

Chapter 100

GENERAL PROVISIONS

ARTICLE I

City Incorporation and Seal

Section 100.010. Municipal Incorporation.

The inhabitants of the City of Mount Vernon, 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 Mount Vernon" 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.

Section 100.020. City Seal.

- A. The Seal of the City of Mount Vernon shall be circular in form, one and seven-eighths ($1\frac{7}{8}$) inches in diameter, with the words "Lawrence County, Missouri" engraved across the face thereof, and the words "Seal of the City of Mount Vernon" engraved on the face thereof and near the outer edge of said Seal, and the same is hereby declared to be adopted as the Seal of the City of Mount Vernon.
- B. The City Clerk shall be the keeper of the common Seal of the City of Mount Vernon, 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.

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 Mount Vernon, 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 Mount Vernon, 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 Mount Vernon, Missouri.

CITY — The words "*the City*" or "*this City*" or "*City*" shall mean the City of Mount Vernon, Missouri.

COUNTY — The words "*the County*" or "*this County*" or "*County*" shall mean the County of Lawrence, 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 Mount Vernon, 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.

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.

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.

- A. 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:
1. All such proceedings shall be conducted according to existing procedural laws; and
 2. If the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

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.

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.

- A. 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.

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.

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 five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, 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.

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 Mount Vernon 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 even-numbered years, a municipal election of the qualified voters of the City of Mount Vernon 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 odd-numbered years, a municipal election of the qualified voters of the City of Mount Vernon 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.

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.

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.

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.

Section 105.050. Declaration of Candidacy — Form.

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

DECLARATION OF CANDIDACY

STATE OF MISSOURI)
) SS
COUNTY OF LAWRENCE)

I, _____, being first duly sworn, state that I reside at _____, City of Mount Vernon, County of Lawrence, 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 Mount Vernon

(SEAL)

Section 105.060. Notice of Elections.

In City elections, the City Clerk shall notify the County Clerk 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 written notice shall be executed on behalf of the Board of Aldermen by the Mayor of the Board and shall include the attestation of the City Clerk and shall have affixed thereto the Seal of the City of Mount Vernon. 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.

ARTICLE II

Wards

Section 105.070. Designation of Wards. [Ord. No. 1.112 §§2 — 6, 10-13-1981; Ord. No. 1.257 §1, 11-8-2010]

A. For City and corporate purposes, the City of Mount Vernon, Missouri shall be and hereby is divided into four (4) wards to be designated and known as Ward Number One, Ward Number Two, Ward Number Three, and Ward Number Four.

1. Ward Number One shall be composed of all that portion of the corporate limits of the City of Mount Vernon, Missouri lying and situated within and West of a line described as follows: Beginning with the western edge of the northern boundary of the Southwest Quarter of Section 24, Township 28 North, Range 27 West; thence East along said northern boundary of the Southwest Quarter of said Section 24 to Missouri Highway 39; thence South to Highway 174; thence East along Highway 174 to its intersection with Business 39/Main Street; thence South on Main Street to North Vine Street; thence South on Vine Street to Center Street; thence East on Center Street to McCanse Street; thence South on McCanse Street to Cherry Street; thence West on Cherry Street to Main Street; thence South on Main Street to Sloan Street; thence West on Sloan Street to West Street; thence North on West Street to Cherry Street; thence West on Cherry Street to Spring Park Boulevard; thence South on Spring Park Boulevard to Mount Vernon Boulevard/Business Loop I-44; thence Mt. Vernon Boulevard/Business Loop I-44 west to the City limits.
2. Ward Number Two shall be composed of all that portion of the corporate limits of the City of Mount Vernon, Missouri lying South of Ward Number One and situated within and South of a line described as follows: Beginning at a point located at the West edge of the City limits at its intersection with Mount Vernon Boulevard/Business Loop I-44; thence East along Mount Vernon Boulevard/Business Loop I-44 to Spring Park Boulevard; thence North on Spring Park Boulevard to Cherry Street; thence East on Cherry Street to West Street; South on West Street to Sloan Street; thence East on Sloan Street to Hickory Street; thence South on Hickory Street to Alice Street; thence East on Alice Street to McCanse Street; thence South on McCanse Street to the City limits.
3. Ward Number Three shall be composed of all that portion of the corporate limits of the City of Mount Vernon, Missouri lying East and South of a line described as follows: Beginning at the intersection of McCanse Street and Hayward Drive; thence North on McCanse Street to Alice Street; thence West on Alice Street to Hickory Street; thence North on Hickory Street to Sloan Street; thence West on Sloan Street to Main Street; thence North on Main Street to Cherry Street; thence East on Cherry

Street to King Street; thence East on King Street to East Street; thence North on East Street to McVey Street; thence East on McVey Street to the Outer Road of Interstate 44 and the City limits.

4. Ward Number Four shall be composed of all that portion of the corporate limits of the City of Mount Vernon, Missouri lying North and East of a line described as follows: From a point at the intersection of the Northwest corner of the City limits and Lawrence 2100; thence South along said City limits until the boundaries of the City limits turn East; thence along said boundary line of the City limits until their boundary with Highway 39; thence South on Highway 39 to Highway 174; thence East on Highway 174 to Main Street; thence South on Main Street to North Vine Street; thence South on Vine Street to Center Street; thence East on Center Street to McCanse Street; thence South on McCanse Street to Cherry Street; thence East on Cherry Street to King Street; thence East on King Street to East Street; thence North on East Street to McVey Street; thence East on McVey Street to the Outer Road of Interstate 44 and the City limits.

Chapter 110

MAYOR AND BOARD OF ALDERMEN

ARTICLE I

Mayor and Board of Aldermen

Section 110.010. Aldermen — Qualifications. [Ord. No. 1.263 §1, 1-14-2014]

No person shall be an Alderman unless he/she be at least eighteen (18) 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.

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.

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.

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.

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.

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.

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 Mount Vernon, 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.

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 (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.

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.

Section 110.100. Board Shall Publish Semi-Annual Statements. [Ord. No. 1.273 §1, 1-27-2015]

The Board of Aldermen shall semi-annually each year make out and spread upon their records a full and detailed account and statement of the receipts and expenses and indebtedness of the City for the half year ending with the last day of the month immediately proceeding the date of such report, which account and statement shall be published in some newspaper in the City. The financial statement for the half year ending June 30 shall be published on or before August 31, and the financial statement for the half year ending December 31 shall be published on or before February 28.

