acting on recommendations from committees and City Officials,
6. Matters left unresolved from prior meetings, and
7. Accepting results of the annual election.

Thereafter, the City Clerk (or in the absence of the City Clerk, the Deputy City Clerk or some other person designated by the Mayor) shall administer the oath of office to the persons elected at the annual municipal election.

- C. After the newly elected City Officials are administered the oath of office, the meeting of the City Council shall continue with the newly elected officials occupying the positions to which each was elected.
- D. City officials who are elected or appointed to fill a vacancy in an elective position shall assume the office to which he/she was elected or appointed at the time of taking the oath of office. [R.O. 100.130; Ord. No. 1032 §1–4, 11-16-00]

Section 110.240. Adjourned Meetings

By a majority vote of the members present at any regular or special meeting of the City Council or other committee, board, commission and similar body of the City that meeting may be adjourned to a specific date, time and place, in which event the meeting shall be considered to be continued on that specific date and no further notice shall be required to be given to the public or to the members of the City Council or other body, except that the City Clerk (in the case of the City Council) or the secretary of the other body involved, shall notify any absent member of the adjourned date for continuation of the meeting. [R.O. 2010 § 110.020; Ord. No. 365 § 2, 5-9-1974]

Section 110.250. Special Meetings

- A. Special meetings of the City Council shall be held only at the call of the Mayor (or the Mayor Pro-Tem of the City Council if there is, at that time, a vacancy in the office of Mayor), or at the call of any three (3) members of the City Council.
- B. In order to call a special meeting of the City Council, the person(s) authorized (by law or by ordinance of the City) to call the meeting shall cause the City Clerk to prepare written notice which shall include the date, time and place of the meeting, and the tentative agenda for the meeting. The City Clerk, shall promptly cause copies of the statement to be given to all of the members of the City Council, the Mayor, the City Administrator, the City Attorney, and such other officers or employees of the City who may appear to need to be present at the meeting. The City Clerk is authorized to use members of the Police Department or other City employees to deliver copies of the statement, and the Police Department and other City employees shall fully cooperate with the City Clerk in this task. If there is sufficient time, the City Clerk may

cause the statement to be sent, by fax, email or other form of digital delivery, to the person(s) to whom they are required to be given in lieu of personal delivery. All members of the City Council and all other officers and employees of the City shall at all times furnish their accurate email, mailing and residential address to the City Clerk. The copies of this written statement shall be considered the official notice of, and agenda for, the special meeting. [R.O. 2010 § 110.040; Ord. No. 365 § 4, 5-9-1974; Ord. No. 641 §§ 4, 5, 1-21-1988]

Section 110.260. Closed Meetings

- A. The Mayor or any member of the City Council may, at the beginning of, or during any regular or special meeting of the City Council, request that the meeting become a closed meeting by making an oral or written request to that effect. The request shall include a statement of the specific reason for which the closed session is requested per RSMo. 610.021. A vote shall be promptly taken on the request and only after a majority vote shall the City Council go into closed session. The vote of each member of the City Council on this request, and the specific reason for which the closed meeting is requested, shall be announced publicly (prior to going into a closed meeting) and shall be entered into the minutes of the meeting.
- B. A closed meeting shall be held only to the extent that the same is necessary for the specific reason announced at the time of voting on the request for a closed meeting, and no business shall be discussed during the closed meeting which does not directly relate to the specific reason which was publicly announced as justification for the closed meeting.
- C. At the time of going into a closed session, the person who requested the closed session shall designate the persons whom he/she desires to be present during the closed meeting, and thereupon all other persons (other than the Mayor and members of the City Council) shall remove themselves from the meeting and shall remain out of hearing of the meeting. Provided, however, that at any time prior to or during, a closed meeting a majority of the members of the body conducting the meeting who are present at the meeting may vote to exclude other persons (not including the Mayor and members of the City Council in the case of meetings of the City Council) from the meeting or to request other persons to be present during the meeting.
- D. At any time during a closed meeting of the City Council, by an affirmative vote of a majority of the members present at the meeting, the same shall be converted into an open meeting.
- E. At any time during a closed meeting of the City Council or any other board, commission or similar body of the City, by an affirmative vote of a majority of the members present at the meeting the same shall be converted into an open meeting. [Ord. No. 641 §8, 9, 11, 12, 13, 16, 22; Ord. No. 941 §4, 10-16-97]

CHAPTER 111

BOARDS, COMMISSIONS, AND COMMITTEES

Article I – General Provisions

- 111.010 Regular Meetings of Other Government Agencies
- 111.020 Committees

ARTICLE I
GENERAL PROVISIONS

Section 111.010. Regular Meetings of Other Government Agencies.

Each of the boards, commissions and similar bodies of the City other than special committees, shall, by majority vote of the members thereof, establish a date for regular meetings of the body, to be held at such intervals as may be necessary to properly conduct the business of the body, and the date for such regular meetings may be changed from time to time by majority vote of the members of the respective body. The date established for all regular meetings shall be furnished to the City Clerk who shall maintain a permanent roster which shall contain the dates for all regular meetings of all of the boards, commissions and similar bodies of the City, which roster shall be open to inspection by the public during regular office hours in City Hall. [R.O. 2010 § 110.030; Ord. No. 365 § 3, 5-9-1974]

Section 111.020. Committees.

- A. The following standing committees of the City Council are hereby established relating to the respective subject matters indicated:
1. *Roads and Grounds Committee.* This committee shall consider matters relating to streets within the City and matters relating to lands and buildings owned by, or under control of, the City (excluding lands and buildings under the supervision of the Park Board).
 2. *Finance and Human Resources Committee.* This committee shall consider matters relating to the financial condition of the City, including preparation of the annual budget and amendments thereto and including review of requests for disbursement of City funds and matters relating to personnel.
 3. *Public Utilities Committee.* This committee shall consider matters relating to the electrical, water, wastewater and natural gas systems operated by the City and matters relating to trash collection within the City.
 4. *Police Department Committee.* This committee shall consider matters relating to the Police Department of the City.
 5. *Economic Development and Government Affairs Committee.*
 - a. This committee shall consider matters relating to the cable television system within the City and matters relating to communications between the City Government and the citizens of the City.
 - b. This committee shall consider matters relating to economic development within the City.
- B. Each of the standing committees shall consist of three (3) members of the City Council.
- C. The members of the standing committees shall be appointed by the Mayor, with approval of the City Council, not later than the first regular meeting of the City Council following the annual City election. The members of the standing committees shall

continue to serve as such until they are removed in the manner hereinafter specified or until replacement members are appointed in the manner hereinafter specified.

- D. In addition to the standing committees hereby established, the Mayor may at any time, with approval of the City Council, establish one (1) or more special committees, consisting of one (1) or more members of the City Council, for the purpose of considering any matter which appears to need attention by a committee other than one (1) of the standing committees.
- E. A majority of the members of each committee shall constitute a quorum.
- F. Each committee shall meet promptly after the appointment of its members and shall at that time, elect one (1) of the members of the committee to serve as Chairperson.
- G. No member of any committee shall be entitled to compensation for service on the committee.
- H. The Mayor, with approval of three-fourths (3/4) of the members of the City Council, may at any time remove any member of a committee.
- I. If any vacancy shall occur in the membership of any committee by reason of death, resignation or otherwise, the vacancy shall be filled by the Mayor with approval of the City Council.
- J. It shall be the duty of each committee, on its own initiative or upon request of the Mayor or City Council, to investigate and consider any matters within the scope of that committee's jurisdiction and to make recommendations for action by the City Council if deemed advisable by the committee.
- K. The Chairperson, or in the absence of the Chairperson then some other member of the committee, of each committee shall submit for consideration at each regular meeting of the City Council a written report of the action and recommendations of the committee since the preceding regular meeting of the City Council.
- L. At the first regular meeting of the City Council following the annual City election, the Mayor shall appoint, with approval of the City Council, one (1) member of the City Council to serve as a liaison with the Waynesville Rural Fire Department. This member shall attend meetings of the Waynesville Rural Fire Department and shall regularly report to the City Council on action taken by the Waynesville Rural Fire Department as it may affect fire protection within the City.
- M. At the first regular meeting of the City Council following the annual City election, the Mayor shall appoint, with approval of the City Council, one (1) member of the City Council to serve as a liaison with the Park Board of the City. This member shall attend meetings of the Park Board and shall be entitled to fully participate in all proceedings of the Park Board but without the right to vote on matters coming before the Park Board. This member shall report to the City Council on action taken by the Park Board to the extent the member believes such report is needed to clarify or supplement the report to the City Council provided by the Park Board.
- N. At the first regular meeting of the City Council following the annual City election, the Mayor shall appoint, with approval of the City Council, one (1) member of the City Council to serve as a member of the University of Missouri Extension Council of Pulaski County.

- O. At the first regular meeting of the City Council following the annual City election, the Mayor shall appoint, with approval of the City Council, one (1) person to be the City's representative in the Waynesville-St. Robert Chamber of Commerce. This person may be a member of the City Council, the Mayor, the City Administrator or some other official or employee of the City.
- P. At the first regular meeting of the City Council following the annual City election, the Mayor shall appoint, with approval of the City Council, one (1) member of the City Council to serve as a member of the Planning and Zoning Commission of the City.
- Q. The Mayor, with approval of three-fourths (3/4) of the members of the City Council, may at any time remove any person appointed under the provisions of Subsections (L), (M), (N), (O) or (P) hereof.
- R. Any member of the City Council who ceases to be a member of the City Council by reason of death, resignation or otherwise shall automatically cease to occupy the position to which he/she was appointed under the provisions of this Section.
- S. If any vacancy shall occur in the positions referred to in Subsections (L), (M), (N), (O) or (P) hereof by reason of death, resignation or otherwise, the vacancy shall be filled by the Mayor with approval of the City Council.
- T. Any member of the Waynesville City Council who attends a standing committee meeting is allowed to become an alternate committee member and vote on and approve issues presented for that committee in the absence of a member of the committee in order to provide a quorum. [Ord. No. 2290, 11-16-2017, R.O. 2010 § 110.120; Ord. No. 327 §§ 2 – 10; Ord. No. 447 § 1; Ord. No. 1019 §§ 1 – 19, 9-21-2000; Ord. No. 2154 §§ 1 – 2, 4-16-2015]

CHAPTER 115

CITY APPOINTED OFFICIALS

Article I – General Provisions

- 115.010. Appointment of Officers, Qualifications; Duties
- 115.020. Combining of Offices
- 115.030. Officers' Oath – Bond
- 115.040. Employment of Additional Employees by Superintendent
- 115.040. May Remove Appointed Officers with Consent of Council
- 115.050. City Collector to Assist City Clerk
- 115.050. Vacancies of Appointed Officials – How Filled
- 115.060. City Assessor
- 115.070. Collector and Treasurer
- 115.080. Marshall
- 115.090. Grievance Procedures for City Employees
- 115.100. City Attorney and City Counselor

