

ACCEPTANCE OF NOMINATION
AND STATEMENT OF CANDIDACY

I hereby accept the nomination for the office of _____ and file this statement of candidacy. I declare that I meet all requirements to hold said office, and that I agree to serve if elected.

(Signature of Candidate)

Date and hour of filing:

This petition is filed by _____ whose address is _____ . Received by _____ .

(Signature of City Clerk)

Within five (5) days after the filing of a nominating petition the city clerk shall notify the candidate and the person who filed the petition whether or not it is found to be sufficient. If a petition is found insufficient, the city clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new or supplemental petition may be filed for the same candidate. The petition of each candidate nominated shall be preserved by the city clerk until the expiration of the term of office for which he has been nominated.

Approved by vote of the people April 3, 1984.

Section 13.5. Preparation of ballots

The names of candidates for elective offices shall be printed on the ballots in rotation, without party designation as follows: The ballots shall be printed and distributed among the various voting places in as many series as there are candidates, so that the name of each candidate shall appear in each position on the ballots as printed and distributed substantially an equal number of times; except that such provision shall not apply to names of candidates when mechanical or other devices for voting or counting votes are

used not inconsistent with state law. When mechanical or other devices for voting or counting votes are used, the names of the candidates for each office shall be listed on the ballot in the order in which they are filed and certified as sufficient by the city clerk. The names of candidates in election notices shall be printed in alphabetical order.

Approved by vote of the people April 5, 1977.

Section 13.6. Voting machines

The council shall have the power to provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with state law.

Section 13.7. Returns; Canvass

Unless otherwise provided for by law, the council shall canvass the election returns and declare the results of any municipal election regular or special, at a meeting to be held not later than one week following such election. The candidate or candidates receiving the highest number of votes for each office shall be declared elected and inducted into office at that time.

Section 13.8. Tie vote

If at any municipal election there shall be no choice between candidates by reason of two or more having received an equal number of votes, the council shall proceed to determine the election by lot in a meeting open to the public and to which all candidates have been invited.

Section 13.9. Voting precincts

The wards of the city shall continue as now defined and may be divided into precincts when necessary subject to change by the council unless otherwise provided for by law.

ARTICLE XIV. INITIATIVE, REFERENDUM AND RECALL

Section 14.1. Initiative

The electors shall have power to propose any ordinance, except an ordinance appropriating money and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the council by a petition signed by qualified electors of the City equal in number to at least ten percent of the total number of persons voting at the last general municipal election in April.

Approved by vote of the people November 5, 1991.

Section 14.2. Referendum

The electors shall have the power to approve or reject at the polls any ordinance passed by the council, or submitted by the council to a vote of the electors, excepting emergency ordinances as provided for in Section 2.12 of this Charter, ordinances for the levying of taxes, or for the issuance of special tax bills, as provided in this Charter, such power being known as the referendum. Ordinances submitted to the council by initiative petitions and passed by the council shall be subject to the referendum in the same manner as other ordinances. Within thirty (30) days after the enactment by the council or by initiative of any ordinance which is subject to referendum, a petition signed by qualified electors of the City equal in number to at least ten percent of the total number of persons voting in the last general municipal election in April may be filed with the city clerk, requesting that such ordinance either be repealed or submitted to a vote of the electors.

Approved by vote of the people November 5, 1991.

Section 14.3. Petitions

All petition papers comprising an initiative or referendum shall be assembled and filed with the city clerk as one instrument. Every initiative petition shall contain the full text of the measure proposed

and every referendum shall contain the full title of the ordinance referred, but the signatures to any petition need not all be appended to one paper. Each signer, after his name, shall designate his residence by street and number, or by other description sufficient to identify his place of residence, and the circulator of each such paper shall make oath before an officer competent to administer oaths that he believes each signature appended to the petition to be the genuine signature of the person whose name it purports to be, that he believes each such signer to be a legal voter, and that all signatures were affixed in his presence, and shall designate his residence by street and number.

Section 14.4. Filing and certification of petition

Within twenty days after a petition is filed, the city clerk shall determine whether each paper of the petition has a proper statement of circulator and whether the petition is signed by a sufficient number of qualified electors. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the city clerk shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the person filing the petition of his findings.

Section 14.5. Amended petitions

An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency by filing a supplementary petition upon additional papers executed and filed as provided in case of an original petition. The city clerk shall, within five days after such an amendment is filed, make examination of the amended petition; if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the person filing the petition of his findings, and no further action shall be had on such insufficient petition. A finding of insufficiency in a petition shall not prejudice the filing of a new petition for the same purpose.

Section 14.6. Effect on an initiative petition

When an initiative petition has been certified as sufficient, the council shall proceed at once to consider the proposed ordinance, taking final action thereon not later than thirty days after certification.

If the council shall fail to pass an ordinance in the form proposed by the initiative petition, it shall after the final action thereon call a special election on the next date authorized by law for such election, unless there shall be a general election within ninety days after council takes final action; provided, city council shall not be required to call an election with less than thirty days' notice after final action. At such special or general municipal election, such ordinance shall be submitted without alteration to the vote of the electors of the City. The enacting clause of such ordinance shall be: BE IT ORDAINED BY THE PEOPLE OF THE CITY OF SPRINGFIELD.

