

# **TITLE I. GOVERNMENT CODE**

## **CHAPTER 100: GENERAL PROVISIONS**

### **ARTICLE I. CITY INCORPORATION AND SEAL**

#### **SECTION 100.010: MUNICIPAL INCORPORATION**

The inhabitants of the City of Huntleigh, as its limits now are or may hereafter be defined by law, shall be and continue a body corporate by the name of "The City of Huntleigh" and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatever; may receive and hold property, both real and personal, within such City and may purchase, receive and hold real estate within or without such City for the burial of the dead; and may purchase, hold, lease, sell or otherwise dispose of any property, real or personal, it now owns or may hereafter acquire; may receive bequests, gifts and donations of all kinds of property; and may have and hold one (1) common Seal and may break, change or alter the same at pleasure; and may do any act, exercise any power and render any service which contributes to the general welfare, and all courts of this State shall take judicial notice thereof. (RSMo. §79.010)

#### **SECTION 100.020: CITY SEAL**

- A. The Seal of the City of Huntleigh shall be of metal, of circular shape and containing the words "City of Huntleigh", "Missouri" and "Seal". Said seal shall be kept in the custody of the City Clerk.
- B. The City Clerk shall be the keeper of the common Seal of the City of Huntleigh, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City. (CC 1955 §402.1)

### **ARTICLE II. GENERAL CODE PROVISIONS**

#### **SECTION 100.030: CONTENTS OF CODE**

This Code contains all ordinances of a general and permanent nature of the City of Huntleigh, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order and similar objects.

#### **SECTION 100.040: CITATION OF CODE**

This Code may be known and cited as the "Municipal Code of the City of Huntleigh, Missouri".

**SECTION 100.050: OFFICIAL COPY OF CODE**

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption, shall be kept on file in the office of the City Clerk. Two (2) additional copies of this Code shall be kept in the City Clerk's office available for public inspection.

**SECTION 100.060: ALTERING OR AMENDING CODE**

- A. It shall be unlawful for any person 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 such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

**SECTION 100.070: NUMBERING OF CODE**

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of three (3) digits.

**SECTION 100.080: DEFINITIONS AND RULES OF CONSTRUCTION**

- A. In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

*BOARD OF ALDERMEN:* The Board of Aldermen of the City of Huntleigh, Missouri.

*CITY:* The words "*the City*" or "*this City*" or "*City*" shall mean the City of Huntleigh, Missouri.

*COUNTY:* The words "*the County*" or "*this County*" or "*County*" shall mean the County of St. Louis, Missouri.

*DAY:* A day of twenty-four (24) hours beginning at 12:00 Midnight.

*MAY:* Is permissive.

*MAYOR:* An officer of the City known as the Mayor of the Board of Aldermen of the City of Huntleigh, Missouri.

*MONTH:* A calendar month.

*OATH*: Includes an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

*OWNER*: The word "*owner*", as applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

*PERSON*: May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

*PERSONAL PROPERTY*: Includes money, goods, chattels, things in action and evidences of debt.

*PRECEDING, FOLLOWING*: When used by way of reference to any Section of this Code, shall mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

*PROPERTY*: Includes real and personal property.

*PUBLIC WAY*: Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

*REAL PROPERTY*: The terms "*real property*", "*premises*", "*real estate*" or "*lands*" shall be deemed to be co-extensive with lands, tenements and hereditaments.

*SHALL*: Is mandatory.

*SIDEWALK*: That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

*STATE*: The words "*the State*" or "*this State*" or "*State*" shall mean the State of Missouri.

*STREET*: Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

*TENANT, OCCUPANT*: The words "*tenant*" or "*occupant*", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*WRITING, WRITTEN, IN WRITING AND WRITING WORD FOR WORD*: Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

*YEAR*: A calendar year, unless otherwise expressed, and the word "*year*" shall be equivalent to the words "*year of our Lord*".

- B. *Newspaper*. Whenever in this Code or other ordinance of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City", and if there is no newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained. (RSMo. §1.020)

**SECTION 100.090: WORDS AND PHRASES—HOW CONSTRUED**

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import. (RSMo. §1.090)

**SECTION 100.100: HEADINGS**

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

**SECTION 100.110: CONTINUATION OF PRIOR ORDINANCES**

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

**SECTION 100.120: EFFECT OF REPEAL OF ORDINANCE**

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except that all such proceedings shall be conducted according to existing procedural laws. (RSMo. §1.160, 2005)

**SECTION 100.130: REPEALING ORDINANCE REPEALED—FORMER ORDINANCE NOT REVIVED—WHEN**

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided. (RSMo. §1.150)

**SECTION 100.140: SEVERABILITY**

It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section or Chapter of this Code shall be declared unconstitutional or otherwise 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, Sections and Chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

**SECTION 100.150: TENSE**

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition.