Article II – Appointed Officers

- 115.070. City Clerk – Duties
- 115.080. Deputy City Clerk
- 115.090. City Attorney and City Counselor
- 115.100. Chief of Police
- 115.110. Finance Officer

Article III – Miscellaneous Provisions

- 115.120. May Require Officers to Exhibit Accounts

ARTICLE I

General Provisions

Section 115.010. Appointment of City Officers - Qualifications

The following officers for the City of Waynesville, Missouri, shall be appointed by the Mayor, with the consent and approval of a majority of the members of the City Council, and shall perform the following duties, together with such other duties as may be assigned, from time to time, by the Mayor or the City Council, to-wit:

- A. *City Administrator* – See Chapter 116 concerning qualifications, duties and powers of the City Administrator.
- B. *City Clerk* - The City Clerk shall have a Bachelor's Degree in Business Administration or no less than five (5) years' worth of administrative experience, to include at the very least, two (2) years' experience in a leadership or supervisory role, preferably in several aspects of municipal government.
- C. *Deputy City Clerk* – The Deputy City Clerk's position is not mandatory, however, if a suitable candidate can be found, he/she must have been a member of the City's Administrative staff no less than three (3) years and during that time, working in a supportive role to the City Administrator and City Clerk. The Deputy City Clerk shall be nominated to the position according to the request of the City Clerk and by the recommendation of the City Administrator and Mayor. Any recommended candidate for the position of Deputy City Clerk may be appointed such by a majority vote of the City Council.
- D. *Finance Officer* - The Finance Officer shall have a bachelor's degree in either Accounting or any other related financial field or have no less than three (3) years of accounting experience dealing with budgets, reconciling and overall management of company account. The preferred candidate will have no less than three (3) years' experience with the City concerning the financial aspects of City Administration to include Accounts Payable, Payroll and any other financial functions of the City.

The preferred candidate shall have been nominated from within the City, on the recommendation of both the Mayor and City Administrator; however, if a suitable candidate is not available from within the City, then a candidate may be recommended by the City Administrator and Mayor, that has been obtained through the normal hiring process. Any recommended candidate may be appointed such by majority vote of the City Council.
- E. *Building Official*—shall issue building permits when authorized or required by law or City ordinance. [Ord. No. 386 § 1, 7-10-1975]

Section 115.020. Combining of Offices

Any two or more of the offices mentioned in Section 115.010 hereof may be held by the same person. [Ord. No. 386 § 2, 7-10-1975]

Section 115.030. Officers' Oath – Bond.

- A. Every Mayor, Councilman and Officer of the City, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before the City Clerk, that he/she

possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States, and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City, and faithfully demean himself/herself in office; which official oath or affirmation shall be filed with the City Clerk.

- B. Every officer of the City, when required by law or ordinance, shall, within fifteen(15) days after his/her election or appointment, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as shall be designated by ordinance, conditioned for the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her hands.
- C. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City for the use of such person. [RSMo. § 77.390]

Section 115.040. May Suspended or Remove Appointed Officers with Consent of Council.

- A. The persons appointed to the offices mentioned in Section 115.010 hereof shall serve at the pleasure of the Mayor and the City Council; provided, however, that the City Administrator may suspend any such officer (with or without pay) until the next regular meeting of the City Council.
- B. The Mayor may, upon the recommendation of the City Administrator and with the consent of a majority of all the members elected to the Council, remove from office any appointive officer of the City at will; and any such appointive officer may be so removed by a two-thirds (2/3) vote of all the members elected to the Council, independently of the Mayor's approval or recommendation. The Council may pass ordinances regulating the manner of impeachment and removals. [RSMo. § 77.340; Ord. No. 386 §3]

Section 115.050. Vacancies of Appointed Officials – How Filled.

If a vacancy occurs in an appointed office, the Mayor shall appoint, upon the recommendation of the City Administrator, a suitable person to discharge the duties of the same until the first regular meeting of the Council thereafter, at which time the vacancy shall be permanently filled. [RSMo. § 77.450]

ARTICLE II

Appointed Officers

Section 115.060. City Clerk – Duties

- A. The City Clerk shall perform all duties required by law or separate ordinance pertaining to the City Clerk, and shall act as Secretary to the Mayor and City Council, Chief Administrative Assistant to the City Administrator, Manager of Human Resources and shall exercise general supervision over the Administrative staff of City Hall. He/she shall report daily to the City Administrator. He/she is hereby empowered to administer official oaths, and also oaths to persons certifying to demands or claims against the City.

- B. The City Clerk shall attend all meetings of the City Council and take the minutes of such meetings. The City Clerk shall attend all Committee meetings and keep a record on file of all minutes taken at those meetings to include closed minutes, by the secretary assigned to such committees.
- C. The City Clerk shall be custodian of the records of the City and at his/her discretion, authorize certain members of City administration to act as the City Clerk's designated representative in regards to records requests submitted lawfully as outlined in Chapter 120.
- D. The City Clerk shall also perform any other duties as assigned by the Mayor or City Administrator. [R.O. § 115.010; RSMo. § 77.410]

Section 115.070. Deputy City Clerk

The Deputy City Clerk will serve the Mayor and City Council and the City Administrator in the absence of the City Clerk and will issue notice of, take minutes and attest to any approved ordinance by the City Council in the absence of the City Clerk. He/she may also administer official oaths, and also oaths to persons certifying to demands or claims against the City. The Deputy City Clerk will report to the City Clerk daily, during the City Clerk's absence regarding any of the duties pertaining to the office of the City Clerk listed in Section 115.060 above.

Section 115.080. City Attorney and City Counselor

- A. There is hereby established the offices of City Counselor and City Attorney for the City of Waynesville.
- B. The same person may hold both the office of City Counselor and the office of City Attorney as per Section 115.020.
- C. Only a person who is a member in good standing of the Missouri Bar shall be eligible to serve as either City Counselor or City Attorney.
- D. The Mayor, with the consent and approval of a majority of the members of the City Council, shall appoint a person to serve as City Counselor and a person to serve as City Attorney.
- E. The person(s) appointed, from time to time, to the offices of City Counselor and City Attorney shall serve at the pleasure of the Mayor and City Council; provided however, that the Mayor may suspend any such officer (with or without pay, as determined by the Mayor at the time of such suspension) until the next regular meeting of the City Council at which the question of removal or retention of that officer shall be determined.
- F. The City Attorney shall prosecute, in the name of the City, all actions for violations of municipal ordinances of the City of Waynesville.
- G. The City Counselor shall draft and review ordinances and contracts and other legal forms for the City, and shall give legal advice to the City Council and the other officers of the City and shall perform such other legal duties as may be directed by the Mayor or by the City Council.
- H. Notwithstanding any other provisions contained in this Section, in the event of any suit or action at law or in equity brought by or against the City (other than prosecutions for violations of municipal ordinances) the City Council shall, by resolution, employ one (1) or more attorneys to represent the City in such proceedings.

- I. The person holding the position of City Attorney shall be a voter under the laws and Constitution of the State of Missouri, but need not be a resident of the City.
- J. The person holding the position of City Counselor shall be a voter under the laws and Constitution of the State of Missouri but need not be a resident of the City.
- K. The City Counselor and the City Attorney shall be compensated as may be provided, from time to time, by ordinance. [R.O. 2010 § 115.100; Ord. No. 731 §§ 1–11, 5-21-1992; Ord. No. 1065 § 1, 1-17-2002]

Section 115.090. Chief of Police

- A. The Office of Chief of Police of the City of Waynesville shall be an appointed position instead of an elective office.
- B. The Chief of Police of the City of Waynesville and all references in ordinances of the City of Waynesville (including ordinances heretofore adopted and ordinances hereinafter adopted) shall refer to the person for which the title "Marshall" was previously used.
- C. There shall be no term of office for the position of Chief of Police, who shall be appointed by the Mayor, with the recommendation of the City Administrator, and a majority vote of the City Council; however, the position is subject to removal as provided by the terms of this Section, or other applicable ordinances.
- D. The City Administrator shall have the duty to recommend to the Mayor persons to fill vacancies in the office of Chief of Police.
- E. The City Administrator shall have the right to remove from office the person holding the office of Chief of Police in accordance with Chapter 116, as the same may be amended, from time to time. [R.O. 2010 § 115.080; Ord. No. 619 §§ 1–5, 9-25-1986; Ord. No. 2177, 10-15-2015]

Section 115.100. Finance Officer

- A. The office of Finance Officer for the City of Waynesville shall be appointed by the Mayor, on the recommendation of the City Administrator, with the consent and approval of a majority of the members of the City Council.
- B. The Finance Officer will prepare monthly financial reports detailing expenditures, revenues and bank balances. A summary of revenues and expenditures will be presented at each City Council meeting. The Finance Officer shall review all the expenditure requests and revenue estimates, after which they shall prepare the proposed budget. All officers and employees of the City shall cooperate with and provide to the Finance Officer such information and records as are required in developing the budget and providing information for the yearly fiscal audit.
- C. The Finance Officer shall perform all the duties of the Treasurer and Finance Officer, except where duplicate records are required, including, but not limited to: keeping the regular books of accounts, supervising the accounting system, certify annual tax levy to County Collector, maintain special assessment records, prepare the annual fiscal budget before January 1 of each year and submit to City Council for final approval, maintain a file of annual inventories, receive monies of the municipality and maintain a cash receipts journal.

- D. The Finance Officer shall be responsible for accounting and finance administration of the City in compliance with legal provisions and generally accepted governmental accounting practices as well as fiscal procedures applicable to the field of municipal finance.
- E. The City Administrator shall have the right to remove from office the person holding the office of Finance Officer in accordance with Chapter 116, as the same may be amended from time to time. [Ord. No. 1976 §§ 1–7, 6-21-2012]

ARTICLE III

Miscellaneous Provisions

Section 115.120. May Require Officers to Exhibit Accounts.

The Mayor shall have power to require, as often as he/she may deem it necessary, any officer of the City to exhibit his/her accounts or other papers or records, and to make report to the Council, in writing, touching any subject or matter pertaining to his/her office. [RSMo. § 77.310]

Chapter 116

CITY ADMINISTRATOR

- 116.010.** Position Created.
- 116.020.** Requirements.
- 116.030.** Removal from Office.
- 116.040.** Resignation from Office.
- 116.050.** Powers and Duties.