Approved by vote of the people August 8, 1978.

Section 14.7. Effect of a referendum petition

When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not become effective, or, if it shall have gone into effect, further action thereunder shall be suspended until the ordinance referred has been approved by the electors, as hereinafter provided. The council shall proceed forthwith to reconsider the referred ordinance, and its final vote upon such reconsideration shall be taken within thirty days after the certification and shall be upon the question: "Shall the ordinance specified in the referendum petition be repealed?"

If the council shall fail to repeal an ordinance specified in any referendum petition, it shall after its final vote thereon call a special election, unless there shall be a general election within ninety days after final action; provided, the city council shall not be required to call an election with less than thirty days' notice after final action. At such special or general municipal election, such ordinance shall

be submitted without alteration to the vote of the electors of the City.

Approved by vote of the people August 8, 1978.

Section 14.8. Voting

Ordinances submitted to the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall be prepared by the city attorney. The ballot title shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any ordinance shall conform to provisions of law. Immediately at the left of each proposition there shall be a square in which by making a cross (X) the elector may vote for or against the ordinance. Any number of ordinances may be voted on at the same election and be submitted on the same ballot, but any paper ballot used for voting on ordinances shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

Approved by vote of the people August 8, 1978.

Section 14.9. Effect of vote

If a majority of the electors voting on a proposed initiative ordinance or referred ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city and shall, unless otherwise specified, become effective as indicated in Section 2.12 of this Charter. No such ordinance shall be amended or repealed by the council for at least six months and then only by its unanimous vote. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same

election, the one receiving the greatest number of affirmative votes shall prevail.

No election under the initiative or referendum procedure shall be set aside because of any defect in the petition.

Section 14.10. Recall petition

Any officer elected by a vote of the people may be removed by the electors qualified to vote for a successor to such incumbent. *The procedure to effect the removal of such incumbent shall be as follows:* A petition demanding the removal of such officer shall be filed with the city clerk; such petition shall be signed by electors entitled to participate in such election equal in number to at least *thirty percent of the number of votes cast for such office in the last election.* This petition shall contain a general statement of the grounds for removal. Such petition shall be executed, verified, filed, and may be amended in the manner provided for initiative and referendum petitions.

Section 14.11. Recall election

When a sufficient petition has been filed, the city clerk shall submit the same to the council without delay, and the council shall fix a date for holding the election, which election shall be held on the next date authorized by law for such election; provided, the election shall not be held less than thirty days after city council has received the city clerk's report on the sufficiency of the petition. If such office becomes vacant prior to the election, such election shall be canceled, and the vacancy shall be filled as provided in Sections 13.4 and 13.5 of this Charter.

Approved by vote of the people August 8, 1978.

Section 14.12. Recall ballot

The ballot shall be in the following form:

Shall _____ be removed from office?
(Name and Title)

[] YES

[] NO

Voters in favor of the removal place a cross (X) in the square opposite the word "Yes."

Voters opposed to the removal place a cross (X) in the square opposite the word "No."

If voting machines are used, the ballot shall be prepared in a form so as to give the elector an opportunity to vote either "Yes" or "No" as set forth above.

Section 14.13. Effect of election

If a majority of those voting in such recall election shall vote in favor of the recall, then a vacancy shall exist, regardless of any defect in the recall petition. Such vacancy shall be filled as provided in Sections 13.4 and 13.5 of this Charter. If a majority of those voting in such election shall vote against the recall, the official shall continue in office. An official who has been recalled shall be ineligible to serve in the City in any capacity at any time during the remainder of the term for which he was originally elected.

Section 14.14. Limitation on recall

No officer shall be subject to recall within six months after his induction into office, nor during the last six months of his term. If he

is retained in office by any recall elections, he shall not again be subject to recall within a period of six months thereafter.

Section 14.15. Conduct of initiative, referendum, and recall elections

Notice of initiative, referendum, and recall elections shall be given and publicized, and such elections shall be conducted, the returns canvassed, and the results thereof declared in all respects as are other City elections.

ARTICLE XV. BOARDS

Section 15.1. Definitions and classifications

All boards or commissions established by this Charter or under authority granted herein to the council shall be classified either as (1) advisory boards, established for the purposes of investigation into general or specific problems affecting either the City as a whole or a particular department or agency thereof and making recommendation, or (2) administrative boards to which the power and duty of administering a department or agency of the City is entrusted with the necessary authority vested in such board to carry out such power and duties.

Section 15.2. Power to establish boards

In addition to the boards established by this Charter, the council shall have the power to establish, from time to time, such advisory boards as it may deem necessary or desirable and to provide for the scope and powers of such boards and for such employees and facilities as it deems necessary and to abolish the same.

Section 15.3. Applicability of article

This Article shall apply to all boards either established directly by this Charter or by the council pursuant to authority herein given except as other or different provisions shall be made in this Charter specifically applying to any board.