**SECTION 100.160: NOTICE**

Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:

- .1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
- .2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
- .3. If the person to be served is unknown or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

**SECTION 100.170: NOTICE—EXCEPTIONS**

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

**SECTION 100.180: COMPUTATION OF TIME**

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**SECTION 100.190: GENDER**

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included. (RSMo. §1.030.2)

**SECTION 100.200: JOINT AUTHORITY**

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority. (RSMo. §1.050)

**SECTION 100.210: NUMBER**

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

**ARTICLE III. PENALTY****SECTION 100.220: GENERAL PENALTY**

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the City or County Jail not exceeding three (3) months, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.
- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited. (RSMo. §§79.470, 546.902)

**ARTICLE IV. BOUNDARIES****SECTION 100.230: BOUNDARIES**

The boundaries of the City as now constituted are as follows:

As considered, ordered, adjudged and decreed by the County Court of St. Louis County, State of Missouri, on the twenty-first (21st) day of June, 1929, at the May term, 1929, of said Court:

"A tract of land in Section 25, Township 45 north, Range 5 east, St. Louis County, Missouri, and described as follows:

"Beginning at a point in the south line of Section 25, distant 170 feet east of the southwest corner of said Section, thence eastwardly along the line dividing Sections 25 and 36 to the corner common to the east half and west half of the southeast quarter of said Section, thence northwardly along the line dividing the east half and west half of the southeast quarter of said Section of the line dividing the east half and west half of the northeast quarter of said Section to the north line of said Section 25, thence westwardly along the north line of said Section to a point distant 170 feet east of the northwest corner of said Section, thence southwardly along a line parallel to and distant (170) feet east of the west line of Section 25 to the point of beginning."

As considered, ordered, adjudged, declared and decreed by the County Court of St. Louis County, State of Missouri, on the tenth (10th) day of January, 1938, at the November term, 1937, of said Court:

"A tract of land in Section 25, Township 45 north, Range 5 east, St. Louis County, Missouri, beginning at a point distant 40 feet east of the centerline of Geyer Road, which centerline is coincident with the west line of said Section 25, said point beginning in the south line of said Section, thence northwardly along a line parallel to and distant 40 feet east of the centerline of Geyer Road and continuing northwardly along said line parallel to and distant 40 feet east of the west line of said Section 25 to the north line of said Section, thence eastwardly along said north line to a point distant 170 feet east of the northwest corner of said Section 25, which point is the northwest corner of Huntleigh Village as originally incorporated, thence southwardly along the west line of Huntleigh Village as originally incorporated, which line is parallel to and distant 170 feet east of the west line of said Section 25 and parallel to and distant 170 feet east of the centerline of Geyer Road, to the southwest corner of the Village of Huntleigh as originally incorporated, said point being in the south line of said Section 25 and distant 170 feet east of the centerline of Geyer Road, to the southwest corner of the Village Of Huntleigh as originally incorporated, said point being in the south line of said Section 25 and distant 170 feet east of the centerline of Geyer Road, thence westwardly along the line dividing Sections 25 and 36 to the point of beginning."

As considered, ordered, adjudged, declared and decreed by the County Court of St. Louis County, State of Missouri, on the twenty-first (21st) day of November, 1947, at the November term, 1947, of said Court:

"A tract of land in Section 24, Township 45 north, Range 5 east, St. Louis County, Missouri, described as follows:

"Beginning at the southwest corner of said Section 24, thence eastwardly along the south line of said Section 24, being also the north line of Section 25, a distance of 40 feet to the northwest corner of Huntleigh Village as extended by order of the County Court on January 10, 1938, thence continuing eastwardly along said south line of said Section 24 and north line of Huntleigh Village as originally incorporated to the west line of Lindbergh Boulevard, State Highway 77, thence northwardly along the west line of Lindbergh Boulevard to a point 1587.46 feet north of the south line of said Section 24 (being a point in the south line of property acquired by the Order of St. Joseph Academy), thence north 89 degrees 13 minutes west 466.68 feet to a point, thence north 3 degrees 58 minutes 220 feet to a point, thence north 85 degrees west 289.69 feet to a point, thence north 78 degrees west 220.0 feet to a point, thence south 85 degrees west 210.0 feet to a point, thence south 79 degrees 45 minutes west 332.0 feet to a point, thence north 89 degrees, 32½ minutes west 107.65 feet to a point, being the southwest corner of said Academy tract, thence north 0 degrees, 47 minutes east along the west line of

said Academy tract 738.10 feet, more or less, to a point 150 feet south of the centerline of said Section 24, thence westwardly along a line 150 feet south of and parallel to said centerline to the west line of said Section 24, thence southwardly along the west line of said Section 24 to the point of beginning." (CC 1955 §402.2)



## **CHAPTER 105: ELECTIONS**

### **ARTICLE I. GENERALLY**

#### **SECTION 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.

#### **SECTION 105.020: DATE OF MUNICIPAL ELECTION**

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Huntleigh shall be held for the purpose of electing a Mayor who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Huntleigh shall be held for the purpose of electing one (1) Alderman 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 (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Huntleigh shall be held for the purpose of electing one (1) Alderman 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.
- E. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Huntleigh shall be held for the purpose of electing a Collector and a Marshal who shall hold their offices for a term of two (2) years and until their successors are elected and qualified. (Ord. No. 159 §1, 8-25-97; RSMo. §79.050)

#### **SECTION 105.030: DECLARATION OF CANDIDACY—DATES FOR FILING**

Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M. on the sixteenth (16th) Tuesday prior to nor later than 5:00 P.M. on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order. (RSMo. §115.127.5)

**SECTION 105.035: CANDIDATES FOR MUNICIPAL OFFICE—NO ARREARAGE FOR MUNICIPAL TAXES OR USER FEES PERMITTED**

No person shall be a candidate for municipal office unless such person complies with the provisions of Section 115.346, RSMo., regarding payment of municipal taxes or user fees. (RSMo. §71.005)

*Editor's Note—As to arrearage or delinquency in all taxes, see §115.342, RSMo.*

**SECTION 105.040: DECLARATION OF CANDIDACY—NOTICE TO PUBLIC**

The City Clerk shall, on or before the sixteenth (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)

**SECTION 105.050: DECLARATION OF CANDIDACY—FORM**

The form of said written declaration of candidacy shall be substantially as follows:

STATEMENT OF CANDIDACY

STATE OF MISSOURI        )  
  ) SS  
COUNTY OF ST. LOUIS        )

I, \_\_\_\_\_, being first duly sworn, state that I reside at \_\_\_\_\_, City of Huntleigh, County of St. Louis, Missouri; that I am a qualified voter; that I do hereby declare myself a candidate for the office of \_\_\_\_\_ to be voted upon at the municipal election to be held on the first (1st) Tuesday after the first (1st) Monday in April, \_\_\_\_\_, and I meet all the qualifications required of a candidate for said office, and I hereby request that my name be printed upon the official ballot for said election for said office and state that I will serve as such officer, if elected.

Signed:

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
City Clerk  
City of Huntleigh

(S E A L)

**SECTION 105.060: NOTICE OF ELECTIONS**

In City elections, the City Clerk shall notify the County Board of Election Commissioners prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City election except as noted in Section

115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Aldermen 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 this Section 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 tenth (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)

## **ARTICLE II. WARDS**

### **SECTION 105.070: WARD BOUNDARIES**

A. As required by Section 79.060, RSMo., the City of Huntleigh, Missouri, shall be and the same is hereby divided into two (2) wards to be known and designated, respectively, as the "First Ward" and the "Second Ward".

B. The First Ward of the City of Huntleigh, Missouri, shall include the following territory:

All of the territory in the City of Huntleigh, Missouri, which lies east of Lindbergh Boulevard.

C. The Second Ward of the City of Huntleigh, Missouri, shall include the following territory:

All of the territory in the City of Huntleigh, Missouri, which lies west of Lindbergh Boulevard.