CHAPTER 116

City Administrator

Section 116.010 Position Created

The position of City Administrator is hereby created for the City of Waynesville, Missouri. [Ord. No. 486 §1]

Section 116.020 Requirements

- A. The person holding the office of City Administrator of the City of Waynesville shall:
 - 1. Be at least twenty-one (21) years of age;
 - 2. Be a resident either within the City limits of the City of Waynesville or within the unincorporated portion of Pulaski County, Missouri;
 - 3. Maintain phone service at his/her place of residence.
- B. The person holding the office of City Administrator shall devote his/her full time to the performance of the duties of that office.
- C. No member of the City Council of the City of Waynesville shall be appointed as City Administrator during the time that he/she is serving on the City Council or within one (1) year after that person ceases to be a member of the City Council.
- D. The City Administrator shall be chosen on the basis of his/her qualifications but without regard to his/her political affiliations.
- E. The office of City Administrator shall be filled, from time to time, by a majority vote of the City Council and with the recommendation and approval of the Mayor. [Ord. No. 486 §2-3; Ord. No. 1139 §1-5, 8-19-04]

Section 116.030 Removal from Office

- A. The City Administrator may be removed from office by the Mayor, with the concurrence of a majority of the members of the City Council, or the City Administrator may be removed from office by two-thirds of the members of the City Council independent of the approval of the Mayor. Provided, however, that if, within five (5) days after any removal of the City Administrator from office, the City Administrator gives a written request therefor to the City Clerk, the City Council shall grant the City Administrator a public hearing on the question of his/her being removed from office. This public hearing shall be held on a date fixed by the City Council but it shall be not more than thirty (30) days after the request therefor is made by the City Administrator (unless the City Administrator and City Council together agree on a later date), and during the period of time before the hearing the City Administrator shall continue to serve as such unless the City Council, by a two-thirds majority, elects to suspend him/her, and in the event of any such suspension his/her salary shall be continued. After the completion of the said public hearing, the question of removal of the City Administrator from office shall again be considered by the City Council, and if the Mayor and a majority of the members of the City Council (or a two-thirds majority of the members of the City Council independent of the approval of the Mayor) uphold the removal of the City Administrator then he/she shall be

immediately removed from office, but if the removal of the City Administrator is not so upheld then he/she shall continue in office. Provided, further, that in all instances in which the City Administrator is removed from office he/she shall continue to receive his salary for a period of sixty (60) days after the final effective date of his removal from office, except that if the City Council, by a three-fourths vote, finds and determines that his removal is the result of dishonesty or lack of moral turpitude on his part then his salary shall stop as of the final effective date of his removal from office. [Ord. No. 486 §4]

Section 116.040 Resignation from Office

The City Administrator shall give written notice of his resignation to the Mayor and City Council not less than sixty (60) days prior to the effective date of such resignation, in the event the City Administrator decides to voluntarily resign his office. [Ord. No. 486 §5]

Section 116.050 Duties of City Administrator

A. The City Administrator shall be the chief administrative assistant to the Mayor and as such shall have general superintending control of the administration and management of the government business, officers and employees of the City, subject to the direction and supervision of the Mayor, and subject also to the restrictions contained in this Section. To that end, the City Administrator shall have power and shall be required to:

1. Appoint and, when necessary, for the good of the City, suspend or remove all officers and employees, other than elected officers. Provided, however, that if the City Administrator removes any officer or employee then such officer or employee shall be entitled to a public hearing before the City Council on the question of such removal if the officer or employee makes written request therefor to the City Clerk within ten (10) days after the date of such removal. The hearing shall take place at the next regular City Council meeting after the date the said request therefor is given to the City Clerk (and no notice of such meeting shall be required to be given to the office or employee) or at a special City Council meeting (in which case at least 48 hours' written notice thereof shall be given to the officer or employee). If the City Council overrules the action of the City Administrator, then the officer or employee shall be reinstated with pay retroactive to the date of attempted removal by the City Administrator.

Whenever necessary to fill vacancies that are required by law or ordinance to be appointed by the City Council and/or the Mayor, the City Administrator shall submit the names of qualified individuals for approval and shall, upon request, give his recommendation as to the individual best qualified for such appointment. All appointments, removals and suspensions by the City Administrator, and all recommendations made by him shall be based solely on the merit, qualifications or disqualifications of the individual concerned without regard to his political affiliations.

2. Prepare the budget annually and submit it to the City Council together with a message describing the important features and be responsible for its administration after adoption.
3. Review, develop and implement standard accounting procedures for all financial operations of the City, and to recommend to the City Council such measures as he deems necessary or appropriate to comply with recommendations which may have been in the past, or may be in the future, presented to the City by independent auditor(s) employed by the City; and to keep the City Council fully advised of the current financial condition of the City and of the probable future financial condition and needs of the City, and to make

such recommendations to the City Council as he deems desirable relating to the financial condition of the City; and, as soon as feasible after the end of each fiscal year, to prepare and submit to the City Council a complete report on the finances and administrative activities of the City for the preceding fiscal year.

4. Present to the City Council, with recommendations for its adoption, standard personnel procedures to include position classifications and pay schedules for all employees of the City, and amendments thereto when he deems it appropriate.
5. Present to the City Council, with recommendations for their adoption, such standard rules and regulations as he feels may be necessary or expedient for the conduct of the affairs of the City, including recommendations from time to time for changes in such rules, and regulations and recommendations for consolidation of offices, positions or departments.
6. Attend all meetings of the City Council unless excused therefrom, and take part in the discussion of all matters coming before the Council when required to do so by the Mayor or any member of the City Council. Provided, however, that the City Administrator shall remove himself from any portion of a meeting of the City Council held as a closed meeting if the person requesting the closed meeting requests that he not be present at the meeting.
7. Recommend from time to time the adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the City, or the improvement of the administration of the business and affairs of the City.
8. Meet with, and take part in the discussions of all standing and special committees of the City Council, unless excused therefrom or unless requested not to do so by the Mayor or by the Chairman of the committee.
9. Investigate the affairs of the City and all departments thereof, and to investigate all complaints in relation to matters concerning the administration of the government of the City and concerning services performed by the City.
10. See that all franchises and permits granted to or by the City are faithfully observed.
11. Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget by the following:
 - a. Let contracts when necessary, for the purchase of materials, supplies and equipment when needed for the operation or maintenance of City services for amounts not exceeding \$500.00 per contract or purchase.
 - b. If the purchase is over \$500.00, a purchase order must be prepared and presented to the City Administrator for approval. All purchase orders shall be submitted with no less than three (3) bids for merchandise/services unless the merchandise or service has only one provider or circumstances prevent the requirement if approved by the City Administrator.
 - c. The City Administrator and Department Supervisors are authorized to make purchases as deemed necessary for the day-to-day operations of the City in accordance with approved budget and/or guidance from the Mayor or appropriate Council Committee. Extraordinary purchases not included in the budget over the amount of \$15,000 require the approval of the City Administrator and/or Mayor or

the appropriate Committee. Extraordinary budget purchases not included in the budget over the amount of \$30,000 require a majority vote of the City Council.

12. Represent the City at all functions when directed to do so by the Mayor or the City Council, and to serve as liaison officer between the City Council and civic organizations.
 13. Conduct surveys and collect information of value to the City Council, including investigation of all grant and aid programs available to the City and to inform the City Council and the various departments of the City of such programs.
 14. Meet with, and take part in the discussions of, all boards and commissions relating to the affairs of the City, including boards and commissions established by law or by City ordinance, unless excused therefor or unless requested not to do so by the Mayor or by the Chairman of the committee.
 15. Perform such other duties as may be required by the Mayor or the City Council, not inconsistent with law or City ordinances.
- B. None of the members of the City Council shall direct or request the appointment of any person to, or his removal from, office by the City Administrator or in any manner take part in the appointment or removal of officers and employees in the administrative services of the City, and none of the members of the City Council shall attempt to exercise any personal authority over the City Administrator. Except for purposes of inquiry and investigation, the City Council shall deal with the administrative service of the City solely through the City Administrator and neither the City Council nor any member thereof shall give orders to any subordinates of the City Administrator, either publicly or privately.
- C. The City Administrator shall receive such compensation as may be determined and set from time to time by the City Council by ordinance. [Ord. No. 486 §6-9; Ord. No. 540 §1; Ord No. 2096 §1-5]

Chapter 117

CONFLICTS OF INTEREST

[As provided in Section 105.450 et seq., RSMo., the City's Conflicts of Interest Ordinance is required to be reenacted every two (2) years. The current provisions are on file in the office of the City Clerk.]

CHAPTER 120

OPEN MEETINGS AND RECORDS POLICY

Article I – General Provisions

- 120.010 Definitions
- 120.020 Meetings, Records and Votes to be Public – Exceptions.
- 120.030 Electric Transmissions – Public Record – When.
- 120.040 Notices of Meetings.
- 120.045 Notice Required for Public Meeting on Tax Increases, Eminent Domain, Creation of Certain Districts and Certain Redevelopment Plans.
- 120.050 Closed Meetings – How Held.
- 120.060 Journals of Meetings and Records of Voting.
- 120.070 Accessibility of Meetings.
- 120.080 Segregation of Exempt Material
- 120.090 Custodian Designated – Response to Request for Access to Records
- 120.100 Fees for Copying Public Records – Limitations

Article II – Law Enforcement Records

- 120.110 Definitions
- 120.120 Police Department Records
- 120.130 Effect of Nolle Pros, Dismissal and Suspended Imposition of Sentence on Records.
- 120.140 Public Access of Closed Arrest Records
- 120.150 “911” Telephone Reports
- 120.160 Daily Log or Record Maintained by Police Department of Crimes, Accidents or Complaints – Public Access to Certain Information.

ARTICLE I
GENERAL PROVISIONS

Section 120.010. Definitions.

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

CLOSED MEETING, CLOSED RECORD or CLOSED VOTE – Any meeting, record or vote closed to the public.

COPYING – If requested by a member of the public, copies provided as detailed in Section 120.100 of this Chapter, if duplication equipment is available.

PUBLIC BUSINESS – All matters which relate in any way to performance of the City's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY – Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity or by executive order, including:

- A. Any advisory committee or commission appointed by the Mayor or City Council.
- B. Any department or division of the City.
- C. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rule-making or quasi-judicial power.
- D. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
- E. Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:
 1. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 2. Performs a public function, as evidenced by a statutorily or ordinance-based capacity, to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues;or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record or vote relates to such appropriation.

PUBLIC MEETING – Any meeting of a public governmental body subject to this Chapter

at which any public business is discussed, decided or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, Internet chat or Internet message board. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

PUBLIC RECORD— Any record, whether written or electronically stored, retained by or of any public governmental body, including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any documents or study prepared for a public governmental body by a consultant or other professional service as described in this Section shall be retained by the public governmental body in the same manner as any other public record.

PUBLIC VOTE— Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body. [RSMo. § 610.010, 2004]

Section 120.020. Meetings, Records and Votes to Be Public – Exceptions.

- A. All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:
1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo.; however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.
3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this Subsection, the term "personal information" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.

15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.
16. Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records.
17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.
 - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.
 - b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
 - c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed.
18. The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property.
19. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.
20. Credit card numbers, personal identification numbers, digital certificates, physical

and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body. [RSMo. § 610.021, 2004, 2008, 2009, 2013, 2018]

Section 120.030. Electronic Transmissions – Public Record – When.