Section 15.4. Power of the council

Except as specifically otherwise authorized or provided in this Charter, all boards, departments, and agencies of the City shall be subject to legislative control of the city council.

Section 15.5. Members; terms; qualifications and restrictions

Except as otherwise specifically provided in this Charter, all boards established or authorized by this Charter shall consist of

nine members appointed for a term of three years and until their successors are appointed and qualified. The Springfield Mayor's Commission on Human Rights and Community Relations shall consist of not less than five nor more than fifteen members appointed for a term of three years and until their successors are appointed and qualified. In the event a person fails to serve a full three year term, the successor shall be appointed for the unexpired term. The appointing authority shall have the power to make appointments for periods which are shorter than the required term in order to stagger terms so that one-third of the members are appointed each year. In addition thereto, the city manager may serve as ex-officio member if so provided in this Charter or in the ordinance establishing said boards. Members shall have resided in the city not less than two years immediately prior to their appointment, be qualified voters therein, shall reside in the City during their term of office; and shall take the oath prescribed for City officers and shall serve without compensation. When the city council determines that it is in the interest of the City to establish a board to advise the city council concerning inter-local matters provisions of this section pertaining to City residency and the number of members on advisory boards shall not apply. The city council may agree with other governmental agencies concerning the qualifications and composition of boards which are established to advise the city council about inter-local governmental matters.

During their term of office no member of any board shall be a member of any committee or organized group connected with any political party or promoting the candidacy of any person for municipal office. Members of all boards shall have the same qualifications as provided in this Charter for at-large councilmembers. However, no person shall be appointed to any board for more than two consecutive three-year terms and as far as practical, membership of boards and committees shall be representative of the various parts of the City.

A member of an administrative board of the City shall be prohibited for a period of one (1) year after leaving his position on such board from being hired as an employee of said board.

Approved by vote of the people November 5, 1996.

Section 15.6. Appointment and removal

Except as otherwise provided in this Charter, members of advisory boards shall be appointed by the council or as otherwise provided herein or as provided in the ordinances establishing such advisory board, and all members of such board shall be removable by the council. Members of administrative boards shall be appointed by the city manager with the approval of the council; such approval shall not be given until a period of at least two weeks shall have elapsed after such appointment is made, and if the council shall take no action thereon for 30 days after such appointment is made, it shall be deemed approved. Members of such boards may be removed by the appointing officer at any time with the approval of the council; provided, that any member so removed shall, if he so requests, have a hearing by the council before such removal.

Section 15.7. Personnel

All employees of such boards shall be appointed by the boards in accordance with the provisions of Article VI of this Charter, and shall be a part of the classified service of the City.

Section 15.8. Purchases and contracts

All materials, equipment and supplies necessary for the operation, maintenance, or improvement of any department or agency administered by a board shall be procured by the City purchasing agent in accordance with Article V of this Charter.

Section 15.9. Finances

Special levies authorized by the constitution or by law for the support and operation of any department or agency administered by a board shall be kept in an account separate and apart from other City funds and credited to such board. All moneys received by any administrative board for concessions, permits, fees, fines or otherwise accruing through the operation of the department or

agency shall be promptly paid to the director of finance, and be credited to the account of such board. Any sums appropriated and spent as herein provided for the operation, maintenance or improvement of such department or agency shall be charged against such funds. Any special levy established by the council for such board may be reduced or discontinued by the council. Any special levy established by vote of the people may not be reduced or discontinued by the council without such reduction or discontinuance first having been submitted to and approved by the voters. None of such fund shall be spent for any other purpose and the various boards shall have, subject to the budget provisions herein, the exclusive power and authority over the expenditure thereof.

Section 15.10. Budget

All administrative boards, except as otherwise specifically stated, shall at the time provided for the general city budget submit their budgets to the council through the city manager. Such budget shall show the estimated revenue from all sources, including special levies, funds derived from operation and requested appropriations from the general revenues. It shall also show an itemized statement of proposed expenditures together with such other information as may be required by the city manager. The council may approve such budget as presented or it may delete items of expenditure therefrom or reduce the same, and it may grant or refuse requested appropriation from the general revenues. In the event that such requested appropriations from the general revenues are refused or reduced in amount, the expenditures in such budget shall be reduced proportionately thereto. The said board may include sums proposed to be set aside annually for capital improvements which cannot be financed in any one year. Such sums are to be set aside and invested as other City funds are invested. The budget shall show proposed expenditures in any one year from such capital improvement funds. No action on the said budget shall be taken for at least two weeks after its presentation to the council, and in the event no action shall have been taken on the said budget within thirty days after its presentation, the same shall stand approved as presented. Thereafter no changes shall be

made in the said budget without first submitting the same to the city council for approval.

Proposed expenditures in said budget shall be charged: first, against the special levy; second, against receipts from operations; third, against appropriations from general revenue. Any sums budgeted for expenditures and unspent and unencumbered at the end of the year, above those received from special levies, shall revert to the general revenues.