(Ord. No. 1 §§1–3, 10-30-58)



## **CHAPTER 110: MAYOR AND BOARD OF ALDERMEN**

### **ARTICLE I. MAYOR AND BOARD OF ALDERMEN—GENERALLY**

#### **SECTION 110.010: ALDERMEN—QUALIFICATIONS**

No person shall be an Alderman unless he/she be at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the ward from which he/she is elected. (RSMo. §79.070)

#### **SECTION 110.020: MAYOR—QUALIFICATIONS**

No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election. (RSMo. §79.080)

#### **SECTION 110.030: BOARD TO SELECT AN ACTING PRESIDENT—TERM**

The Board shall elect one (1) of their own number who shall be styled "*Acting President of the Board of Aldermen*" and who shall serve for a term of one (1) year. (RSMo. §79.090)

#### **SECTION 110.040: ACTING PRESIDENT TO PERFORM DUTIES OF MAYOR—WHEN**

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed or, in case of temporary absence, until the Mayor's return. (RSMo. §79.100)

#### **SECTION 110.050: MAYOR AND BOARD—DUTIES**

The Mayor and Board of Aldermen of each City governed by this Chapter 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. §79.110)

#### **SECTION 110.060: MAYOR MAY SIT IN BOARD**

The Mayor shall have a seat in and preside over the Board of Aldermen but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested

party. He/she shall exercise a general supervision over 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. §79.120)

#### **SECTION 110.070: ORDINANCES—PROCEDURE TO ENACT**

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Huntleigh, 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 Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen 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 Board of Aldermen. 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 Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided. (RSMo. §79.130)

#### **SECTION 110.080: BILLS MUST BE SIGNED—MAYOR'S VETO**

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal 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 vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds ( $\frac{2}{3}$ ) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer 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 Board of Aldermen; 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 Board of Aldermen, the same shall become a law without his/her signature. (RSMo. §79.140)

#### **SECTION 110.090: BOARD TO KEEP JOURNAL OF PROCEEDINGS**

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business. (RSMo. §79.150)

#### **SECTION 110.100: BOARD SHALL PUBLISH SEMI-ANNUAL STATEMENTS**

The Board of Aldermen shall semi-annually each year, at times to be set by the Board of Aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City. (RSMo. §79.160)

**SECTION 110.110: NO MONEY OF CITY TO BE DISBURSED UNTIL STATEMENT IS PUBLISHED—PENALTY**

In the event the financial statement of the City is not published as required by Section 110.100, the Treasurer of the City shall not pay out any money of the City on any order of the Board of Aldermen after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of a ordinance violation. (RSMo. §79.165)

**SECTION 110.120: BOARD MAY COMPEL ATTENDANCE OF WITNESSES—MAYOR TO ADMINISTER OATHS**

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. The officer making such service shall be allowed to receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses. (RSMo. §79.180)

**SECTION 110.130: MAYOR TO SIGN COMMISSIONS**

The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance. (RSMo. §79.190)

**SECTION 110.140: MAYOR SHALL HAVE THE POWER TO ENFORCE LAWS**

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; 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. §79.200)

**SECTION 110.150: MAYOR—COMMUNICATIONS TO BOARD**

The Mayor shall, from time to time, communicate to the Board of Aldermen 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. §79.210)

**SECTION 110.160: MAYOR MAY REMIT FINE—GRANT PARDON**

The Mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under the 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 said City by reason of any prosecution under the laws or ordinances of such City. (RSMo. §79.220)

## ARTICLE II. BOARD OF ALDERMEN MEETINGS

### SECTION 110.170: REGULAR MEETINGS

Regular meetings of the Board of Aldermen shall be held on the fourth (4th) Monday in the months of January, April, August and November of each year and on the first (1st) Monday of March of each year in the City of Huntleigh, St. Louis County, Missouri, at the hour of 7:30 P.M. At all regular meetings, all matters properly presented may be discussed and acted upon. (CC 1959 §101.5.1; Ord. No. 125 §1, 1-19-87)

### SECTION 110.180: SPECIAL MEETINGS

Special meetings may be called by the Mayor or by any three (3) members of the Board by written request filed with the City Clerk who shall thereupon prepare a notice of such special meeting in conformance with Chapter 120, Open Meetings and Records Policy, of this Code. (CC 1959 §101.5.2)

### SECTION 110.190: QUORUM MUST BE PRESENT

At the hour appointed, the Mayor, or in his/her absence the Acting President of the Board of Aldermen, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present. A majority of the members elected to the Board shall constitute a quorum. If a quorum not be present, a smaller number may lawfully adjourn the meeting from day to day until a quorum is present.

### SECTION 110.200: RULES OF PROCEDURE

- A. *At All Meetings.* The Mayor and all members of the Board of Aldermen shall be required to attend all regular and special meetings of the Board of Aldermen, unless excused for illness or other special reason.