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exception of Section 610.021, RSMo. [RSMo. § 610.025, 2004]

Section 120.040. Notices of Meetings.

- A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. The City shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The City may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 120.020 shall be permitted without permission of the City; any person who violates this provision shall be guilty of an ordinance violation.
- D. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.

- E. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body. [RSMo. §§ 610.020.1 – 3, 5, 2004; 610.022.2]

Section 120.045. Notice Required for Public Meeting on Tax Increases, Eminent Domain, Creation of Certain Districts, And Certain Redevelopment Plans.

For any public meeting where a vote of the City Council is required to implement a tax increase, or with respect to a retail development project when the City Council votes to utilize the power of eminent domain, create a transportation development district or a community improvement district, or approve a redevelopment plan that pledges public funds as financing for the project or plan, the City Council or any entity created by the City shall give notice conforming with all the requirements of Subsection (1) of Section 610.020, RSMo., at least four (4) days before such entity may vote on such issues, exclusive of weekends and holidays when the facility is closed; provided that this Section shall not apply to any votes or discussion related to proposed ordinances which require a minimum of two (2) separate readings on different days for their passage. The provisions of Subsection (4) of Section 610.020, RSMo., shall not apply to any matters that are subject to the provisions of this Section. No vote shall occur until after a public meeting on the matter at which parties in interest and citizens shall have an opportunity to be heard. If the notice required under this Section is not properly given, no vote on such issues shall be held until proper notice has been provided under this Section. Any legal action challenging the notice requirements provided herein shall be filed within thirty (30) days of the subject meeting, or such meeting shall be deemed to have been properly noticed and held. For the purpose of this Section, a tax increase shall not include the setting of the annual tax rates provided for under Sections 67.110 and 137.055, RSMo. [RSMo. § 67.2725]

Section 120.050. Closed Meetings – How Held.

- A. Except as set forth in Subsection (D) of Section 120.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session. [RSMo. §§ 610.022.1, 610.022.3, 2004]

Section 120.060. Journals of Meetings and Records of Voting.

- A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected shall be cast by members of the public governmental body who are physically present and in attendance at the meeting or who are participating via videoconferencing. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
- B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. [RSMo. §§ 610.015, 2004, 2013; 610.020.7, 2004]

Section 120.070. Accessibility of Meetings.

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes. [RSMo. §§ 610.020.2, 2004; 610.020.4, 2004]

Section 120.080. Segregation of Exempt Material.

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption. [RSMo. § 610.024]

Section 120.090. Custodian Designated – Response to Request for Access To Records.

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- D. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received. [RSMo. § 610.023, 2004]

Section 120.100. Fees for Copying Public Records – Limitations.

- A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
 - 1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$0.10) per page for a paper copy not larger than nine (9) inches by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily

in the commercial interest of the requester.

2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices and for paper copies larger than nine (9) inches by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual cost of such programming.
- B. Payment of such copying fees may be requested prior to the making of copies. [RSMo. § 610.026, 2004]

ARTICLE II

Law Enforcement Records

Section 120.110. Definitions.

As used in this Article, the following terms shall have the following definitions:

ARREST— An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

ARREST REPORT— A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

INACTIVE— An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

- A. A decision by the law enforcement agency not to pursue the case.
- B. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations or ten (10) years after the commission of the offense, whichever date earliest occurs.
- C. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

INCIDENT REPORT— A record of a law enforcement agency consisting of the date, time, specific location, name of the victim, and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

INVESTIGATIVE REPORT— A record, other than an arrest or incident report, prepared by

personnel of a law enforcement agency inquiring into a crime or suspected crime either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

MOBILE VIDEO RECORDER— Any system or device that captures visual signals that is capable of installation and being installed in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities.

MOBILE VIDEO RECORDING— Any data captured by a mobile video recorder, including audio, video, and any metadata.

NON-PUBLIC LOCATION— A place where one would have a reasonable expectation of privacy, including but not limited to a dwelling, school, or medical facility. [RSMo. § 610.100, 2016]

Section 120.120. Police Department Records.

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records.
1. Notwithstanding any other provision of law other than the provisions of Subsections 4, 5 and 6 of Section 610.100, RSMo., or Section 320.083, RSMo., mobile video recordings and investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive.
 2. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 120.140 of this Chapter.
 3. Except as provided in Subsections 3 and 5 of Section 610.100, RSMo., a mobile video recording that is recorded in a non-public location is authorized to be closed, except that any person who is depicted in the recording or whose voice is in the recording, a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity if he or she is deceased or incompetent, an attorney for such person, or insurer of such person, upon written request, may obtain a complete, unaltered, and unedited copy of a recording under and pursuant to Section 610.100, RSMo.
- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, including a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity of such person

if deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 120.140 for purposes of investigation of any civil claim or defense as provided by this Subsection. Any individual, legal guardian or parent of such person if he or she is a minor, his/her attorney or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.

- D. Any person may apply pursuant to this Subsection to the Circuit Court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to the Section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars (\$1,000.00). If the court finds that there is a knowing violation of this Section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by Section 610.027, RSMo. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars (\$5,000.00) and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in Section 610.027, RSMo. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this Section previously.
- E. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.
- F. Any person who requests and receives a mobile video recording that was recorded in a non-public location under and pursuant to Section 610.100, RSMo., is prohibited from displaying or disclosing the mobile video recording, including any description or account of any or all of the mobile video recording, without first providing direct third-party notice to each person not affiliated with a law enforcement agency or each nonlaw enforcement agency individual whose image or sound is contained in the recording, and affording, upon receiving such notice, each person appearing and whose image or sound is contained in the mobile video recording no less than ten (10) days to file and serve an action seeking an order from a court of competent jurisdiction to enjoin all or some of the intended display, disclosure, description, or account of the recording. Any person who fails to comply with the provisions of this Subsection is subject to damages in a civil action proceeding. [RSMo. § 610.100[2][3][4][6][7], 2004, 2016]

Section 120.130. Effect of Nolle Pros, Dismissal and Suspended Imposition Of Sentence On Records.

- A. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court

in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Subsection (B) of this Section and Section 120.140 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 120.140.

- B. If the person arrested is charged with an offense found in Chapter 566, RSMo., Section 568.045, 568.050, 568.060, 568.065, 573.200, 573.205 or 568.175, RSMo., and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his/her own judicial proceeding or if the victim is a minor to the victim's parents or guardian, upon request. [RSMo. § 610.105, 2006]

Section 120.140. Public Access of Closed Arrest Records.

- A. Except as otherwise provided under Section 610.124, RSMo., records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Chapter 43, RSMo. Closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to Section 43.500, RSMo., criminal justice employment, screening persons with access to criminal justice facilities, procedures and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including, but not limited to, watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by Chapter 43, RSMo., and applicable State law when submitting fingerprints to the central repository; the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices in accordance with Chapter 43, RSMo.; to qualified entities for the purpose of screening providers defined in Chapter 43, RSMo.; the Department of Revenue for driver license administration; the Department of Public Safety for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo.; Department of Health and Senior Services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and Federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.
- B. These records shall be made available only for the purposes and to the entities listed in this Section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with Section 43.509, RSMo. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book. [RSMo. § 610.120, 2003, 2014, 2018]

Section 120.150. "911" Telephone Reports.

Except as provided by this Section, any information acquired by the Police Department or a first responder agency by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 120.120. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown. [RSMo. § 610.150, 2013]

Section 120.160. Daily Log or Record Maintained by Police Department of Crimes, Accidents or Complaints – Public Access to Certain Information.

- A. The City of Waynesville Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and copying by the public:
1. The time, substance and location of all complaints or requests for assistance received by the Police Department;
 2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
 3. If the incident involves an alleged offense or infraction:
 - a. The time, date and location of occurrence;
 - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
 - c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved.
[RSMo. § 610.200, 2004]

CHAPTER 125

MUNICIPAL COURT

This Chapter is not included in the amendment as there are no changes made to the Chapter

CHAPTER 130

TAXATION AND FINANCE

Article I – General Provisions

Section 130.005	Definitions
Section 130.010	Fiscal Year Established
Section 130.015	Audit of City Books

Article II – Budget

Section 130.020	Budget Required – Contents – Expenditures not to Exceed Revenues
Section 130.030	Budget Officer
Section 130.040	City Council May Revise Budget – Limits – Approval
Section 130.050	Increase of Expenditure Over Budgeted Amount to be Made Only on Formal Resolutions

Article III – Levy of Taxes

Section 130.060	City Council to Provide for Levy and Collection of Taxes – Fix Penalties
Section 130.070	Fixing Ad Valorem Property Tax Rates – Procedure
Section 130.080	Assessment – Method of
Section 130.090	Clerk to Prepare Tax Books
Section 130.100	Taxes Delinquent – When

Article IV – City Sales Taxes

Section 130.110	Opt Out of State Imposed Tax Holiday
Section 130.120	City Sales Tax
Section 130.125	Utilities Tax
Section 130.130	Transportation Tax
Section 130.140	Local Parks Tax
Section 130.150	Extension of Transportation Tax
Section 130.160	Capital Improvements Tax
Section 130.170	Use Tax

Article V – Procurement Policy

Section 130.180 Purchasing Policy – USA Product
Section 130.185 Ordinance from 2014

Article VI – Expense Reimbursement

Section 130.190 Expense Reimbursement for Certain Officials

Article VII – Enhanced Enterprise Zone

Section 130.200 Enhanced Enterprise Zone

Article VIII – Acceptable Payment Methods

Section 130.210 Credit Card, Bank Transfer and Debit Card Authorized
Section 130.220 Fee
Section 130.230 Acceptance of Fee

Article IX – Identity Theft Prevention Program

Section 130.240 Adoption of Identity Theft Prevention Program

Article X – Fund Balance Reserve Policy

Section 130.250 Purpose of Policy
Section 130.260 Policy

Article XI – Debt Management Policy

Section 130.270 Purpose
Section 130.280 Guidelines for Debt Issuance
Section 130.290 Underwriter Selection
Section 130.300 Limitations on Level of Debt to be Issued and Outstanding
Section 130.310 Types of Debt Issuance
Section 130.320 Refunding of Debt

Article XI - Debt Management Policy

Section 130.330	Disclosure and Communication
Section 130.340	Debt Service Fund Balance

ARTICLE I

GENERAL PROVISIONS

Section 130.005. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ADVANCE REFUNDING— A refinancing transaction in which new (refunding) bonds are issued to repay (refund) outstanding bonds prior to the first call date. The proceeds of the refunding bonds are deposited in an escrow account, invested in government securities, and used to pay debt service (interest, principal and premium, if any) on the refunded bonds through the applicable call date. For accounting purposes, refunding obligations are not considered a part of an issuer's debt.