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 warrant or 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.

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.

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.

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.

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.

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.

ARTICLE II
Board of Aldermen Meetings

Section 110.170. Regular Meetings. [Ord. No. 1.213 §1, 8-27-2002; Ord. No. 1.226 §2, 6-29-2004]

The Board of Aldermen of the City of Mount Vernon, Missouri, shall meet in regular session in the City Hall at 7:00 P.M. on the second (2nd) and fourth (4th) Tuesday of each month.

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 145, Open Meetings and Records Policy, of this Code.

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. Five (5) members of the Board of Aldermen shall constitute a quorum. The Mayor shall be counted as a member. 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 for Governing. [Ord. No. 1.253 §1, 7-13-2010]

- A. The Board, in its deliberations, shall be governed by Robert's Rules of Order.
- B. The Board has adopted, and may amend from time to time, rules for public participation at Board meetings, including time limits on public comments and addition of items to the agenda. A copy of said rules shall be available for inspection by the public at City Hall during normal business hours.

Chapter 115

CITY OFFICIALS

ARTICLE I

General Provisions

Section 115.010. Elective Officers — Terms.

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.

Section 115.020. Appointment of City Officials. [Ord. No. 1.17 §8, 6-7-1955; Ord. No. 1.60 §1, 1-17-1974]

The Mayor, with the approval of the majority of the Board of Aldermen, shall have the power to appoint the Fire Chief, Director of Public Works, Chief of Police, City Collector, a Treasurer, a City Counselor, a City Prosecuting Attorney and such other officers as he/she may be authorized by ordinance to appoint at the first (1st) regular meeting of said Board of Aldermen in May after his/her election and qualification or as soon thereafter as he/she may deem proper, which said officers may hold their said respective offices for a term of one (1) year and until their successors are appointed and qualified. The offices of City Counselor and City Prosecuting Attorney may be separate and distinct and the appointees thereof shall be duly licensed attorneys at law.

Section 115.030. Removal of Officers.

Except as stated in Section 115.150, 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 (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 (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.

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.

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.

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.

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.

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.

ARTICLE II
City Clerk

Section 115.090. City Clerk — Election — Duties. [Ord. No. 1.271 §1, 6-10-2014]

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk" for a term of one (1) year. Among other duties as assigned, 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 for the City; and he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

ARTICLE III
City Administrator

Section 115.100. Office of City Administrator. [Ord. No. 1.183 §1, 6-17-1997]

There is hereby created and established the office of City Administrator for the City of Mount Vernon, Missouri.

Section 115.110. Appointment and Tenure. [Ord. No. 1.183 §2, 6-17-1997]

A qualified person shall be appointed City Administrator for the City of Mount Vernon by the Mayor; such appointment shall be approved by a majority of the Board of Aldermen. The person so appointed shall serve for an indefinite term.

Section 115.120. Qualifications. [Ord. No. 1.183 §3, 6-17-1997]

The person appointed to the office of City Administrator shall be at least twenty-five (25) years of age at the time of the effective date of such appointment and shall be a graduate of an accredited university or college majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields.

Section 115.130. Bond. [Ord. No. 1.183 §4, 6-17-1997]

The City Administrator, before entering upon the duties of his/her office, shall file with the City a bond in the amount of fifty thousand dollars (\$50,000.00); such bond shall be approved by the Board of Aldermen and such bond shall insure the City of Mount Vernon for the faithful and honest performance of the duties of the City of Mount Vernon and for rendering a full and proper account to the City of Mount Vernon for funds and property which shall come into the possession or control of the City Administrator. The cost of such bond shall be paid by the City of Mount Vernon; however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.

Section 115.140. Compensation. [Ord. No. 1.183 §5, 6-17-1997]

The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen and such compensation shall be payable semi-monthly.

Section 115.150. Removal of City Administrator. [Ord. No. 1.183 §6, 6-17-1997; Ord. No. 1.255 §1, 9-13-2011]

The City Administrator shall serve at the pleasure of the appointing authority. The Mayor, with the consent of a majority of the Board of Aldermen, may remove the City Administrator from office at will, and such City Administrator may also be removed by a two-thirds (2/3) vote of the Board of Aldermen independently of the Mayor's approval or disapproval. If requested, the Mayor and Board of Aldermen shall grant the City Administrator a public hearing within thirty (30) days following notice of such removal. During the interim, the Mayor, with the approval of a majority of the Board of Aldermen or by (local preference) vote of the Board of Aldermen without the Mayor's approval, may suspend the City Administrator from duty but shall continue his/her salary for two (2) calendar months following the final removal date, provided however, that if the City Administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued.

Section 115.160. Duties. [Ord. No. 1.183 §7, 6-17-1997]

- A. *Administrative Office.* The City Administrator shall be the Chief Administrative Assistant to the Mayor and as such shall be the administrative officer of the City Government. Except as otherwise specified by ordinance or by the law of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of Mount Vernon.
- B. *Purchasing.* The City Administrator shall be the purchasing agent for the City of Mount Vernon, and all purchases shall be made under his/her direction and supervision, and all such purchases shall be made in accordance with the City budget approved by the Board of Aldermen.
- C. *Budget.* The City Administrator shall be the Budget Officer of the City of Mount Vernon and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval.
- D. *Financial Reports.* The City Administrator shall make monthly reports to the Mayor and Board of Aldermen relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget.
- E. *Semi-Annual Report.* The City Administrator shall prepare and present to the Mayor and Board of Aldermen a semi-annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and Board of Aldermen may require.
- F. *Personnel System.* The City Administrator shall act as the Personnel Officer of the City.

The City Administrator, after consultation with department heads, shall recommend advancements and appropriate pay increases subject to approval of the Mayor and Board of Aldermen. The City Administrator shall make recommendation of appointment and removal of all City employees subject to approval of the Mayor and Board of Aldermen.