At the hours appointed, the Mayor, or in his/her absence the Chairman of the Board of Aldermen, shall call the Board to order, the City Clerk shall call the roll of members and announce whether or not a quorum is present. If a quorum be not present, a smaller number may adjourn the meeting called until a quorum is present.

The Aldermen, upon the announcement of a quorum, shall proceed to transact the business before them in accordance to the manner hereinafter prescribed.

- B. *At Regular Meetings.*

B.1. *First.* Reading of the minutes of the last meeting or meetings, unless temporarily waived, and approval or same as read, unless changed on objection by a member, in which event, they shall be approved as corrected.

B.2. *Second.* The presentation and hearing of remarks, complaints and petitions of citizens or other interested parties on all matters.



- B.3. *Third.* Reports of officers and committees.
- B.4. *Fourth.* Unfinished business.
- B.5. *Fifth.* New business.
- B.6. *Sixth.* The audit of all bills and claims against the City.
- B.7. *Seventh.* Miscellaneous business.
- B.8. *Eighth.* Adjournment.
- C. *At Special Meetings.* From time to time the Board of Aldermen may make rules for procedure at special meetings, which rules shall be suitable to the nature of the business to be transacted thereat. (CC 1959 §101.5.3)



## **CHAPTER 115: CITY OFFICIALS**

### **ARTICLE I. GENERAL PROVISIONS**

#### **SECTION 115.010: ELECTIVE OFFICERS—TERMS**

- A. The following officers shall be elected by the qualified voters of the City and shall hold office for the term of two (2) years, except as otherwise provided in this Section, and until their successors are elected and qualified, to wit: Mayor and Board of Aldermen.
- B. The following officers shall be elected by the qualified voters of the City and shall hold office for the term of four (4) years, except as otherwise provided in this Section, and until their successors are elected and qualified, to wit: City Marshal. (RSMo. §79.050)

#### **SECTION 115.020: APPOINTIVE OFFICERS**

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a City Treasurer, City Attorney and Night Watchman and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor. No person appointed to any City office shall be in arrears for any taxes owed to the City. (RSMo. §79.230)

#### **SECTION 115.025: THE HOLDING OF CITY OFFICES BY ONE AND THE SAME PERSON, WITH CERTAIN EXCEPTIONS**

One (1) and the same person may hold any two (2) or more City offices at one and the same time, providing the holding of said offices shall not be contrary to law or to any ordinance of the City of Huntleigh. (Ord. No. 6 §1, 3-21-60)

#### **SECTION 115.030: REMOVAL OF OFFICERS**

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, 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 Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds ( $\frac{2}{3}$ ) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals. (RSMo. §79.240)

**SECTION 115.040: OFFICERS TO BE VOTERS AND RESIDENTS—EXCEPTIONS**

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes or forfeiture or defalcation in office. All officers, except appointed officers, shall be residents of the City. (RSMo. §79.250)

**SECTION 115.050: OFFICERS' OATH—BOND**

Every officer of the City and his/her assistants and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the County, or 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 while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after his/her appointment or election 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 may be designated by ordinance, conditioned upon 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. 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, to the use of such person. (RSMo. §79.260)

**SECTION 115.060: SALARIES FIXED BY ORDINANCE**

The Board of Aldermen shall fix the compensation of all the officers and employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he/she was elected or appointed. (RSMo. §79.270)

**SECTION 115.070: VACANCIES IN CERTAIN OFFICES—HOW FILLED**

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where 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 Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled. (RSMo. §79.280)

**SECTION 115.080: POWERS AND DUTIES OF OFFICERS TO BE PRESCRIBED BY ORDINANCE**

The duties, powers and privileges of officers of every character in any way connected with the City Government, not herein defined, shall be prescribed by ordinance. Bonds may be required of any such officers for faithfulness in office in all respects. (RSMo. §79.290)

**ARTICLE II. CITY CLERK**

**SECTION 115.090: CITY CLERK—ELECTION—DUTIES**

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk", whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City. (RSMo. §79.320)

**SECTION 115.095: BOND**

He/she shall, within fifteen (15) days after his/her appointment and before entering upon the discharge of the duties of his/her office, give bond to the City of Huntleigh in a sum not less than two hundred thousand dollars (\$200,000.00), and with such sureties as the Board of Aldermen shall approve from time to time, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City of Huntleigh, as provided by law, that may come into his/her hands. The cost, if any, of said bond shall be paid by the City. (CC 1959 §106.5)