ARBITRAGE— The difference between the interest paid on the tax-exempt securities and the interest earned by investing the security proceeds in higher-yielding taxable securities. IRS regulations govern arbitrage on the proceeds from issuance of municipal securities.

BOND ANTICIPATION NOTES (BANS)— Notes which are paid from the proceeds of the issuance of long-term bonds. Typically issued for capital projects.

CALL PROVISIONS— The terms of the bond giving the issuer the right to redeem all or a portion of a bond prior to its stated date of maturity at a specific price, usually at or above par.

CAPITAL LEASE— A lease obligation that has met the criteria to be categorized as a capital lease as opposed to an operating lease under generally accepted accounting principles. Capital leases are common in certain types of financing transactions involving the use of revenue bonds as opposed to general obligation bonds.

CAPITALIZED INTEREST— A portion of the proceeds of a bond issue which is set aside to pay interest on the same bond issue for a specific period of time. Interest is commonly capitalized for the construction period of the project.

COMPETITIVE SALE— A sale/auction of securities by an issuer in which underwriters or syndicates of underwriters submit sealed bids to purchase the securities. Contrast to a negotiated sale.

CONTINUING DISCLOSURE— The principle that accurate and complete information material to the transaction which potential investors would be likely to consider material in making investment decisions with respect to the securities be made available on an ongoing basis.

DEBT— Any obligations of the City for the payment of money issued pursuant to the State of Missouri.

DEBT SERVICE RESERVE FUND— The fund in which moneys are placed which may be used to pay debt service if pledged revenues are insufficient to satisfy the debt service requirements.

DESIGNATION POLICIES— Outline how an investor's order is filled when a maturity is oversubscribed when there is an underwriting syndicate. The senior managing underwriter

and issuer decide how the bonds will be allocated among the syndicate. There are three (3) primary classifications of orders which form the designation policy: group net orders; net designated orders and member orders. [Ord. No. 2303, 2-15-2018]

Section 130.010. Fiscal Year Established.

- A. Commencing in 2014, the fiscal year of the City of Waynesville shall extend from January 1 of each year until December 31 of each year. The City's accounting records and its annual budget shall be based on this fiscal year.
- B. The Finance and Human Resources Committee of the City Council have reviewed this Section and found it to be an acceptable and practical application to our budget process and in the best interest of the City of Waynesville to be passed and approved.
- C. All officers and employees of the City of Waynesville are directed to take all action necessary to comply with this Section.

Section 130.015. Audit of City Books.

It is hereby declared to be the policy of the City Council to have an audit of the financial books and records of the City of Waynesville, including the financial books and records of the Utility Department of the City, by a certified public accountant on an annual basis. [Ord. No. 2051 §§ 1, 2, 4, 7-18-2013; R.O. 2010 § 100.080; Ord. No. 385 §§ 1 – 4, 7-10-1975]

ARTICLE II

BUDGET

Section 130.020. Budget Required – Contents – Expenditures Not To Exceed Revenues.

- A. Prior to the commencement of each fiscal year, a budget for the City shall be prepared and the same will be presented to and approved by the City Council.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:
 - 1. A budget message describing the important features of the budget and major changes from the preceding year;
 - 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;
 - 3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;
 - 4. The amount required for the payment of interest, amortization and redemption

charges on the debt of the City; and

5. A general budget summary.
- C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year, provided that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures. **[RSMo. § 67.010]**

Section 130.030. Budget Officer.

- A. The budget shall be prepared under the direction of a Budget Officer. Except as otherwise provided by law or ordinance, the Budget Officer shall be designated by the City Council of the City. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein.
- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the City Council. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget. **[RSMo. § 67.020]**

Section 130.040. City Council May Revise Budget, Limits – Approval.

The City Council may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law, provided that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law, the City Council shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget. **[RSMo. § 67.030]**

Section 130.050. Increase of Expenditure Over Budgeted Amount to be Made Only On Formal Resolution.

After the City has approved the budget for any year and has approved or adopted the orders, motions, resolutions or ordinances required to authorize the expenditures proposed in the budget, the City shall not increase the total amount authorized for expenditure from any fund, unless the City Council adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures. **[RSMo. § 67.040]**

ARTICLE III

LEVY OF TAXES

Section 130.060. City Council To Provide For Levy And Collection Of Taxes – Fix Penalties.

The City Council shall, from time to time, provide by ordinance for the levy and collection of all taxes, licenses, wharfage and other duties not herein enumerated and, for neglect or refusal to pay the same, shall fix such penalties as are now or may hereafter be authorized by law or ordinance. [RSMo. § 94.200]

Section 130.070. Fixing Ad Valorem Property Tax Rates, Procedure.

The City Council shall hold at least one (1) public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The City Council shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one (1) newspaper qualified under the laws of the State of Missouri of general circulation in the County within which all or the largest portion of the City is situated, or such notice shall be posted in at least three (3) public places within the City; except that, in any County of the First Class having a Charter form of government, such notice may be published in a newspaper of general circulation within the City even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven (7) days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the City for the fiscal year for which the tax is to be levied as provided by Subsection (3) of Section 137.245, RSMo., the assessed valuation by category of real, personal and other tangible property in the City for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by Chapter 67, RSMo., and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this Chapter. Following the hearing the City Council shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this Section absolves the City of responsibilities under Section 137.073, RSMo., nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations. (RSMo. § 67.110[2], 2008)

Section 130.080. Assessment – Method Of.

In the absence of a City Assessor, and until such City Assessor is duly appointed and qualified, it shall be the duty of the Mayor of the City to procure from the County Clerk of Pulaski County, Missouri, on or before the first day of October of each year a certified abstract from his/her assessment books of all property within the corporate limits of the City made taxable by law for State purposes and the assessed valuation thereof as agreed upon by the Board of Equalization, which abstract shall be immediately transmitted to the City Council, and it shall be the duty of the City Council to establish by ordinance the rate of taxes for the year. [RSMo. § 94.190]

Section 130.090. Clerk to Prepare Tax Books.

When the City Council shall have fixed the rate of taxation for any given year, it shall be the duty of the City Clerk to cause to be prepared appropriate and accurate tax books and shall therein set out in suitable columns, opposite the name of each person and the item of taxable property, as returned by the Assessor and Board of Equalization, the amount of taxes, whether general or special, due thereon and shall charge the Finance Officer with the full amount of taxes levied and to be collected. [RSMo. § 94.290]

Section 130.100. Taxes Delinquent – When.

- A. On the first day of January of each year, all unpaid City taxes shall become delinquent and the taxes on real estate are hereby made a lien thereon.
- B. Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent (18%) of each year's delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent (2%) per month or fractional part thereof. [RSMo. §§ 94.300, 140.100.1]

1. Cross Reference: As to notice required for public meeting on tax increases, eminent domain, creation of certain districts, and certain redevelopment plans, § 120.045.

ARTICLE IV

CITY SALES TAX

Section 130.110. Opt Out Of State-Imposed Tax Holiday.

- A. The City of Waynesville hereby determines that it will prohibit the provisions of Section 144.049, RSMo., from exempting sales of certain clothing, personal computers, certain computer software and school supplies that occur within the boundaries of said City beginning at 12:01 A.M. on the first Friday in August and ending at 12:00 Midnight on the Sunday following from local sales taxes.
- B. The City Clerk is hereby directed to send written notice to the State of Missouri Department of Revenue as soon as possible, but no later than June 20, 2006, of the decision to opt out of the sales tax holiday by forwarding a cover letter and certified copy of this Section. [R.O. 2010 § 150.010; Ord. No. 1255 §§ 1 – 2, 6-15-2006]

Section 130.120. City Sales Tax.

Pursuant to the authority granted by and subject to the provisions of Sections 94.500 to 94.570, RSMo., a tax for general revenue purposes is hereby imposed upon all sellers in the City of Waynesville, Missouri, for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144.510, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within Waynesville, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.510, RSMo. The tax shall become effective as provided in Subsection 4 of Section 94.510 RSMo., and shall be

collected pursuant to the provisions of Sections 94.500 to 94.570, RSMo. [Ord. No. 395 § 1, 10-23-1975]

Section 130.125. Utilities Tax.

- A. That, pursuant to authority granted by Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 218, 235, 298, 340 and 398 of the First Regular Session of the 80th General Assembly of the State of Missouri, there is hereby imposed a City sales tax on one percent (1%) upon all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal or home heating oil for domestic use within the City of Waynesville, Missouri.
- B. For purposes of this Section, domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the State sales tax under the provisions of Section 144.030, RSMo.
- C. The City sales tax imposed by this Section shall be administered by the Missouri Department of Revenue in the same manner as the presently existing City sales tax.
- D. The City Clerk is directed to provide copies of this Section to all utilities which provide service within the City of Waynesville, Missouri, and to the Director of Revenue of the State of Missouri, but failure of any utility to receive a copy of this Section shall not be considered an excuse or reason for failure to comply with the terms hereof. [R.O. 2010 § 615.270; Ord. No. 485 § 1-4]

Section 130.130. Transportation Tax.

A sales tax in the amount of one-half of one percent (1/2 of 1%) for transportation purposes enumerated in Sections 94.700 to 94.755, RSMo., is hereby imposed in the City of Waynesville, Missouri for a period of 10 years. [Ord. No. 674 § 1, 3-30-1989]

Section 130.140. Local Parks Tax.

- A. Pursuant to the authority contained in Section 644.032, RSMo., the Council hereby imposes a sales tax in an amount of one-quarter of one percent (1/4 of 1%) on all retail sales made in the City of Waynesville which are subject to taxation under the provisions of Sections 144.010 to 144.525, RSMo., to provide funding for local parks.
- B. This sales tax shall be in addition to any and all other sales taxes allowed by law, except that this sales tax shall be effective only if it is approved by majority vote at an election held for this purpose.
- C. That all revenue received by the City of Waynesville from the tax imposed hereby shall be deposited in a special trust fund and shall be used to provide funding for local parks within the City of Waynesville. [Ord. No. 865 §§ 1, 2, 7, 5-16-1996]

Section 130.150. Extension of Transportation Tax.

- A. A sales tax in the amount of one-half of one percent (1/2 of 1%) for transportation purposes, as enumerated in Sections 94.700 to 94.755, RSMo., is hereby imposed in the City of Waynesville, Missouri.

- B. The said sales tax is imposed upon all persons in the City of Waynesville, Missouri, who are engaged in the business of selling tangible personal property and taxable services subject to a sales tax under the provisions of Section 144.010 to 144.510, RSMo., as a tax for the privilege of engaging in such business in the manner and to the extent provided in Section 144.010 to 144.510, RSMo., and the rules and regulations of the Director of Revenue issued pursuant to the said Sections. **[Ord. No. 975 §§ 1 – 4, 3-3-1999]**
2. Editor's Note: See also Section 130.150, which extends this tax.
- C. The City Clerk is directed to forward to the Director of Revenue of the State of Missouri, by United States registered or certified mail, a certified copy of this Section.
- D. This Section shall be in full force and effect from and after its passage and approval, except that the tax imposed by this Section shall be effective from and after September 30, 1999.