- G. *Policy Formulation.* The City Administrator shall recommend to the Mayor and Board of Aldermen adoption of such measures as he/she may deem necessary or expedient for the health, safety or welfare of the City or for the improvement of administrative services for the City.
- H. *Board Of Aldermen Agenda.* The City Administrator shall submit to the Mayor and Board of Aldermen a proposed agenda for each Council meeting at least forty-eight (48) hours before the time of the regular Council meeting.
- I. *Boards And Committees.* The City Administrator shall work with all City boards and committees to help coordinate the work of each.
- J. *Attend Board Of Aldermen Meetings.* The City Administrator shall attend all meetings of the Board of Aldermen.
- K. *Bid Specifications.* The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation to the Board of Aldermen.
- L. *State And Federal Aid Programs.* The City Administrator shall coordinate Federal and State programs which may have application to the City of Mount Vernon.
- M. *Conference Attendance.* The City Administrator shall attend State and regional conferences and programs applicable to his/her office and the business of the City of Mount Vernon whenever such attendance is directed and approved by the Board of Aldermen and Mayor.
- N. *Press Releases.* The City Administrator shall be responsible for keeping the public informed of the purposes and methods of City Government through local news media.
- O. *Record Keeping.* The City Administrator shall keep full and accurate records of all actions taken by him/her in the course of his/her duties, and he/she shall safely and properly keep all records and papers belonging to the City of Mount Vernon and entrusted to his/her care; all such records shall be and remain the property of the City of Mount Vernon and be open to inspection by the Mayor and Board of Aldermen at all times.
- P. *Miscellaneous.* In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Mayor and Board of Aldermen.

Section 115.170. Powers. [Ord. No. 1.183 §8, 6-17-1997]

- A. *City Property.* The City Administrator shall have responsibility for all real and personal property of the City of Mount Vernon. He/she shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen by resolution or ordinance.

- B. *Set Administrative Policies.* The City Administrator shall have the power to prescribe such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies subject to his/her authority, and he/she shall have the power to revoke, suspend or amend any rule or regulation of the administrative service except those prescribed by the Board of Aldermen.
- C. *Coordinate Departments.* The City Administrator shall have the power to coordinate the work of all the departments of the City and at times of an emergency shall have authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government.
- D. *Investigate And Report.* The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his/her jurisdiction and shall report on any condition or fact concerning the City Government requested by the Mayor or Board of Aldermen.
- E. *Coordinate Officials.* The City Administrator shall have the power to overrule any action taken by a department head and may supersede him/her in the functions of his/her office.
- F. *Appear Before The Board Of Aldermen.* The City Administrator shall have the power to appear before and address the Board of Aldermen at any meeting.
- G. At no time shall the duties or powers of the City Administrator supersede the action by the Mayor and Board of Aldermen.

Section 115.180. Interference by Members of the Board of Aldermen. [Ord. No. 1.183 §9, 6-17-1997]

No member of the Board of Aldermen shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the Board of Aldermen or with the approval of the City Administrator.

ARTICLE IV
City Counselor and Prosecuting Attorney

Section 115.190. Office of City Counselor. [Ord. No. 1.59 §1, 1-17-1974]

The City Counselor shall advise the Board of Aldermen or any City Officer, when so requested, on any legal question in relation to any business of the City and shall draft ordinances, resolutions and orders when requested to do so by the Board of Aldermen or Mayor and shall represent the City in any civil litigation in which the City is a party.

Section 115.200. Office of City Prosecuting Attorney. [Ord. No. 1.59 §2, 1-17-1974]

The City Prosecuting Attorney shall prosecute all criminal cases in which the City is a party and shall draft and file all necessary information against any person or persons who have violated any ordinances of the City and shall prosecute the same on behalf of the City.

Section 115.210. When Absent — Vacancy — Procedure. [Ord. No. 1.59 §3, 1-17-1974]

If at any time the City Counselor or Prosecutor shall be temporarily absent or unable to perform the duties of his/her office, the Mayor or acting Mayor shall appoint a competent attorney to attend to such business, who shall receive the same compensation for his/her services as are due the City Counselor and City Prosecuting Attorney for like services and if the City Counselor or City Prosecuting Attorney shall die, resign or for any cause whatever become unable to perform the duties of his/her office, then the vacancy thus caused may be filled for the unexpired term of his/her office in like manner as when the City Counselor or City Prosecuting Attorney is regularly appointed.

ARTICLE V
Miscellaneous Provisions

Section 115.220. 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 115.230. 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.

Section 115.240. Director of Public Works to Keep Records of Cemetery Plots. [Ord. No. 1.248 §2, 7-28-2009]

It shall be the duty of the Director of Public Works to maintain records regarding the City Cemetery, including records regarding the physical location of all plots, the names of owners of plots, the identities of individuals interred in said plots and a record of City-owned plots available for sale. Any funds paid to the City for cemetery plots shall be paid to and accounted for by the City Collector.

Chapter 117

PERSONNEL POLICY AND REGULATIONS

Editor's Note — Ord. no. 1.241 §1, adopted August 12, 2008, repealed ch. 117 "personnel policy and regulations" and enacted new provisions set out herein. Former ch. 117 derived from ord. no. 1.204 §1, 5-8-2001; ord. no. 1.205 §§1 — 7, 6-12-2001; ord. no. 1.206 §§1 — 6, 6-12-2001.

Section 117.010. Personnel Policy. [Ord. No. 1.241 §§1 — 2, 8-12-2008]

Written Personnel Policies and Regulations, as approved and amended by the Board of Aldermen, shall be kept on file at City Hall and available for inspection during normal business hours.

Chapter 120

CONFLICTS OF INTEREST

Section 120.010. Declaration of Policy. [Ord. No. 1.215 §1, 9-3-2002; Ord. No. 1.229 §1, 9-14-2004; Ord. No. 1.235 §1, 7-25-2006; Ord. No. 1.240 §1, 7-8-2008; Ord. No. 1.252 §1, 6-22-2010; Ord. No. 1.258 §1, 6-26-2012; Ord. No. 1.270, 5-13-2014]

The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 120.020. Conflicts of Interest. [Ord. No. 1.215 §1, 9-3-2002; Ord. No. 1.229 §1, 9-14-2004; Ord. No. 1.235 §1, 7-25-2006; Ord. No. 1.240 §1, 7-8-2008; Ord. No. 1.252 §2, 6-22-2010; Ord. No. 1.258 §1, 6-26-2012; Ord. No. 1.270, 5-13-2014]

- A. All elected and appointed officials as well as employees of a political subdivision must comply with Section 105.454, RSMo., on conflicts of interest as well as any other State law governing official conduct.
- B. Any member of the Governing Body of a political subdivision who has a substantial or private interest in any measure, bill, order or ordinance proposed or pending before such Governing Body must disclose that interest to the Secretary or Clerk of such body, and such disclosure shall be recorded in the appropriate journal of the Governing Body. "Substantial or private interest" is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of:
 - 1. Ten percent (10%) or more of any business entity; or
 - 2. An interest having a value of ten thousand dollars (\$10,000.00) or more; or
 - 3. The receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00) or more, per year, from any individual, partnership, organization, or association within any calendar year.