Section 15.11. Disbursement of funds

All items of expenditure authorized in the budget of any board as approved by the council shall be deemed to be an appropriation thereof and shall be disbursed out of the appropriate funds by the director of finance on warrants authorized by any of the boards, or by the chief administrative officer when authorized by the board provided the director of finance certifies the payment as being within the terms of the appropriation, there being an unencumbered balance in the funds of any board to pay the same. The board shall establish and follow regular procedures for verification and oversight of such expenditures.

Approved by vote of the people April 3, 1984.

Section 15.12. Organization and procedure

Such boards shall organize annually by electing one of their members as chairman and such other officers as said board may deem necessary, and each of such boards may establish such rules of procedure and organization as it deems necessary not inconsistent with this Charter, or with the ordinances establishing the board, or with the laws of this state.

Approved by vote of the people April 3, 1984.

Section 15.13. Reports and audit

Each of the boards established hereunder, or by ordinance herein authorized, shall make, on or before the fourth Monday in the last month of the fiscal year, an annual report to the city council stating the condition of their trust on the first day of that year, the various sums of money received by the board, how such moneys have been expended and for what purposes and such other statistics, information and suggestions as it may deem of general interest or may be required by the city manager. A complete audit of the financial transactions of said boards, except as in this Charter otherwise specified, shall be made at least annually by the City auditor.

Section 15.14. Gifts and donations

Any person firm or corporation desiring to make donations of money, personal property or real estate for the benefit of any of the projects administered by any board shall have the right to vest the title to the money, personal property or real estate so donated in the boards created hereunder to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property any such board shall be held and considered to be special trustees.

Section 15.15. Powers and duties of the boards

Each of the administrative boards established by this Article shall take charge of and operate the properties, institutions and facilities entrusted to them and shall have the care, custody and supervision thereof, and in order to carry out their duties, shall have the following general powers:

(1) To acquire real or personal property necessary, advisable, or useful for the purposes of such board by purchase, gift, exchange, or condemnation.

(2) To sell or dispose of real and personal property no longer needed or useful; provided that such sale or disposition shall be either with the express approval of the council or under the terms

of any general ordinance enacted by the council providing for such sale or disposal in accordance with the terms of this Charter.

(3) Adopt, subject to the approval of the council, such bylaws, rules and regulations for the control, management, and government of the facilities, properties, and institutions entrusted to their care; such rules, regulations and bylaws shall, when approved by the council, have the force and effect of ordinances and may provide the punishment for their violation.

(4) Appoint, subject to the provisions of Section 15.7 of this Article, such employees as may be necessary to superintend and operate such facilities, properties, and institutions entrusted to their care; and fix the compensation thereof in accordance with general compensation plans adopted by the council for all departments and agencies not specifically excluded from such plans.

(5) Procure such material, supplies and equipment needed for the operation of the properties, facilities, and institutions in accordance with Section 15.8 of this Article.

(6) Provide for the maintenance and improvement of their facilities, properties, and institutions, subject to the provisions of Article VIII of this Charter.

(7) Establish additional facilities and properties or branches of existing facilities, institutions, or properties, with the concurrence of the city planning commission as to the location thereof.

(8) Enter into operation agreements with other public or private organizations having like purposes for an exchange of facilities.

(9) Have such other powers as may be necessary to carry out the purposes for which each of such boards is established or that may be granted to any board by ordinance enacted by the city council and are not inconsistent with this Charter or the laws or constitution of the state.

Section 15.16. Park board

There is hereby established a Springfield/Greene County Park Board, which board shall among its other responsibilities further the interest in developing a countywide park system in the City of Springfield and the unincorporated areas of Greene County. Except for parks or recreational facilities as may be operated by city utilities, the board shall take charge of and operate in accordance with the City Charter and the provisions of this Article all public parks, playgrounds and recreational facilities now owned or hereafter acquired by the City, and parks and facilities which are operated by agreement between the City and the County or any other person.

A minimum of two members and a maximum of four members shall reside in the unincorporated areas of Greene County, and their appointments shall be approved by the County Commission instead of the City Council, consistent with an interlocal governmental agreement between the City and County. The initial appointment of two members who live outside the City in the unincorporated areas of Greene County shall occur as board positions become vacant.

Approved by vote of the people November 5, 1996.

Section 15.17. Library board

The library board shall, notwithstanding any provisions of this Charter, be constituted and appointed and have such powers and duties as are now prescribed by general statutes for library boards in all cities of this state.

Section 15.18. Children's home board

There is hereby established a children's home board which shall take charge of and operate, in accordance with the terms of this Article, homes for orphaned children and children of indigent parents, now owned or established or which may be hereafter acquired by the City.

In addition to the powers granted by this Article, the said children's home board shall have power to make all necessary rules and regulations for the admission of children to said home, but no child shall be admitted thereto who has not been a bona fide resident of said city for a period of not less than three months next immediately preceding his admission to said home, and in the admission of children, preference shall be given to those whose parents are both dead or who have abandoned them; provided, that no religious or sectarian requirement shall ever be made for such admission.

The said board shall have the power to fix and maintain such charges as they deem proper for the admission and retention of children in said home to the end that parents who are able to contribute to the support of their children may be required to do so according to their ability.