Section 130.160. Capital Improvements Tax.

The Council finds it necessary and hereby declares its intent to impose a sales tax of one-half of one percent (1/2 of 1%) on all retail sales made in the City of Waynesville which are subject to taxation under the provisions of Sections 144.010 to 144.525, RSMo., for the purpose of funding capital improvements, including the operation and maintenance of capital improvements for parks, including but not limited to trails, swimming pool and park improvements. **[Ord. No. 1029 § 1, 8-17-2000]**

Section 130.170. Use Tax.

- A. Pursuant to the authority granted by, and subject to, the provision of Sections 144.600 through 144.761, RSMo., a use tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply, with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside of this state until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.
- B. The rate of the tax shall be two and two hundred twenty-five thousandths percent (2.225%). If any City sales tax is repealed or the rate thereof is reduced or raised by voter approval, the City use tax rate also shall be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the City sales tax. **[Ord. No. 2298, 1-18-2018]**

ARTICLE V

PROCUREMENT

Section 130.180. Purchasing Policy – U.S.A. Product.

- A. It is hereby made the official policy of the City of Waynesville that:
 - 1. In the case of any purchase involving the expenditure by the City of Waynesville of one

thousand dollars (\$1,000.00) or more, the officials, officers and employees of the City of Waynesville having responsibility for such purchase shall take all reasonable efforts to select products which are manufactured, assembled or produced in the United States as long as the quality and price therefor are comparable with other available products.

2. In the case of any contract for public works construction or maintenance which involves the expenditure by the City of Waynesville of one thousand dollars (\$1,000.00) or more, the officials, officers and employees of the City of Waynesville having responsibility for negotiation or approval of such contract shall take all reasonable efforts to encourage the contractor to use products which are manufactured, assembled or produced in the United States in the performance of that contract as long as the quality and price for such products are comparable with other available products.

3. By the adoption of this Section, the City of Waynesville intends to comply with the requirements of Subparagraph (5) of Paragraph 3 of Section 3 of Senate Bill No. 784 so that the City of Waynesville will be exempt from the other requirements of said Section 3.

4. The Mayor of the City of Waynesville, or the City Administrator of the City of Waynesville, is authorized and directed, from time to time as applicable, to certify in writing that the City of Waynesville, has, by this Section, adopted a formal written policy to encourage the purchase of products manufactured, assembled or produced in the United States, and all such certificates shall be maintained by the City of Waynesville as a part of its official files for a period of at least three years. [R.O. 2010 § 100.110; Ord. No. 635 §§ 1 – 3, 8-20-1987]

ARTICLE VI

EXPENSE REIMBURSEMENT

Section 130.190. Expense Reimbursement for Certain Officials.

- A. As used in this Section the following words shall have the meaning indicated:

EMPLOYEE – All persons employed by the City of Waynesville, and all elected and appointed officials of the City of Waynesville.

EXPENSES – Only those expenses actually and necessarily incurred by an employee in the performance of the official business of the City of Waynesville.

- B. Each employee shall be entitled to reimbursement for expenses in accordance with the provisions of this Section.
- C. Except in an emergency situation, an employee shall receive permission from his/her supervisor prior to incurring expenses for which that employee expects reimbursement.
- D. An employee who has incurred expenses and seeks reimbursement therefor shall prepare and submit to the City Administrator a voucher of such expenses, on a form provided by the City Administrator, duly certified by the employee as being true and correct.
- E. Unless the City Administrator determines that reasonable cause exists for the delay in submitting a voucher, no expenses shall be reimbursed unless a voucher therefor is

submitted within thirty (30) days following the incurring of the expenses.

- F. The City Administrator shall be responsible for reviewing each voucher which is submitted for reimbursement of expenses, and the City Administrator shall make such investigation as he/she deems reasonable to ascertain that the expenses were properly incurred and that reimbursement therefor is authorized.
- G. Upon a determination that the expenses qualify for reimbursement under the terms of this Section, the City Administrator shall authorize reimbursement therefor, subject to availability of budgeted and unexpended funds.
- H. If the City Administrator determines that expenses which are projected to be incurred by a particular employee are expenses which qualify for reimbursement under the terms of this Section, then the City Administrator may authorize a cash advance for the estimated amount of those expenses if the City Administrator determines that failing to provide the cash advance would pose a financial burden on the particular employee. If a cash advance is made as herein provided, then the employee receiving the cash advance shall submit a voucher of the expenses actually incurred within ten (10) days following the date the expenses were incurred, accompanied by a remittance to the City of the portion, if any, of the cash advance which exceeds the amount of the expenses actually incurred. [R.O. 2010 § 100.120; Ord. No. 834 §§ 1 – 8, 4-20-1995]

ARTICLE VII

ENHANCED ENTERPRISE ZONE

Section 130.200. Enhanced Enterprise Zone.

- A. An enhanced business enterprise will be eligible for the tax abatement provided in Subsection (B) of this Section, if the business enterprise meets the criteria established in Sections 135.950 through 135.973, RSMo., and
 - 1. The enhanced business enterprise locates, makes improvements or expands, within the geographic boundaries of the Pulaski County Enhanced Enterprise Zone, as designated by the State of Missouri (hereinafter referred to as the Zone) after the date of such designation; and
 - a. The business activities within the Zone are properly categorized in one (1) of the following qualifying industries defined in the 1997 Edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget (NAICS). Any NAICS sector, subsector, industry group or industry identified in this Section shall include its corresponding classification in subsequent Federal industry classification systems:
 - 11. Agriculture, Forestry, Fishing and Hunting.
 - 21. Mining
 - 22. Utilities.

- 23. Construction.
- 31 – 33. Manufacturing.
- 42. Wholesale.
- 48 – 49. Transportation and Warehousing.
- 51. Information.
- 52. Finance and Insurance.
- 53. Real Estate, Rental and Leasing.
- 54. Professional, Scientific and Technical Services.
- 55. Management of Companies and Enterprises.
- 56. Administrative and support and Waste Management and Remediation Services.
- 62. Health Care and Social Assistance.
- 71. Arts, Entertainment and Recreation, excluding gaming operations (NAICS 7132).
- 81. Other services (except religious organizations NAICS 8131).

- b. The business activities within the Zone produce value added agricultural products as defined in Section 348.015(14), RSMo.

B. In accordance with Chapter 135, Sections 135.950 through 135.973, RSMo., a business enterprise will be eligible for abatement of taxes on improvements made to real property in an amount ranging from fifty percent (50%) to one hundred percent (100%) for a term of not less than ten (10) years but not more than twenty-five (25) years.

C. Abatement of taxes on improvements made to real property for a business enterprise will be handled as part of an "incentive package" that may be offered to an eligible business based on a set of incentive calculation factors.

- 1. The factors that will be considered in the incentive calculation include:
 - a. Average wages sustained over a five (5) year period from date of operation commencement.
 - b. Amount of investment in plant and equipment.
 - c. Value of the fringe benefit package.
 - d. Jobs created or retained.
 - e. Economic impact on the community and return on the public investment.
 - f. Bonus discretionary factors.
- 2. Points are assigned to each category and then totaled. The total is then matched to an incentive table that will indicate a dollar value for the incentive package. The business in concert with Pulaski County Growth Alliance (PCGA) will then determine the mix of incentives.

3. The assignment of the bonus points will be at the total discretion of Pulaski County Growth Alliance (PCGA).
4. The Pulaski County Growth Alliance (PCGA) will present their recommendation to the Pulaski County Enhanced Enterprise Zone Committee.
5. The Pulaski County Enhanced Enterprise Zone Committee will process the application and forward the application to the appropriate places. [R.O. 2010 § 150.020; Ord. No. 1466 §§ 1 – 3, 1-21-2010]

ARTICLE VIII

ACCEPTABLE PAYMENT METHODS

Section 130.210. Credit Card, Bank Transfer And Debit Card Authorized.

- A. Any Department of the City of Waynesville may accept payment for any City service, utility, tax, fine, permit, fee or cost by credit card, automatic bank transfer or debit card.
- B. That the City of Waynesville may bill and receive monthly utility service payments by ACH. The acceptance of this service shall be requested and acknowledged by the customer by signing an authorization to be generated by the City Clerk which would automatically deduct their monthly bill from their banking account. [Ord. No. 2253, 3-16-2017, Ord. No. 1500 § 1, 9-16-2010]

Section 130.220. Fee.

The Department accepting the credit card, automatic bank transfer or debit card may assess a fee for such payment in the amount of three percent (3%) of the total service, utility, tax, fine, permit, fee or cost to offset the charge for the service by the credit card issuer or charging agency. [Ord. No. 1500 § 2, 9-16-2010]

Section 130.230. Acceptance of Fee.

The acceptance of this fee shall be acknowledged by the customer by signing an authorization to be generated by the City Clerk or credit card/debit card slip, by entering your debit card pin number or by signing up for automatic bank transfer. [Ord. No. 1500 § 3, 9-16-2010]

ARTICLE IX

IDENTITY THEFT PREVENTION PROGRAM

Section 130.240. Adoption Of Identity Theft Prevention Program.

- A. That the City Council of the City of Waynesville has determined that there is a need to

adopt an identity theft prevention program by the City of Waynesville.

- B. That the City of Waynesville hereby adopts the Identity Theft Prevention Program of the City of Waynesville, which is on file in the City offices. [Ord. No. 2227, §§ 1-2 9-15-2016]

ARTICLE X

FUND BALANCE RESERVE POLICY

Section 130.250. Purpose Of Policy.

- A. The purpose of the fund balance reserve policy is to provide guidelines to the City Council and staff for establishing, maintaining and performing an annual review of the minimum and target fund balance reserves.
- B. A minimum fund reserve policy is generally considered a prudent and conservative fiscal policy to deal with unforeseen situations and long-term financial planning. Some examples of unforeseen situations include, but are not limited to:
 - 1. Unfunded Federal/State or other mandates.
 - 2. Economic downturn.
 - 3. Revenue shortfall.
 - 4. Natural disaster.
- C. Credit rating agencies continually monitor the levels of unassigned fund balance in a government's General Fund when evaluating the government's creditworthiness and assigning a credit rating to a government's debt issuance. [Ord. No. 2302, 2-15-2018]

Section 130.260. Policy.

- A. It shall be the policy of the City of Waynesville to:
 - 1. Maintain Reserves in City funds for a normal operating budget for a three-month period. This excludes major expenditures such as grants or capital expenses. Should unforeseen circumstances result in a reserve fund balance less than these percentages, the City will bring the fund balance back to the required level of reserve as quickly as possible. This level of reserve funding reasonable protects the City.
 - 2. This policy will be reviewed annually.
- B. Staff shall ensure that the provisions of this policy are effectively implemented. If it is determined that there is a conflict between this policy and other more specific governing policies involving the operating or capital improvement budgets, this shall be brought to the attention of the City Administrator and the Finance Director who will determine the appropriate course of action. [Ord. No. 2302, 2-15-2018]

ARTICLE XI

DEBT MANAGEMENT POLICY

Section 130.270. Purpose.