Section 120.030. Disclosure Reports. [Ord. No. 1.215 §1, 9-3-2002; Ord. No. 1.229 §1, 9-14-2004; Ord. No. 1.235 §1, 7-25-2006; Ord. No. 1.240 §1, 7-8-2008; Ord. No. 1.252 §3, 6-22-2010; Ord. No. 1.258 §1, 6-26-2012; Ord. No. 1.270, 5-13-2014]

- A. Each elected official, candidate for elective office, the Chief Administrative Officer, the Chief Purchasing Officer, and the full-time general counsel shall disclose the following

information by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo., if any such transactions occurred during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
3. The Chief Administrative Officer, Chief Purchasing Officer, and candidates for either of these positions also shall disclose by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo., the following information for the previous calendar year:
 - a. The name and address of each of the employers of such persons from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address, and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units, or other equity interests;
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer, or receiver.

Section 120.040. Filing of Reports. [Ord. No. 1.215 §1, 9-3-2002; Ord. No. 1.229 §1, 9-14-2004; Ord. No. 1.235 §1, 7-25-2006; Ord. No. 1.240 §1, 7-8-2008; Ord. No. 1.252 §5, 6-22-2010; Ord. No. 1.258 §1, 6-26-2012; Ord. No. 1.270, 5-13-2014]

A certified copy of this Chapter, adopted prior to September 15, shall be sent within ten (10) days of its adoption to the Missouri Ethics Commission.

Section 120.050. Financial Interest Statement — When Filed. [Ord. No. 1.215 §1, 9-3-2002; Ord. No. 1.229 §1, 9-14-2004; Ord. No. 1.235 §1, 7-25-2006; Ord. No. 1.240 §1, 7-8-2008; Ord. No. 1.252 §4, 6-22-2010; Ord. No. 1.258 §1, 6-26-2012; Ord. No. 1.270, 5-13-2014]

- A. The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:
 - 1. Every person required to file a financial interest statement shall file the statement annually not later than May 1, and the statement shall cover the calendar year ending the immediately preceding December 31; provided, that any member of the Board may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
 - 2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment covering the calendar year ending the previous December 31;
 - 3. Every candidate required to file a personal financial disclosure statement shall file no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve (12) months prior to the closing date of filing for candidacy.
- B. Financial disclosure reports giving the financial information required in Section 120.030 shall be filed with the local political subdivision and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

Chapter 125

MUNICIPAL COURT

ARTICLE I General Provisions

Section 125.010. Court Established.

There is hereby established in the City of Mount Vernon a Municipal Court to be known as the "Mount Vernon Municipal Court, a Division of the 39th Judicial Circuit Court of the State of Missouri". In the event a Police Court existed prior to the establishment of a Municipal Court, this Court is a continuation of the Police Court of the City as previously established and is termed herein "The Municipal Court".

Section 125.020. Jurisdiction.

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City.

Section 125.030. Selection of Municipal Judge.

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 39th Judicial Circuit Court and shall be selected by appointment to the position by the Mayor with approval of a majority of the members of the Board of Aldermen for a term as specified herein.

Section 125.040. Municipal Judge — Term of Office.

The Municipal Judge shall hold his/her office for a period of two (2) years. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be for less than two (2) years.

Section 125.050. Municipal Judge — Vacation of Office.

- A. The Municipal Judge shall vacate his/her office under the following conditions:
1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges as provided in Missouri Supreme Court Rule 12;
 2. Upon attaining his/her seventy-fifth (75th) birthday; or
 3. If he/she should fail to complete the course of instruction as required by Section 125.060, Subsection (1) hereof.

Section 125.060. Municipal Judge — Qualifications for Office.

- A. The Municipal Judge shall possess the following qualifications before he/she shall take office:
1. Within six (6) months after selection for the position, each Municipal Judge who is not licensed to practice law in this State shall satisfactorily complete the course of instruction for Municipal Judges prescribed by the Supreme Court.
 2. He/she need not reside within the City.
 3. He/she must be a resident of the State of Missouri.
 4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
 5. He/she may serve as a Municipal Judge for any other municipality.
 6. He/she may not hold any other office within the City Government.
 7. The Municipal Judge shall be considered holding a part-time position and as such may accept other employment.

Section 125.070. Superintending Authority.

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of said Court shall obey his/her directives.

Section 125.080. Report to Board of Aldermen.

The Municipal Judge shall cause the Court Clerk to prepare, within the first ten (10) days of every month, a report indicating the following:

A list of all cases heard or tried before the Judge during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of defendants committed, and the cases in which there was an application for trial de novo, respectively. The Court Clerk or the Judge shall verify such lists and statements by affidavit and shall file the same with the City Clerk who shall lay the same before the Board of Aldermen of the City for examination at its first (1st) session thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if not previously paid to the Municipal Treasurer.

Section 125.090. Docket and Court Records.

The Municipal Judge shall be a conservator of the peace. He/she shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Lawrence County. The Municipal Judge shall deliver said docket, records and all books and papers pertaining to his/her office to his/her successor in office or to the Presiding

Judge of the Circuit.

Section 125.100. Municipal Judge — Powers and Duties Generally.

A. The Municipal Judge shall be and is hereby authorized to:

1. Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her and may fine and imprison for contempt committed before him/her while holding Court in the same manner and to the same extent as a Circuit Judge.
3. Stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court, and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.
5. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this City.

Section 125.110. Compensation.

The Municipal Judge for the City of Mount Vernon shall be paid a sum as fixed by ordinance from time to time.

Section 125.120. Violations Bureau.