**ARTICLE III. CITY TREASURER**

**SECTION 115.100: TREASURER—DUTIES—BOND**

- A. The Treasurer shall receive and safely keep all monies, books, bonds and obligations entrusted to his/her care and shall pay over all monies, bonds or other obligations of the City as set forth in the annual budget approved by the Board of Aldermen and signed by the Mayor and attested by the City Clerk and having the Seal of the City affixed thereto. Before entering upon the duties of his/her office, he/she shall give bond in the amount of two hundred thousand dollars (\$200,000.00).
- B. He/she shall keep a just account of all monies received and disbursed.
- C. He/she shall submit to the Board of Aldermen at the first (1st) regular meeting of said Board in each year a written report to embrace a full account of the receipts and expenditures of the City during the term of his/her office for the preceding fiscal year. Said report shall include the amount of money on hand, the amount of bonds falling due, if any, for the redemption of which provision must be made, and the amount of interest to be paid during the next fiscal year.

- D. At the expiration of the term of his/her office, or if he/she resigns or is removed from office, or if he/she dies, his/her executor or administrator shall immediately make settlement of said Treasurer's account with the Board of Aldermen and deliver to his/her successor in office all things pertaining thereto, together with all monies belonging to the City; and at the close of every term for which such Treasurer shall have been appointed, from whatever cause it shall occur, the Board of Aldermen shall immediately proceed to ascertain, by actual examination and count, the amount of balances and funds in the hands of such Treasurer to be accounted for.
- E. At each regular meeting of the Board of Aldermen, to make written report showing the amount on hand and the items of receipts and disbursements since the previous report.
- F. At the regular meeting of the Board of Aldermen held in the months of January and July of each and every year, to submit a full and detailed account and statement of the receipts and expenditures of the City for the half year ending December thirty-first (31st) and June thirtieth (30th), preceding the date of such report, in order to aid the Board of Aldermen in preparing the financial statements required by law to be made out, spread upon their records and published.
- G. To perform such other duties as may be prescribed by the laws of the State of Missouri and such other duties as may be required by Ordinances or by resolution of the Board of Aldermen. (CC 1959 §105.4; RSMo. §79.300)

## **ARTICLE IV. MISCELLANEOUS PROVISIONS**

### **SECTION 115.110: OFFICERS TO REPORT RECEIPTS AND EXPENDITURES**

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective offices and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise.

### **SECTION 115.120: MAYOR OR BOARD MAY INSPECT BOOKS AND RECORDS OF OFFICERS**

The Mayor or Board of Aldermen shall have power, as often as he/she or they may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers or records and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office.

## **CHAPTER 120: OPEN MEETINGS AND RECORDS POLICY**

### **ARTICLE I. IN GENERAL**

#### **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 120.110 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:

- G.1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
- G.2. Any department or division of the City.
- G.3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
- G.4. 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.
- G.5. 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:
  - G.5.a. 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
  - .5.b. 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 subdivision 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)

#### **SECTION 120.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC—EXCEPTIONS**

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 (72) 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 and policies 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. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008.
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.
    - d. This exception shall sunset on December 31, 2008.
  18. 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.
  19. 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)

**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)

**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; 610.022.2)

**SECTION 120.050: CLOSED MEETINGS—HOW HELD**

- A. Except as set forth in Subsection (C) 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)

**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. 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; 610.020.7)

**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; 610.020.4)

#### **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 (3rd) 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 (3rd) business day following the date that the request for the statement is received. (RSMo. §610.023)

**SECTION 120.100: VIOLATIONS—REMEDIES, PROCEDURE, PENALTY—VALIDITY OF ACTIONS BY GOVERNING BODIES IN VIOLATION—GOVERNMENTAL BODIES MAY SEEK INTERPRETATION OF LAW**