One of the keys to sound financial management is the development of a debt policy. This need is recognized by bond rating agencies, and development of a debt policy is a recommended practice by the Government Finance Officers Association. A debt policy establishes the parameters for issuing debt and managing the debt portfolio. It provides guidance to the administration regarding purposes for which debt may be issued, types and amounts of permissible debt and method of sale that may be used. The following debt policy is intended to demonstrate a commitment to long-term financial planning. It will be used in conjunction with the Capital Improvement Plan for the City of Waynesville. Adherence to this policy will help assure maintenance of the City's positive A credit ratings. [Ord. No. 2303, 2-15-2018]

Section 130.280. Guidelines for Debt Issuance.

- A. The City will prepare and update annually a five-year Capital Improvement Plan (CIP) to be approved by City Council. The CIP will be developed with an analysis of the City's infrastructure and other capital needs, and the financial impact of the debt service required to meet the recommended financing plan. The City will strive to fund at least ten percent (10%) of the CIP projects' aggregate cost on a cash basis.
- B. Each project proposed for financing through debt issuance will have an analysis performed for review of tax impact and future operating costs associated with the project and related debt issuance costs.
- C. All proceeds from debt issuance for the City shall be appropriated by City Council.
- D. Proceeds from the issuance of debt shall be monitored by the City Administrator and Finance Officer with regard to arbitrage. Compliance with all applicable Federal tax requirements shall be made. The City will coordinate with its investment managers with regard to expected project funds payout so as to maximize investment earnings in light of Federal arbitrage requirements.
- E. Long-term debt will be issued to purchase or construct capital improvements or equipment with a minimum expected life of five (5) years. The City will not use longterm borrowing to finance annual operating needs. The term of any bond issue will not exceed the useful life of the capital project/facility or equipment for which the borrowing is intended.
- F. The City will attempt to avoid short-term debt to provide cash flow for annual operations. Debt issued for operating purposes will be limited to cases where there is reasonable certainty that a known source of revenue will be received in the current fiscal year sufficient to repay the debt or where there is a clear financial emergency.
- G. The City will comply with all applicable United States Internal Revenue Service and United States Treasury arbitrage requirements for bonded indebtedness in order to preserve the tax-exempt status of such bonds.

- H. Bond issues should be planned to minimize the frequency of issuance, thereby ensuring the lowest possible costs of issuance. When determining the size of a bond issue, consideration should be given to the need for construction, debt service and capitalized interest funds. Construction fund draw schedules shall be prepared, and projection of conservative earning on unspent bond funds should be made in conjunction with planning of the City's Capital Improvement Plan.
- I. The decision to use bond proceeds to pay interest during construction for revenue-producing projects shall be made on a case-by-case basis and shall be based on an evaluation of the opportunity cost of funds and the availability of other sources of funds to pay interest costs.
- J. General obligation bonds will be amortized on a level principal basis to the extent practical, and revenue bonds will be amortized on a level debt service basis to the extent practical considering the forecasted available pledged revenues. [Ord. No. 2303, 2-15-2018]

Section 130.290. Underwriter Selection.

- A. *City Management.* The City Administrator and Finance Officer shall serve as senior manager(s) for any proposed negotiated sale.
- B. *Underwriter's Counsel.* In any negotiated sale of City debt in which legal counsel is required to represent the underwriter, the appointment will be made by the City Administrator with final approval from the City Council.
- C. *Underwriter's Discount.* The City will evaluate the proposed underwriter's discount against comparable issues in the market. If there are multiple underwriters in the transaction, the City will determine the allocation of underwriting liability and management fees, if any. The allocation of fees will be determined prior to the sale date; a cap on management fees, expenses and underwriter's counsel fee will be established and communicated to all parties by the City.
- D. *Evaluation of Underwriter Performance.* The City will evaluate each bond sale after completion to assess the following: costs of issuance, including underwriters' compensation, pricing of the bonds in terms of the overall interest cost and on a maturity-by-maturity basis, and the distribution of bonds and sales credits. [Ord. No. 2303, 2-15-2018]

Section 130.300. Limitations On Level Of Debt To Be Issued And Outstanding.

- A. Constitutional And Statutory Limitations.
 - 1. The City of Waynesville shall abide by the legal debt limits as established by the State of Missouri.
 - 2. The Public Finance Act and City ordinance also establish other limits as to the amounts and types of debt the City may issue. [Ord. No. 2303, 2-15-2018]

Section 130.310. Types of Debt Issuance.

- A. The City may issue general obligation debt for capital or other properly approved projects.
- B. The City Administrator and the Finance Officer shall approve any application to the State of Missouri for such debt. City Council shall approve the issuance of the bonds as required by the Public Finance Act.
- C. The City may issue revenue bonds to fund proprietary activities such as water and water pollution control utilities, or for other capital projects that generate adequate revenues from user fees to support operations and debt service requirements. The bonds will include written legal covenants which require that revenue sources are adequate to fund annual operating expenses and annual debt service requirements.
- D. Capital leases may be used to purchase buildings, equipment, furniture and fixtures. The term of any capital lease shall not exceed the useful life of the asset leased. Revenue bonds may be issued by the City or other entity that are secured by a City capital lease.
- E. Short-term borrowing may be utilized for interim financing or for other purposes as described below. The City will determine and utilize the least costly method for shortterm borrowing subject to the following policies:
 - 1. Lines of credit shall be considered as an alternative to other short-term borrowing options.
 - 2. Other short-term debt may be used when such instruments provide an interest rate advantage or as interim financing.
- F. Lease financing and master lease obligations, including lease revenue bonds, may be considered as alternative financing structures. **[Ord. No. 2303, 2-15-2018]**

Section 130.320. Refunding of Debt.

- A. The City will refund debt when it is in the best financial interest of the City to do so.
 - 1. *Debt Service Savings.* When a refunding is undertaken to generate interest rate cost savings, the minimum aggregate present value savings will be two percent (2%) of the refunded bond principal amount and may consider refunding with less than two percent (2%) savings, if deemed appropriate. The present value savings will be net of all costs related to the financing.
 - 2. *Restructuring.* Refundings for restructuring purposes will be limited to restructuring to alleviate debt service during difficult budgetary years, achieve cost savings, mitigate irregular debt service payments, release reserve funds or remove unduly restrictive bond covenants.
 - 3. *Term of Refunding Issues.* The City will refund bonds within the term of the originally issued debt. However, the City may consider maturity extension when necessary to achieve a desired outcome, provided that such extension is legally permissible. The City also may consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of intergenerational equity should guide this decision.
 - 4. *Escrow Structuring.* The City shall utilize the least costly securities available in

structuring refunding escrows. A certificate will be provided by a third-party agent stating that the securities were procured through an arms-length, competitive bid process (in the case of open market securities), and that the price paid for the securities was reasonable within Federal guidelines. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the City from its own account.

5. *Arbitrage.* The City shall take all necessary steps to optimize escrows and to avoid negative arbitrage in its refundings. Any resulting positive arbitrage will be rebated as necessary according to Federal guidelines. [Ord. No. 2303, 2-15-2018]

Section 130.330. Disclosure and Communication.

- A. The debt ratios outlined above will be computed annually and reported to the Finance and Human Resources Committee.
- B. The City will maintain communication with bond rating agencies to keep them abreast of its financial condition by providing them the City's Comprehensive Annual Financial Report, annual budget, and Capital Improvement Program.
- C. The City will comply with all of its undertakings in accordance with Securities and Exchange Commission Rule 15c2-21.

Section 130.340. Debt Service Fund Balance.

If required by the financing transaction, the fund balance of the debt service fund shall be reserved for the future payment of annual principal and interest payments, which includes general obligation bonds of the City. [Ord. No. 2303, 2-15-2018]

CHAPTER 135

PERSONNEL REGULATIONS

Article I – Personnel Manual

135.010 Personnel Regulations

Article II – Additional Personnel Regulations

135.020 Social Security

135.030 Worker's Compensation

135.040 RESERVED

135.050 Local Government Employees' Retirement System

135.060 Criminal Background Checks

135.070 Grievance Procedures for City Employees

ARTICLE I

PERSONNEL MANUAL

Section 135.010. Personnel Regulations.

- A. The City Council hereby accepts and adopts the Personnel Manual. The said Personnel Manual was recommended to the City Council by the City Administrator pursuant to the mandate contained in Ordinance No. 326. Copies, which are on file in the office of the City Clerk, are made a part hereof by reference as fully as if set forth herein.
- B. The provisions of the said Personnel Manual shall be applicable to all present and future employees of the City, except that the said Personnel Manual shall be applicable to the employees of the Park Board only upon adoption of the said Personnel Manual by the Park Board.

Section 135.020. Social Security.

- A. It is hereby declared to be the policy and purpose of this City of Waynesville, Missouri, to extend, at the earliest date, to all eligible employees and officials of said City who are not excluded by law or by this Chapter, and whether employed in connection with governmental or proprietary function of said City, the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Social Security Act Amendment of 1950, and by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri and amendments thereof, as the same may be now and hereafter in effect.
- B. The Mayor and City Clerk of the City of Waynesville, Missouri, are hereby authorized and directed, on behalf of this City, to prepare, execute and submit to the Division of Budget and Comptroller of the State of Missouri, as State Agency of the State of Missouri, a plan and agreement for extending said benefits to said eligible employees and officials of the City of Waynesville, Missouri, in the form prepared by the State Agency and hereby approved and adopted by the City Council of this City, which plan and agreement are to become effective upon approval thereof by the State Agency, and are further authorized and directed to execute agreements and modifications and amendments thereof with said State Agency, providing for the extension of said benefits to said employees and officials as set forth in said plan and agreement, as provided for in Subsection (A) hereof, said plan and agreement to provide that said extension of benefits is to be effective on January 1, 1954.
- C. Commencing on the first day of the month following the date of approval of the plan and agreement of this City by the State Agency, there shall be deducted from the wages of all employees and officials of the City of Waynesville, Missouri, to whom the benefits of said system of Federal Old-Age and Survivors Insurance are extended, by virtue of the plan and agreement hereinbefore provided for, the amount of each of said employees' and officials' contributions, as determined by said plan and agreement, the aggregate amount of said deductions to be paid into the Contributions Fund created by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri; provided, however, that from the first payment of wages made to each of said employees and officials after the benefits of said system have been extended to such employees and officials, there shall be deducted a sum equal to the amount which would have been due and payable from each of said employees and officials had said extension of benefits been provided and effective on January 1, 1954.