Should the Municipal Judge determine that there shall be a Violations Bureau, the City shall provide all expenses incident to the operation of the same.

Section 125.130. Issuance and Execution of Warrants.

All warrants issued by a Municipal Judge shall be directed to the Chief of Police or any other Police Officer of the municipality or to the Sheriff of the County. The warrants shall be executed by the Chief of Police, Police Officer or Sheriff at any place within the limits of the County and not elsewhere, unless the warrants are endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other Counties as provided for in warrants in criminal cases.

Section 125.140. Arrests Without Warrants.

The Chief of Police or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial,

file a written complaint with the Judge hearing violations of municipal ordinances.

Section 125.150. Jury Trials.

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury as in prosecutions for misdemeanors before an Associate Circuit Court Judge. Whenever a defendant accused of a violation of a municipal ordinance has a right to and demands such trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment.

Section 125.160. Duties of the City's Prosecuting Attorney.

It shall be the duty of an attorney designated by the City to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the number of cases tried, the number of guilty verdicts reached, or the amount of fines imposed or collected.

Section 125.170. Summoning of Witnesses.

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Court Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge, it shall not be necessary to summon any witnesses who may be present at the continuance, but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him/her on the day set for trial to testify in the case and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons.

Section 125.180. Transfer of Complaint to Associate Circuit Judge.

If, in the progress of any trial before the Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Court Judge of the County.

Section 125.190. Jailing of Defendants.

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such Sheriff for the keeping of other prisoners in his/her custody. The same shall be taxed as cost.

Section 125.200. Parole and Probation.

- A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge. When a person is placed on probation, he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- B. In addition to such other authority as exists to order conditions of probation, the Court may order conditions which the Court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
 - 1. Restitution to the victim or any dependent of the victim in an amount to be determined by the Judge; and
 - 2. The performance of a designated amount of free work for a public or charitable purpose or purposes as determined by the Judge.
- C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization or agency or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.
- D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

Section 125.210. Right of Appeal.

In any case tried before the Municipal Judge, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo before a Circuit Court Judge or upon assignment before an Associate Circuit Court Judge. An application for a trial de novo shall be filed within ten (10) days after judgment and shall be filed in such form and perfected in such manner as provided by Supreme Court rule.

Section 125.220. Appeal From Jury Verdicts.

In any case tried with a jury before an Associate Circuit Judge, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court.

Section 125.230. Breach of Recognizance.

In the case of a breach of any recognizance entered into before a Municipal Judge or an

Associate Circuit Court Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Court Judge or Associate Circuit Court Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to Municipal Treasury to the General Revenue Fund of the municipality.

Section 125.240. Disqualification of Municipal Judge From Hearing a Particular Case.

A Municipal Judge shall be disqualified to hear any case in which he/she is in any way interested or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case.

Section 125.250. Absence of Judge — Procedure.

- A. If a Municipal Judge be absent, sick or disqualified from acting, the Mayor of the Board of Aldermen may request the Presiding Judge of the Circuit Court to designate a special Municipal Judge as provided in Subsection (B) of this Section or the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease; provided however, that should a vacancy occur in the office of an elected Municipal Judge more than six (6) months before a general municipal election, then a special election shall be held to fill such vacancy; and in case of vacancy in the office of an elected Municipal Judge within less than six (6) months of a general municipal election, the office may be filled by a competent, eligible person designated by the Mayor of the Board of Aldermen or as provided in Subsection (B) of this Section.
- B. The Presiding Judge of the Circuit Court may appoint any other Municipal Judge within the Circuit to act as a special Municipal Judge for a Municipal Judge of the Circuit who is absent, sick or disqualified from acting. The Presiding Judge shall act only upon request of the Mayor of the Board of Aldermen for a special Municipal Judge.
- C. The Governing Body of the municipality shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

Section 125.260. Failure to Appear. [Ord. No. 3.31 §§1 — 3, 4-9-1996]

- A. It shall be unlawful for any person to fail to appear in the Municipal Court of Mount Vernon, Missouri, if:
 - 1. Said person has been issued a summons for violation of any ordinance of the City of Mount Vernon, Missouri, and fails to appear before the Judge of the Mount Vernon Municipal Court at the time and on the date on which said person was summoned or at the time and on the date to which the case was continued;
 - 2. Said person has been released upon recognition of bond and fails to appear before the

Judge of the Municipal Court of Mount Vernon, Missouri, at the time and on the date on which said person was summoned or at the time and on the date to which the case was continued;

3. Said person has been placed on Court-supervised probation and fails to appear before the Judge of the Municipal Court of Mount Vernon, Missouri, at the time specified by said Judge as a condition of the probation.
- B. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding five hundred dollars (\$500.00) or imprisoned for a term not exceeding ninety (90) days, or by both such fine and imprisonment.
- C. Nothing contained in this Section shall prevent the exercise by the Municipal Court of its power to punish for contempt.

ARTICLE II Court Clerk

Section 125.270. Clerk of Municipal Court. [Ord. No. 1.93 §21, 12-12-1978]

- A. The Mayor of the City of Mount Vernon, Missouri, shall appoint the Clerk of the Municipal Court, subject to the approval of the Board of Aldermen of the City of Mount Vernon, Missouri. The Board of Aldermen of the City of Mount Vernon, Missouri, shall determine the salary of the Clerk of the Municipal Court by ordinance. The duties of said Clerk shall be as follows:
1. To collect such fines for violations of such offenses as may be described and the Court costs thereof;
 2. To take oaths and affirmations;
 3. To accept signed complaints and allow the same to be signed and sworn to or affirmed before him/her;
 4. Sign and issue subpoenas duces tecum;
 5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violation Bureau cases or as directed by the Municipal Judge; generally act as Violation Clerk of the Traffic Violation Bureau;
 6. Perform all other duties as provided for by ordinance, by Rules of Practice and Procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.

ARTICLE III Fines and Court Costs

Section 125.280. Installment Payment of Fine.

When a fine is assessed for violation of an ordinance, it shall be within the discretion of the

Judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate.

Section 125.290. Court Costs.

- A. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Mount Vernon Municipal Division of the 39th Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:
1. Costs of Court in the amount of twelve dollars (\$12.00).
 2. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
 - b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.
 3. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:
 - a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.
 - b. Five percent (5%) shall be paid to the City Treasury.
 4. Other costs, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
 5. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail.
 6. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.
 7. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related

thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Subsection (9) hereof.