The children's home board shall cooperate in all respects with the department of public health and welfare.

Section 15.19. Airport board

There is hereby established a regional airport board, consisting of eleven members, eight of whom shall reside within the City of Springfield and three of whom shall reside outside the City of Springfield but within Greene County, Stone County, or Taney County, or a county adjacent to Greene County, including incorporated cities therein, which board shall take charge of and operate, in accordance with the provisions of this Article, all airports and other facilities for the operation and service of aircraft, now owned or operated or which may hereafter be owned or operated by the City. Board members who reside outside the City shall have the same qualifications as other board members except for city residency. The initial appointment of the third board member who resides outside the City shall occur when a current board position becomes vacant.

Approved by a vote of the people April 3, 2001

Section 15.20. Art museum board

There is hereby established an art museum board which shall take charge of and operate, in accordance with the provisions of this Article, the City art museum, which for the purpose of this Article shall be an institution for the collection and exhibition of pictures, statuary, and other works of art and whatever else may be of artistic or historic interest and appropriate for exhibition in an art gallery or museum, for the promotion by all proper means of esthetic or artistic education.

The exhibition galleries shall be open free to the public, except as herein provided, under proper and reasonable rules and regulations during suitable hours for a reasonable number of days in each week, including, as a usual custom, public holidays. The said board may, in its discretion, and subject to the approval of the council, fix admission fees or charges for certain times and occasions.

Said art museum board shall be the sole judge of the merit and propriety of works of art or other objects to be exhibited in such museum and galleries thereof.

ARTICLE XVI. BOARD OF PUBLIC UTILITIES

Section 16.1. Definitions

(1) The term "public utilities" by way of description, but not as a limitation, shall include electric systems (and appurtenant steam heating apparatus and piping), gas systems, water systems, transit systems, and public communications systems (including all plants, apparatus, equipment, and distribution facilities related to any such system), or any other service or facility commonly considered to be a public utility or so declared to be by any statute, ordinance or court decision.

(2) The utilities now owned or hereafter acquired by the City shall be operated under the name "City Utilities of Springfield, Missouri."

Section 16.2. Composition of the board

(1) All such public utilities now owned or which may in the future be acquired shall be controlled and operated by a board known as the board of public utilities.

(2) Such board shall consist of eleven persons appointed as hereinafter provided for terms of three years and who shall serve until their successors are appointed and qualified; however, no person shall be appointed for more than two consecutive three year terms.

(3) The city manager shall be an ex officio member of such board, but shall not have any vote.

(4) Nine members of said board shall be residents of the City of Springfield, who have had business or professional experience and who shall have resided in the City at least two years immediately prior to their appointment.

Two members of the board shall live outside the City of Springfield; shall have had business or professional experience; and shall have been record subscribers to at least one of the public utilities (other than transit) owned by the City for at least two years next prior to their appointments which subscription shall be maintained during their terms in office.

Approved by vote of the people April 4, 1989.

Section 16.3. Appointment of board

Members of such board shall be nominated and appointed by a majority vote of the city council acting as a committee of the whole. Any vacancy shall be filled in the same manner.

Section 16.4. Organization of the board

Upon its first meeting after appointment, such board of public utilities shall organize by electing one of its members as chairman, one as vice-chairman, and another of its members, or the city clerk, as secretary, to serve for a term of one year. Such chairman, or in his absence, the vice-chairman, shall preside at the meetings of the board. The secretary or, in his absence, an acting secretary elected by the board, shall attend such meetings and keep a record of all actions taken at the meeting. Such officer shall perform such other duties as the said board may from time to time specify. All records of the said board are hereby declared to be public records, and any person shall, at reasonable time and under such reasonable regulations as the board may determine, be permitted to examine the records. Five members of the board shall constitute a quorum for the transaction of business. All members of the said board shall serve without any compensation except the necessary expenses of their office; the expenses thereof to be paid out of the revenue of the utilities operated by the said board. If the board is required by the council to give bond, the cost of the same shall be paid out of the revenue of the utilities operated by such board.

Section 16.5. Restrictions on the board

Not more than six members of the said board shall belong to the same political party, and the administration of such board shall be in all respects entirely nonpartisan. No member of the said board shall, during his term of office thereon, be a candidate for office, nor shall he hold any other office, either school board, city, county, state, or federal during his official term; nor shall he be a member of any party organization or committee to further the candidacy of any person for municipal public office. Upon becoming a candidate for public office or accepting any of the offices aforesaid, during the

term, he shall be deemed thereby to have immediately resigned as a member of the said board, and his membership shall be thereby ipso facto vacated.

A member of the board shall be prohibited for a period of one (1) year after leaving his position on the board from being hired as an employee of the board.

Approved by the vote of the people April 4, 1989.