- D. Commencing on the first day of the month following the date of approval of the plan and agreement of this City by the State Agency, there is hereby authorized to be appropriated from the General Revenue Fund of the City of Waynesville, Missouri, and there is, and shall be, appropriated, the sum or sums of money necessary to pay the contributions of the City of Waynesville, Missouri, which shall be due and payable by virtue of the extension of the benefits of the Federal Old-Age and Survivors Insurance System to the eligible employees and officials of said City, said sum or sums of money to be paid into the Contributions Fund created by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri; provided, however, that in making the first payment to said Contributions Fund, after the benefits of said system have been extended to such employees and officials, said first payment shall include a sum equal to the amount which would have been due and payable had said extension of benefits been provided and effective on January 1, 1954. The fund from which said appropriation is made will, at all times, be sufficient to pay the contributions of the City by this Subsection directed to be paid to said Contributions Fund.
- E. The City of Waynesville, Missouri, from and after the date of approval of the plan and agreement of this City by the State Agency, shall fully comply with, and shall keep such records, make such reports and provide such methods of administration of said plan and agreement as may be required by all applicable State and Federal laws, rules and regulations, now and hereafter in effect with respect to the extension of the benefits of the Federal Old-Age and Survivors Insurance System to the employees and officials of this City. For the purpose of administering said plan and agreement the City Clerk of this City shall be the official who shall make all required reports, keep all records, and be responsible for the administration of said plan and agreement on behalf of this City, and any and all notices and communications from the State Agency to this City with respect to said plan and agreement shall be addressed to "City Clerk, Waynesville, Missouri." [R.O. 2010 § 100.020; Ord. No. 132 § 1]

Section 135.030. Workers' Compensation.

- A. The City of Waynesville, Missouri, does hereby give notice of its election to accept and bring itself within the provisions of the workers' compensation laws of the State of Missouri pursuant to and in accordance with Section 287.090, RSMo.
- B. The City of Waynesville, Missouri, does hereby authorize the filing of the Exempted Employers Acceptance Act form and the Exempted Employers Acceptance of the Occupational Disease form.
- C. The City Council of the City of Waynesville, Missouri, does hereby authorize and direct the Mayor and the City Clerk of the City of Waynesville, Missouri, to enter into and execute on the behalf of the said City the purchase of a policy of insurance covering the employees of said City under the workers' compensation laws of the State of Missouri. (The said policy of insurance and the cost thereof being explained to the City Council by an authorized insurance agent, and the said City Council approving said purchase.) [R.O. 2010 § 100.030; Ord. No. 133 § 1-3]

Section 135.040. RESERVED

Section 135.050. Local Government Employees' Retirement System.

- A. The City of Waynesville, Missouri, is a political subdivision, as defined in Sections

70.600 through 70.760, RSMo., and hereby elects to have covered by the Missouri Local Government Employees' Retirement System all its eligible employees with one thousand five hundred (1,500) or more hours of annual employment.

- B. Present and future general employees (neither "policemen" nor "firemen" as defined by Section 70.600, RSMo.). Present and future policemen (neither "general" nor "firemen" as defined by Section 70.600, RSMo.).
- C. The Council hereby elects that one hundred percent (100%) of prior employment be considered for service credit in computing benefits and contributions to the system, and to require no contributions from covered employees; and the Council further elects to have the "final average salary" of its employee members determined over a thirty-six consecutive-month period.
- D. The Finance Officer is hereby authorized and directed to promptly remit the employer contributions required by Sections 70.705 and 70.730, RSMo., to the retirement system.
- E. To adopt no change in the benefit program of member employees, keeping member Employees' option of retirement upon attaining minimum service retirement age in accordance with Sections 70.600, 70.645 and 70.646, RSMo.
- F. An employer under the Missouri Local Government Employees Retirement System hereby elects to refund any and all accumulated member contributions resulting from employment with the City of Waynesville, Missouri, in accordance with the provisions of Section 70.707, RSMo. The City Clerk shall certify this election to the Missouri Local Government Employees' Retirement System within ten (10) days hereof. Such election shall be effective on the first day of January, 2014. [R.O. 2010 § 100.100; Ord. No. 596; Ord. No. 844B §§ 1 – 4, 6-15-1995; Ord. No. 918, 5-15-1997; Ord. No. 1014 §§ 1 – 5, 5-25-2000; Ord. No. 1074 §§ 1 – 5, 6-20-2002; Ord. No. 1323 §§ 1 – 5, 10-18-2007; Ord. No. 1445 §§ 1 – 5, 10-15-2009; Ord. No. 2042 §§ 1 – 5, 5-16-2013]

Section 135.060. Criminal Background Checks.

- A. The City Council of the City of Waynesville, Missouri, believes it is in the best interest of the City to implement a mandatory criminal background check for all City of Waynesville employees.
- B. This Section is enacted pursuant to Chapter 43, Section 43.535, RSMo., to regulate the employment of those engaged in the functions of a municipality. This Section is only applicable to persons offered employment by the City of Waynesville and does not apply to those merely interviewing for employment. Further, a person's status as a City employee is conditional until the results from the background check are reviewed and approved by the Mayor and City Administrator.
- C. An applicant, employee, or volunteer seeking to engage in the functions of a municipality shall submit two (2) sets of his/her fingerprints taken by the Waynesville Police Department or Pulaski County Sheriff's Department to the City Clerk. The background check shall be completed and transmitted without any fee to the applicant, employee or volunteer seeking employment with the City of Waynesville.
- D. Upon receipt of the fingerprints, the City Clerk will transmit both sets of fingerprints and appropriate fees to the Missouri State Highway Patrol, CJIS Division. The Missouri State Highway Patrol, CJIS Division will compare the subject's fingerprints against its criminal file and if no disqualifying conduct is found therein, submit the fingerprints to

the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the appropriate State agency or bureau, which will disseminate the state and national results to the Waynesville City Clerk.

- E. The Mayor and City Administrator shall render a suitability determination of the employee based upon the results of the criminal background check and communicates its suitability determination to the Waynesville City Council.
- F. In rendering a suitability determination, the Mayor and City Administrator will consider whether the record subject has been convicted of, or is under pending indictment for a crime which bears upon his/her ability or fitness to serve in a particular position as a City employee, any felony or misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense, or other factors which would bear on the suitability of a particular employee for a particular City position. G. A certified copy of this Section shall be provided to the Missouri State Highway Patrol, CJIS Division, 1510 East Elm Street, Jefferson City, Missouri 65102 upon its acceptance and passage by the City Council.
- H. All officials and employees of the City of Waynesville are authorized and directed to take all reasonable steps which are required or helpful to cause the City to comply with the terms of this Section. [Ord. No. 1544 §§ 1 – 8, 5-19-2011]

SECTION 135.070: GRIEVANCE PROCEDURES FOR CITY EMPLOYEES

- A. As used herein the following words or terms shall have the meaning indicated:
 - CITY: Shall refer to the City of Waynesville, Missouri.
 - CITY ADMINISTRATOR: Refers to the person then holding that position or if that position is vacant then it shall refer to the Mayor of the City.
 - CITY EMPLOYEE(S): Includes all employees of the City, excluding those who hold office as a result of election by the voters, and all references herein to gender shall include both male and female employees.
- B. Any City employee who is suspended, demoted or discharged shall have the right to a hearing before a Human Resources Committee, if (but only if) the City employee gives to the City Clerk within five (5) days of the date the City employee is notified of his/her suspension, demotion or discharge a written request for such hearing. This written request shall include at least the following information:
 - 1. The name, mailing address and telephone number of the City employee giving the request;
 - 2. The nature of the action which has prompted this request;
 - 3. The date on which the City employee was notified of his suspension, demotion or discharge;
- C. Immediately upon receipt of the request referred to in Subsection (B) hereof, the City Clerk shall note the date of receipt of this request and the City Clerk shall immediately forward a copy of this request to the Mayor and City Administrator.
- d. The City Administrator shall, within five (5) days after receipt of the items referred to in Subsection (C) hereof, call a meeting of the Human Resources Committee by giving to the

members thereof a written notice specifying the date, time and place of such meeting. A copy of this notification of the date, time and place of the hearing shall also be promptly delivered by the City Administrator to the City Clerk, who shall promptly cause copies thereof to be sent to the City employee who requested the hearing and to the Mayor.

- G. The hearing by the Human Resources Committee shall be conducted as quickly as possible and shall be held at the City Hall or at such other location within the City as is selected by the members of the Human Resources Committee.
- H. A majority of the members of the Human Resources Committee shall constitute a quorum. All action taken by the Human Resources Committee shall require the assent of at least two (2) members of the Committee.
- I. The City Administrator shall attend the hearing held by the Human Resources Committee, and the City employee who requested the hearing shall be entitled to attend the hearing in person and with counsel, except that counsel for the City employee shall be entitled to participate in the hearing on behalf of his client only if counsel has furnished, at least twenty-four (24) hours prior to the date of the hearing, a written notification that he intends to so participate. This notification shall be furnished to each member of the Human Resources Committee and to the City Administrator, City Attorney, City Clerk and Mayor.
- J. The City Administrator shall bring to the hearing a complete copy of the personnel file of the City employee who requested the hearing and shall make the same available to the Human Resources Committee and to the City employee who requested the hearing.
- K. The Human Resources Committee shall determine the procedure to be followed in conducting the hearing but both the City Administrator and the City employee who requested the hearing shall be entitled to be heard concerning the action which prompted the request.
- L. The hearing by the Human Resources Committee shall be a closed meeting unless both the City Administrator and the City employee who requested the hearing make a written request to the Chairman that the hearing be open to the public.
- M. Within five (5) days after the completion of the hearing the Human Resources Committee shall make a written report specifying its findings, based only on the information furnished to it at the hearing, concerning the action which prompted the request for the hearing and including the Committee's conclusion that (1) the suspension, demotion or discharge of the City employee is justified or (2) the suspension, demotion or discharge of the City employee is not justified and should be either rescinded or modified. This report shall be signed by all members of the Human Resources Committee who assent to it and it shall be delivered by the Chairman to the City Clerk, who shall immediately cause a copy thereof to be placed in the permanent personnel file of the City employee who requested the hearing, and the City Clerk shall also promptly cause a copy of the report to be furnished to that City employee and to the City Administrator.
- N. The grievance procedure specified in this Section shall be in addition to other grievance procedures provided for in other ordinances of the City.
- O. If any City employee requests that the City Council review his/her suspension, demotion or discharge then a copy of the report of the Human Resources Committee (if a hearing before that Committee was requested by that City employee) shall be furnished by the City Clerk to all members of the City Council and to the Mayor. [Ord. No. 621 §§1-15, 10-16-86]

CHAPTER 145

MEMORIAL PARK CEMETERY

Contents of this Chapter are not included in this amendment since the only change to the Chapter is the Chapter number.

CHAPTER 150

CITY PARK

Contents of this Chapter are not included in this amendment since the only change to the Chapter is the Chapter number.