- A. The remedies provided by this Section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this State, may seek judicial enforcement of the requirements of Sections 610.010 to 610.026, RSMo. Suits to enforce Sections 610.010 to 610.026, RSMo., shall be brought in the Circuit Court for the County in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim or cross-claim in a civil action brought to enforce the provisions of Sections 610.010 to 610.027, RSMo., the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to Section 610.021, RSMo., or the assertion that the requested record is not a public record until the court directs otherwise.
- B. Once a party seeking judicial enforcement of Sections 610.010 to 610.026, RSMo., demonstrates to the court that the body in question is subject to the requirements of Sections 610.010 to 610.026, RSMo., and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of Sections 610.010 to 610.026, RSMo.
- C. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated Sections 610.010 to 610.026, RSMo., the public governmental body or the member 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 Sections 610.010 to 610.026, RSMo., the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. 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 public governmental body or member of a public governmental body has violated Sections 610.010 to 610.026, RSMo., previously.
- D. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated Sections 610.010 to 610.026, RSMo., the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars (\$5,000.00). If the court finds that there was a purposeful violation of Sections 610.010 to 610.026, RSMo., then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. 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 public governmental body or member of a public governmental body has violated Sections 610.010 to 610.026, RSMo., previously.
- E. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of Sections 610.010 to 610.026, RSMo., a court shall void any action taken in violation of Sections 610.010 to 610.026, RSMo., if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of Sections 610.010 to 610.026, RSMo., outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement shall be brought within one (1) year from which the violation is ascertainable and in no event shall it be brought later than two (2) years after the violation. This Subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

- F. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the Circuit Court of the County of the public governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body. (RSMo. §610.027)

#### **SECTION 120.110: 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:
- A.1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$.10) per page for a paper copy not larger than nine (9) 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.
- A.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) 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)





## **CHAPTER 125: TAXATION AND FINANCE**

### **ARTICLE I. FISCAL YEAR**

#### **SECTION 125.010: FISCAL YEAR ESTABLISHED**

The fiscal year for the City of Huntleigh shall begin January of each year.

### **ARTICLE II. BUDGET**

#### **SECTION 125.020: BUDGET REQUIRED—CONTENTS—EXPENDITURES NOT TO EXCEED REVENUES**

- A. For each fiscal year, a budget for the City shall be prepared and the same will be presented to and approved by the Board of Aldermen.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:
  - B.1. A budget message describing the important features of the budget and major changes from the preceding year;
  - B.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;
  - B.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;
  - B.4. The amount required for the payment of interest, amortization and redemption charges on the debt of the City; and
  - B.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 125.030: 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 Board of Aldermen 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 Board of Aldermen. 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 125.040: BOARD OF ALDERMEN MAY REVISE BUDGET, LIMITS—APPROVAL**

The Board of Aldermen 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 Board of Aldermen 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 125.050: 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 Board of Aldermen 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 125.060: BOARD TO PROVIDE FOR LEVY AND COLLECTION OF TAXES—FIX PENALTIES**

The Board of Aldermen 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 125.070: FIXING AD VALOREM PROPERTY TAX RATES, PROCEDURE**

The Board of Aldermen shall hold at least one (1) public hearing on the proposed rates of taxes at which citizens may be heard prior to their approval. The Board of Aldermen 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 Chapter. Following the hearing the Board of Aldermen 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))

#### **SECTION 125.080: BOARD TO FIX RATE OF LEVY**

The Board of Aldermen shall, within a reasonable time after the Assessor's books of each year are returned, ascertain the amount of money to be raised thereon for general and other purposes and fix the annual rate of levy therefor by ordinance. (RSMo. §94.210)

#### **SECTION 125.090: 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 St. Louis County, Missouri, on or before the first (1st) 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 Board of Aldermen, and it shall be the duty of the Board of Aldermen to establish by ordinance the rate of taxes for the year. (RSMo. §94.190)

#### **SECTION 125.100: TAXES DELINQUENT—WHEN**

On the first (1st) 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; and all such delinquent taxes shall bear interest thereon at the rate of two percent (2%) per month from the time they become delinquent, not to exceed eighteen percent (18%) per year, until paid and shall also be subject to the same fees, penalties, commissions and charges as provided by law of the State of Missouri for delinquent State and County taxes and shall be collected from the property owners, and the enforcement of all taxes, penalties, fees, commissions and charges authorized by law and provided for herein to be paid by property owners shall be made in the same manner and under the same rules and regulations as are or may be provided by law for the collection and enforcement of the payment of State and County taxes, including fees, penalties, commissions and other charges. (RSMo. §94.300, 140.100)

**ARTICLE IV. MISCELLANEOUS PROVISIONS**

**SECTION 125.110: INVESTMENT OF CITY MONEY**

The Board of Aldermen of the City Huntleigh may, by resolution from time to time adopted, invest monies belonging to the City of Huntleigh upon the terms and conditions provided by law. (Ord. No. 42 §1, 7-21-69)