Section 16.6. Duties

Such board of public utilities shall have the power and it shall be its duty to take charge of and exercise control over any public utilities now owned or operated by or hereafter acquired by the City and all extensions thereof and the appurtenances thereto belonging (and with the right and power to establish, maintain and operate such park and recreation areas and facilities in the manner and as the board may determine, subject to approval of city council, upon real estate and properties acquired or held in connection with utilities as a part of said utilities operations), inside or outside the corporate limits of the City, and shall enforce the performance of all contracts and work, and have charge and custody of all the property, assets, books, and records belonging to such utility or utilities; provided, that nothing herein shall be construed to authorize a sale of said utility properties without a vote of the electorate of said city as provided herein; but said board may provide for the sale or other disposition of any useless, outworn, obsolete, or surplus supplies, equipment, or real estate not then useful in the operation of such utilities, in the manner provided by ordinances for the disposition of such property by the City.

Approved by vote of the people May 15, 1956.

Section 16.7. Powers

The said board of directors shall have all the powers necessary, desirable, or convenient to manage, control, and operate such public utilities, and by way of description but not of limitation, the

board shall have the power to hire such persons in the manner herein provided as are necessary to operate the said utilities to agree upon or provide for the terms of their compensation to discharge the same, to purchase operating supplies and equipment, to provide for the extension and improvement of the property, to enter into contracts with other public and private utilities for the purchase of their product or the sale thereto, and do all things needful for the successful operation of said utilities except as hereinafter limited.

Section 16.8. Budget provision

Not less than 30 days prior to the end of the fiscal year of such utilities as determined by the said board, the said board of public utilities shall prepare and submit to the council a budget showing its estimated revenue for the coming year from all sources and its estimated expenditures for operating expenses, for depreciation, for payment of all outstanding obligations, for transfer to the City of payments in lieu of taxes, and all other estimated expenditures. Such budget shall be prepared in the form and manner required by the director of finance, and the same shall conform to the accounting system in use. Said budget shall be filed with the city clerk and shall remain on file for a period of not less than two weeks before any action is taken thereon. Said budget shall be a public document, and any person shall have the right to inspect the same at the office of the city clerk. Not less than two weeks after the said budget is presented, the council shall consider the same and may, on its own motion, hold a public hearing upon the said budget as presented, or it may reduce items of expenditures or delete items of expenditures, but it shall have no power to increase the estimated revenues nor may it increase any item of expenditures nor may it strike out or reduce any salary of any individual from the said budget. If the council shall take no action on the said budget within 30 days from the date the same is presented, the budget shall be deemed approved and shall become effective without further action.

Thereafter, no changes may be made in the said budget without presenting the same to the council and with the approval of the council after a lapse of two weeks and a public hearing thereon if desired; provided, however that items of expenditure as approved may be, if necessary, shifted from one class of item to another, without presentation to the council, but upon approval by the board of public utilities and upon certification by its manager that such changes are necessary.

Section 16.9 Disbursements

The approval of the said budget by the council shall be deemed to be an appropriation of the money authorized for disbursement thereby, and no further action need be taken by the council. All moneys paid by the said public utilities shall be paid by the comptroller thereof in accordance with procedures established by the board for verification of expenditures when the comptroller of city utilities certifies the payment to be within the terms of the moneys appropriated by the budget for the purposes specified in the budget.

Approved by vote of the people April 3, 1984.

Section 16.10 Funds

All moneys due to and collected by the public utilities from any source shall be paid to the comptroller of such utilities and deposited by him daily in the City depository to the credit of such public utilities and shall be disbursed by him only in accordance with the provisions of this Article or of any ordinance now in effect or hereafter enacted relating to the bonded debt of such public utilities.

The said comptroller shall be appointed in such manner as the board of public utilities shall direct and shall give bond to the board of public utilities and to the City jointly in such sums and on such conditions as the council shall by ordinance provide, the cost of said bond to be paid out of the revenue of the public utilities operated by the board.

Section 16.11. Accounting

The said board of public utilities shall follow in all respects the accounting procedures established for private utilities by the Public Service Commission of Missouri or by the Federal Power Commission. It shall furnish or cause to be furnished to the said city or to its director of finance such record of all cash deposited by it and a monthly record of all receipts and disbursements in such form and in such detail as shall be required by any ordinance hereinafter enacted by the council, which records shall at any time be open to the examination of the council or any committee or representative appointed by the council, and such board shall *make, not less frequently than quarterly, full and complete reports* of its transactions to the council; and it shall be the duty of the council at such times as it may deem expedient and necessary, but not less than one each year, to make or cause to be made a complete audit of the operations of said board for the preceding year.

Section 16.12. Purchases and contracts

The city utilities may purchase independently, except as provided further in this Section, but before it makes any purchases or contracts, or lets any contract for improvements, there shall be given ample opportunity for competitive bidding, in accordance with such rules and regulations as the board of public utilities upon *recommendation of the general manager, approved by the city council*, may prescribe by resolution; provided, however, that the board of public utilities shall not except individual contracts, *purchases or sales from requirement of competitive bidding*, nor shall it permit the subdivision of contracts or purchases for the purpose of evading the requirements of competitive bidding.

It is hereby declared to be the public policy of the city that supplies and equipment ordinarily used by the city utilities, operated by the board, and by other departments or agencies of the city, shall be purchased in such manner as to take advantage of the combined purchasing power of the City as a whole, wherever practicable.