8. *Reimbursement of certain costs of arrest.*

- a. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the City of Mount Vernon involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
- b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
- c. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
- d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

9. *Work/construction zone.* Any person who is convicted or pleads guilty to a speeding violation or passing/overtaking a vehicle in a work/construction zone when there was any person present performing duties in the work/construction zone and appropriate signs were posted stating "Warning: \$250 fine for speeding or passing in this work zone" shall be assessed a fine of two hundred fifty dollars (\$250.00) in addition to any other fine assessed; except that any person assessed the two hundred fifty dollar (\$250.00) fine shall not also be assessed the thirty-five dollar (\$35.00) fine for any of the following offenses in a construction or work zone: any moving violation or violation of speeding, leaving the scene, careless and imprudent driving, operating without a valid license, operating with a suspended or revoked license, obtaining a license by misrepresentation, driving while intoxicated, under the influence or BAC, any felony offense involving the use of a vehicle, or failure to maintain financial responsibility.

10. *Missouri Sheriffs' Retirement System.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such shall be collected when the proceedings against the defendant have been dismissed. Collection of this fee is required by § 57.955, RSMo. [Ord. No. 14.231§1,

8-13-2013]

Chapter 130

BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE I

Parks and Recreation Board

Section 130.010. Selection, Term, Qualifications and Composition of Board. [Ord. No. 8.06 §1, 7-19-1975]

Pursuant to the provisions of Chapter 79.110, RSMo., there is hereby created a Parks and Recreation Board which shall consist of nine (9) members who shall serve without compensation. Except for the original Board and provisions for original terms as set out hereinafter, each Board member shall serve for a three (3) year term. The members of the Board, who shall hold no other public office, shall be appointed by the Mayor and confirmed by a majority of the membership of the Board of Aldermen of the City of Mount Vernon, Missouri. The first (1st) Board appointed by the Mayor shall be composed of seven (7) members, three (3) members to be appointed for a one (1) year term, three (3) members to be appointed for a two (2) year term and three (3) members to be appointed for a three (3) year term. Any vacancy due to any cause, other than expiration of term, shall be filled for the unexpired term by appointment as stipulated above.

Section 130.020. Powers and Duties of the Board. [Ord. No. 8.09 §1, 4-18-1980]

- A. The Parks and Recreation Board shall serve in an advisory capacity to the Mayor and the Board of Aldermen or such designated representative in scheduling and coordinating activities at the parks and recreation system within the City limits of the City of Mount Vernon, Missouri; and the Parks and Recreation Board shall recommend to the Board of Aldermen of the City of Mount Vernon, Missouri, through the Mayor of the City of Mount Vernon, Missouri:
1. The sale of any lands owned by the City for parks and recreation purposes and which are considered no longer needed for such purposes.
 2. The acquisition by condemnation or purchase of any additional lands needed for parks and recreation and considered useful for such purposes.
 3. The acceptance of any gift of lands and equipment for parks and recreation and deemed useful for such purposes.
 4. The solicitation or acceptance of gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for park and recreational purposes.

Section 130.030. Reports to the Mayor and Board of Aldermen. [Ord. No. 8.09 §3, 4-18-1980]

The Parks and Recreation Board shall submit full and complete annual reports to the Mayor and the Board of Aldermen of the City of Mount Vernon, Missouri, and shall submit such other reports as the Board or the Mayor and the Board of Aldermen may deem desirable. The reports shall be submitted to the Board of Aldermen of the City of Mount Vernon, Missouri, through the Mayor of the City of Mount Vernon, Missouri.

ARTICLE II
(Reserved)

Section 130.040. (Reserved) ¹

¹. Editor's Note — Ord. no. 1.248 §1, adopted July 28, 2009, deleted section 130.040 "city cemetery — lot — board" in its entirety. Former section 130.040 derived from ord. no. 8.03 §§1 — 3, 7-5-1939.

Chapter 135

PURCHASING AND PROCUREMENT POLICY

Section 135.010. Generally.

The purchasing and procurement policy for the City of Mount Vernon has been adopted as an administrative tool for the City and is on file in the City offices.

Chapter 140

TAXATION AND FINANCE

ARTICLE I

Fiscal Year

Section 140.010. Fiscal Year Established. [Ord. No. 1.251 §1, 2-23-2010]

The fiscal year for the City of Mount Vernon shall begin January first (1st) each year and all City budgets, audits, and other statutory requirements shall be prepared on a January first (1st) to December thirty-first (31st) fiscal year and all required matters concerning same be required to use such dates for those statutory and other necessary purposes.

ARTICLE II

Budget

Section 140.020. 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 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:
 - 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.

Section 140.030. 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.

Section 140.040. 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.

Section 140.050. 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.

ARTICLE III
Levy of Taxes

Section 140.060. 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.

Section 140.070. 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.

Section 140.080. 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 Lawrence 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.

Section 140.090. Clerk to Prepare Tax Books.

When the Board of Aldermen 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 City Collector with the full amount of taxes levied and to be collected.

Section 140.100. 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.

ARTICLE IV
City Taxes

Section 140.110. City Sales Tax. [Ord. No. 5.52 §§1, 4, 9-1-1976; Ord. No. 5.54 §§1 — 2, 10-19-1976]

A. Effective the first (1st) day of April, 1977, there is hereby imposed a City sales tax in the amount of one percent (1%) for the benefit of the City of Mount Vernon, Missouri, on the

receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Mount Vernon, which property and services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.510, RSMo., as provided for in Sections 94.500 through 94.570, RSMo.

- B. The above referred to tax is imposed upon all sellers at retail 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 are hereby adopted and made a part hereof. Such tax, when collected, is to be paid to the State Director of Revenue in the same manner as provided for in Sections 144.010 to 144.510, RSMo., governing the State sales tax except as modified by Sections 94.500 through 94.570, RSMo., the provision of which are hereby adopted and made a part hereof.