The city manager and the general manager of the city utilities, together with such administrative staff as they deem necessary, shall meet at least quarterly to study and apply combined purchasing and any other activities that might be beneficial to the City as a whole.

Section 16.13. Rate making provisions

The said board shall fix the rates to be charged for services and facilities furnished by such public utilities, subject to the approval of the council. Such rates shall be submitted to the council, and no action shall be taken thereon for a period of at least two weeks. The schedule of proposed rates or changes therein shall be filed with the city clerk and shall be a public record open to the inspection of any person. During such period the council may, on its own motion, hold a public hearing on such schedule of rates or proposed charges thereon and may adjourn such hearing from time to time. At the conclusion of such hearing the council shall approve or reject such schedule of rates or proposed changes therein.

Both the board and the council may take into consideration the health and welfare of the inhabitants of the community in establishing the rate structure.

Approved by vote of the people August 8, 1978.

Section 16.14. Employees of public utilities

The said board shall appoint and may remove the manager; who may, with the approval of the board, appoint and remove his assistants and the heads of departments; all other employees shall be hired, promoted, reduced or discharged in accordance with rules established by the board designed to secure and retain employees strictly on the basis of their merit and without regard to favoritism. The board shall determine the duties and compensation of all employees. No individual member of the said board shall request or recommend the employment, retention, promotion, reduction, retardation, or discharge of any employee and such request or

recommendation shall be sufficient cause for removal of such board member from office.

Section 16.15. Payment into city treasury and services furnished

The board of public utilities shall pay into the general revenue fund of the City each month, three percent of the gross operating revenue of any electric light or power plant or distribution system now or hereafter owned or operated by the City, and four percent of the gross operating revenues of any gas works or bus transportation system now or hereafter owned by the City, which said payments shall be in lieu of taxes. No change in such payments shall be made without being first submitted to a vote of the qualified voters of said city at a regular or special election held for that purpose and approved by a majority of the votes cast in such election. In addition to such payments, the public utilities shall continue to furnish without charge adequate lighting for all streets, alleys or public ways deemed necessary by the council to be lighted and may, without charge, at the request of the council, furnish electricity, gas and heat to all City-owned buildings and grounds as needed, on the same conditions (other than payment) under which such services are available to private users.

Section 16.16. Disposition of net income

The board of public utilities and council shall have joint authority and control over the reserves and funds of such utilities as are not required to pay the usual and proper costs of operation, depreciation, payments in lieu of taxes, maintenance, additions, extensions and repairs of such utilities. Such fund shall be administered and applied in such manner as may be recommended by the board of public utilities and approved by the council, subject, however, to the provisions of City ordinances now existing, or which hereafter may be passed by the council relating or in connection with any bonded debt of such public utility. Should the council fail to approve the recommendation of the board of public utilities as to the disposition of such funds, then the council and board of public utilities in joint session may, by two-thirds favorable vote, designate

the use of any part of, or all of such funds for any or all of the following purposes: reserve for emergencies; addition to or extension and improvement of facilities in accordance with projected plans; the improvement or service in any department of such public utility, regardless of the return therefrom; or a reduction in rates; but in no case shall any part of this fund be transferred to the general revenue fund of the City. The board of public utilities shall make its report on the previous year operations and its recommendation concerning use of such funds to the city council within thirty days after receipt of the annual director of finance's report.

Section 16.17. Sale of public utilities

Before the City shall sell or dispose of, in any way, or abandon or cease to operate any public utility which may be owned by it, it shall first submit the proposition for such sale or disposition or abandonment or ceasing to operate, by ordinance, to the qualified voters of said city, either at a general election or a special election, held for that purpose, and it shall require a majority of the votes cast at said election for and against such proposition, to be in favor of the proposition before any authority shall exist for such sale, disposition, abandonment, or ceasing to operate.

Section 16.18. Condemnation

The board of public utilities shall have the right of eminent domain to the same extent and to be exercised in the name of the City in the same manner as is now or may hereafter be granted by the statutes of Missouri to any privately owned utility.

Section 16.19. Area of service

The board of public utilities shall operate the utilities and furnish the services thereof within the corporate limits and within the area outside of such corporate limits in any county in which the City is located.

Nothing in this section shall be construed to prevent said board from purchasing, leasing, erecting, installing, or otherwise acquiring real and personal property necessary, useful or desirable in the conduct of its operations at any place whether within or without the corporate limits of the City.

Approved by vote of the people November 5, 1991.

ARTICLE XVII. FRANCHISES

Section 17.1. Granting of franchises

All public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty days after application therefor has been filed with the council, nor until a full public hearing has been held thereon. No such ordinance shall become effective until it has been submitted to the electors and has been approved by a majority of the electors voting thereon.

No ordinance shall be submitted at an election less than sixty days after the grantee named therein has filed its unconditional acceptance of such franchise, and it shall not be submitted to a special election unless the expense of holding the election, as *determined by the council, shall have been paid into the city treasury* by the grantee. No exclusive franchises shall ever be granted, and no franchise shall be granted for a longer term than 20 years. No such franchise shall be transferable directly or indirectly, except with the approval of the council expressed by ordinance after a full public hearing.