Section 140.120. (Reserved) ²

Section 140.125. Transportation Sales Tax. [Ord. No. 5.154 §1, 11-11-2008; Ord. No. 11.80 §1, 2-10-2009]

A City sales tax for transportation purposes at the rate of one-half of one percent (0.5%) on the receipts from all retail sales within Mount Vernon, Missouri, is hereby imposed upon all sellers within the City 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 by Sections 144.010 to 144.525, inclusive, RSMo., and the rules and regulations of the Director of Revenue of the State of Missouri issued pursuant thereto. Such tax shall not be effective until the terms and provisions of this Section have been complied with.

Section 140.130. Payment of Fees, Taxes and License Charges Under Protest. [Ord. No. 11.79 §1, 10-14-2008]

- A. Any person who pays a fee, tax or license charge authorized by an ordinance of the City may protest all or any part of any fee, tax or license charge paid by filing a protest as set forth in this Section. If no other procedure is established by law for protesting the fee, tax or license charge, then a person desiring to pay any fee, tax, or license charge under protest shall, at the time of paying such fee, tax or license or within seven (7) days thereafter, file with the Mayor of the City a written statement setting forth the grounds on which the protest is based. The statement shall include the true value of the money in dispute which is claimed by the person paying such fee, tax or license charge.
- B. The Mayor shall cause to be impounded in a separate fund all or part of such fee, tax or license charge which is in dispute that is paid directly to the City. Within thirty (30) days after filing the protest, a hearing shall be held on the protest. Written notice of the date, time and location of the hearing shall be given by first class mail to the person filing the protest at the address provided in the written statement of protest, said mailing to occur at least ten (10) days prior to the hearing. Upon hearing any evidence and/or arguments

2. Editor's Note — Ord. no. 11.81 §1, adopted February 24, 2009, repealed section 140.120 "capital improvement tax" in its entirety.

submitted, the Mayor shall rule on the validity of the protest. If the protest is ruled invalid, then any person protesting the payment of the fee, tax or license charge shall, within thirty (30) days after such ruling, commence an action against the City by filing a petition for review and for recovery of the amount protested in the Circuit Court of this County. If any person so protesting the fee, tax or license charge shall fail to commence an action within the time prescribed in this Subsection, then such protest shall become null and void and of no effect, and the Mayor shall then order disbursed to the proper official or account the fee, tax or license charge as impounded as authorized by the laws of the City. If a final decision is rendered holding that the fee, tax or license charge is invalid, then the Mayor shall order refunded to the person who protested the fee, tax or license charge the amount of the charge which was found to be invalid.

ARTICLE V
Enhanced Enterprise Zone

Section 140.140. Establishment. [Ord. No. 1.247 §§1 — 7, 4-24-2009]

- A. The City of Mount Vernon supports and endorses an application for an Enhanced Enterprise Zone as outlined in the map on file in the City offices as Exhibit A and incorporated herein by reference.
- B. The City of Mount Vernon hereby establishes the City of Mount Vernon Enhanced Enterprise Zone Board of Directors, to be comprised of members from the following classifications for the following terms:
 - 1. One (1) Board member representing school districts who shall serve a five (5) year term expiring on December 31, 2014;
 - 2. One (1) Board member representing another taxing district who shall serve a five (5) year term expiring on December 31, 2014;
 - 3. Two (2) Board members appointed by the Mayor to serve a four (4) year term expiring on December 31, 2013;
 - 4. Two (2) Board members appointed by the Mayor to serve a three (3) year term expiring on December 31, 2012; and
 - 5. One (1) Board member appointed by the Mayor to serve a two (2) year term expiring on December 31, 2011.
- C. Thereafter, members shall be appointed from the same classifications as set forth above to serve terms of five (5) years, and any vacancy shall be filled by appointment by the Mayor for the unexpired term in the same manner.
- D. That the Board of Directors will meet as needed but at least one (1) time per year.
- E. That each member of the Board will serve without compensation, and the Board shall elect a Chairperson to serve a term of two (2) years.
- F. The Board's responsibilities include advising the Board of Aldermen on the designation of the Enhanced Enterprise Zone and any other advisory duties as determined by the Board of

Aldermen; review and assess applications within the Enhanced Enterprise Zone; and submit an annual report to the Missouri Department of Economic Development regarding the status of the zone and business activity therein.

- G. That the City Administrator of City of Mount Vernon shall be designated Administrator of the Enhanced Enterprise Zone.
- H. That the Mayor of the City of Mount Vernon be, and hereby is, authorized to execute the required application documents and any related documents necessary to the formation of the Enhanced Enterprise Zone.

Section 140.150. Eligible Businesses. [Ord. No. 1.246 §§1 — 3, 4-14-2009]

- A. That eligible facilities shall include those companies which operate in Missouri under the following North American Industrial Classification Codes (NAICS). The primary clusters include:
 - A. Agriculture, Forestry, Fishing and Hunting (NAICS 11)
 - A. Mining, Quarrying, and oil and gas extraction (NAICS 21)
 - A. Utilities (NAICS 22)
 - A. Construction (NAICS 23)
 - A. Manufacturing (NAICS 31 — 33)
 - A. Wholesale Trade (NAICS 42)
 - A. Transportation and Warehousing (NAICS 48 — 49)
 - A. Information (NAICS 51)
 - A. Finance and Insurance (NAICS 52)
 - A. Real Estate, and Rental and Leasing (NAICS 53)
 - A. Professional, Scientific, and Technical Services (NAICS 54)
 - A. Management of Companies and Enterprises (NAICS 55)
 - A. Administrative and Support and Waste Management and Remediation Services (NAICS 56)
 - A. Health Care and Social Assistance (NAICS 62)
 - A. Arts, Entertainment, and Recreation (except group 7132 Gambling Establishments) (NAICS 71)
 - A. Accommodation and Food Service (except subsector 722 Food and Drinking Places) (NAICS 72)
 - A. Other Services (except group 8131 Religious Organizations) (NAICS 81)

- B. That eligible facilities will receive a minimum of fifty percent (50%) abatement of property taxes for improvements made to real property for a period of ten (10) years from assessment of improvements.
- C. That eligible companies are required to file an application requesting abatement with the designated Administrator of the Enhanced Enterprises Zone and with the Lawrence County Assessor prior to the end of the tax year in which the improvement was made in order to receive the abatement benefit.

Chapter 145

OPEN MEETINGS AND RECORDS POLICY

ARTICLE I In General

Section 145.010. 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 in accord with the cost schedule established by this Article, 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:

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
2. Any department or division of the City.
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.
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.
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:
 - 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

- 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 corporeal or by means of communication equipment. 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 and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds. 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.

PUBLIC VOTE — Any vote cast at any public meeting of any public governmental body.

Section 145.020. 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 within seventy-two (72) hours after 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 must 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.
16. A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three (3) business days act upon such public records request pursuant to Section 610.023, RSMo. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this Section.
17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, the public disclosure of which would threaten public safety. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this Section. 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. This exception shall sunset on December 31, 2006.
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 except to the extent provided in this Section.
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.

Section 145.030. Records Pertaining to Internal Investigations and Investigations of Allegedly Illegal Conduct.

In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee of the City is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by City employees will be considered to be personnel records and shall be closed records under the custody of the respective department head.

Section 145.040. Records Pertaining to Medical Condition or History.

- A. All information obtained by the City regarding medical examinations, medical condition or medical history of City employees or job applicants, if retained by the City, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:
1. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;
 2. First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or
 3. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

Section 145.050. Records Containing Confidential, Proprietary or Private Information.

- A. In order to protect reasonable expectations of privacy on the part of persons having dealings with the City, City records containing information or entries of a personal, confidential, private or proprietary nature including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the City by one complying with regulations requiring the disclosure of such information, shall be excised from copies of City records disclosed or provided to members of the public other than those persons to whom the information of entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the City Clerk for disclosure of material to be specified in the request, which request should state:
1. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and
 2. All reasons why the requesting party believes disclosure by the City of the specified information is in the public interest.

- B. The City Clerk may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the City Clerk may conduct a hearing at which all interested parties may be heard. At such hearing the Clerk shall consider, among such other factors as may be reasonable and relevant:
1. The requirements and intent of State law, City ordinances and this policy;
 2. The legitimate expectations of privacy on the part of interested parties;
 3. The personal, confidential, private or proprietary nature of the information at issue;
 4. Whether the information was obtained by the City under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and
 5. The public purposes to be served by disclosure of the requested information.

If the City Clerk determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interest of the persons to whom the information pertains, the Clerk shall provide the requested information to the requesting party.

- C. In addition to or in lieu of the hearing described above, the City Clerk may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The City Clerk may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 145.120.

Section 145.060. 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. 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 the appropriate bulletin board at the City Hall.
- 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. 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 145.020 hereof. The notice shall be the same as described in Subsection (A) herein.

- D. 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.

Section 145.070. Closed Meetings — How Held.

- A. Except as set forth in Subsection (C) of Section 145.060, 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 145.020 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. Public governmental bodies holding a closed meeting must 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.

Section 145.080. Journals of Meetings and Records of Voting.

- A. Except as provided in Section 145.020, 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.
- B. A journal or minutes of open 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.

Section 145.090. 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. At any public meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the public meeting at a

designated location identified in the notice of the meeting. 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.

Section 145.100. 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.

Section 145.110. 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. The custodian shall provide public access to all public records as soon as possible but no later than the end of the third (3rd) business day following the date the request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and the place and the earliest time and date the record will be available for inspection.
- C. 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.

Section 145.120. Procedures for Resolving Questions of Public Accessibility.

A public governmental body or record custodian in doubt about the legality of closing a particular meeting, record or vote may, subject to approval by the Board of Aldermen, bring suit at the expense of the public governmental body in the Circuit Court for the County of Lawrence to ascertain the propriety of such action. In addition, subject to approval by the Board of Aldermen, the public governmental body or custodian may seek a formal opinion of the Attorney General or an attorney for the City regarding the propriety of such action. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable

time pending the outcome of the actions so taken.

Section 145.130. Fees. [Ord. No. 1.256 §1, 9-13-2011]

- A. The custodian shall charge a fee for duplication costs in the amount established in the City's fee schedule; provided however, that the Police Department shall charge a fee for police reports in the amount established in the City's fee schedule and no hourly charge for document search shall be levied for said Police reports. Said fees for copying public records shall not exceed the actual cost of document search and duplication. Upon request, the public governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body. The custodian may require payment prior to duplicating any documents.
- B. Any request that documents be furnished without charge or at a reduced charge because the documents are likely to contribute significantly to public understanding of operations or activities of the City of Mount Vernon and is not primarily in the commercial interest of the requester shall be referred to the City Administrator, who shall inform the requester within three (3) days, if possible, whether the request is denied or granted in whole or in part. Any grievance or disagreement with the decision of the City Administrator, upon written request to the City Clerk, shall be placed on the agenda for the next regular meeting of the Board of Aldermen for resolution by the Board.

ARTICLE II

Law Enforcement Arrest Reports and Records, Incident Reports, Etc.

Section 145.140. 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:

- 1. A decision by the law enforcement agency not to pursue the case.
- 2. 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.
- 3. 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.

Section 145.150. 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. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. 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 except as provided in Section 145.170.
- 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, 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 145.170 for purposes of investigation of any civil claim or defense as provided by this Subsection. Any individual, 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. 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.

Section 145.160. Effect of Nolle Pros, Dismissal and Suspended Imposition of Sentence on Records.

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 Section 145.170 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 145.170.

Section 145.170. Public Access of Closed Arrest Records.

- A. 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 Section 43.507, RSMo. The 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 section 43.543, RSMo., to submit and 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 Section 43.507, RSMo.; to qualified entities for the purpose of screening providers defined in Section 43.540, RSMo.; the Department of Revenue for driver license administration; the Division of Workers' Compensation 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.

Section 145.180. "911" Telephone Reports.

Excepted as provided by this Section, any information acquired by the Police Department 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 145.150. 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.

Section 145.190. Daily Log or Record Maintained by Police Department of Crimes, Accidents or Complaints — Public Access to Certain Information.

- A. Except as provided in Subsection (B) of this Section, the City of Mount Vernon 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.
- B. The Police Department, having custody of an accident report or incident report as defined in Section 145.140, shall not release for sixty (60) days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of Subdivision (3) of Subsection (A) of this Section to a person that is not an interested party. For the purposes of this Subsection, an "*interested party*" is any law enforcement agency, any person who was involved in the accident or incident, the Street Department of the jurisdiction involved, the owner of any

vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident, or any attorney, or any member of the news media.