Section 17.2. Right of regulation

All public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the council to:

(1) Repeal the same for misuse or non use, or for failure to comply therewith.

(2) Require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standards of efficiency.

(3) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service of rates.

(4) Make an independent audit and examination of accounts at any time, and require reports annually.

(5) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

(6) Control and regulate the use of the City streets, alleys, bridges, and public places, and the space above and beneath them.

(7) Regulate rates, fares and charges and make readjustments thereof from time to time if the same are not regulated by the state.

(8) Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.

Section 17.3. Purchases; condemnation

The City shall have the right to acquire by condemnation or otherwise the property of any public utility in accordance with the *general laws of the state*.

Section 17.4. Revocable permits

Temporary permits for the operation of public utilities, or like permits for a period not to exceed two years but subject to being renewed for a period not to exceed one year and subject to amendment, alteration, or revocation at any time at the will of the council may be granted only by ordinance on such terms and conditions as the council shall determine; provided that such

permits shall in no event be construed to be franchises, or extensions or amendments of franchises.

Section 17.5. Operation beyond franchise period

Any operation of a public utility by a franchise holder, with the tacit permission of the City, beyond the period for which the franchise was granted, shall under no circumstances be construed as a renewal or extension of such franchise. Any such operation shall at most be regarded as a mere temporary permit, subject, like other permits, to amendment, alteration, or revocation at any time at the will of the council.

ARTICLE XVIII. LICENSING OF OCCUPATIONS AND BUSINESS

Section 18.1. Occupations

License taxes and regulations may be imposed by ordinance upon all lawful objects of taxation, including, but not limited to, the following:

(1) Abstractors, certifiers or guarantors of land title; escrow service in land transfers; accountants; adjusters of claims; addressing businesses; advertising of any kind or by any means, and advertising advisors; artists; composers or writers; aerial surveying; airports; aircraft transportation; amusement ticket brokers or sellers; amusement parks; animal shows; appraisers; architects; arenas; art galleries; assayers; artists; athletic, boxing, sparring, or wrestling exhibitions or contests; auctioneers; auction criers; automobiles; automobile dealers; automobile shows; bail bondsmen; bowling or ball alleys; banks, bankers; barber or beauty shops; barge lines and terminals; baseball parks; bath houses; beer depots or storerooms; beer or wine gardens; bicycles; billboards or bill posters; billiard or pool tables or other tables or instruments used for amusement; blacksmith shops; blue prints or photostat makers; board, livery or sales stables; boarding, lodging or rooming houses; bonding or surety companies; bottle exchanges, bottling plants; brewers or breweries; broadcasting stations; building

management, operation or maintenance; building, house or window cleaners; buildings, or savings and loan associations; buses; building companies; carnivals; carters or draymen; caterers; cemeteries; chauffeurs; check rooms; chemists; children's nurseries; chiropodists; chiropractors; cigarettes and tobacco of all kinds; circuses; claim agents; clairvoyants; clearing houses; cold, garment, household goods, locker, lot or merchandise storage; freight transfer or other warehousing; collectors of accounts or claims; commission merchants or agents; concerts; contract haulers; contract tailors; convalescent or nursing homes; crematories; curb market merchants; dairies; dance halls; dentists; designers; detectives; detective agencies or investigators; development companies; distillers; or distilleries; malt dealers; dealers or distributors of goods, wares or merchandise, new or used; docks, piers, wharves or other landing places; dog kennels; dogs; drivers of motor vehicles; dram shops or taverns; drugs, druggists and drug stores, wholesale and retail; drummers or salesmen; electrologists; embalmers; employment agencies; engineers; engravers; excursion boats; exhibitions; ferries or other boats; filling or service stations; finance or loan companies; fire or burglar alarm systems; food and all other processors; freight or other forwarders; fumigators; funeral directors; gasoline; garbage removers; gaugers; geologists; gift, premium or trading stamp enterprises; gold refiners or goldsmiths or silversmiths; golf courses; driving ranges and any other golf enterprises; grain elevators; gunsmiths; gymnasiums; health institutes or reducing parlors; hawkers, hucksters or peddlers; horse shoers; hospitals, sanatoriums or sanitariums; hotels; inspectors; installation with or without sale; insurance companies; interpreters; investment or trust companies; itinerant vendors, traveling or auction stores; itinerant wholesale produce dealers; jobbers; junk dealers, merchants or peddlers; laboratories; labor or public relation counselors; laundries; and self-service laundries; lenders and their agents; lithographers; linotyping; liquor; wholesale or retail liquor dealers; locksmiths; lumber measurers; lunch stands, counters or wagons; machine shops; manufacturers; manicurists; market places; masseurs; mercantile agents or agencies; merchants; merry-go-rounds; midwives; mining companies; money transportation; moving picture film producers, distributors, exchanges or rental establishments;

motor vehicles; motorcycles; motor scooters; moving picture exhibitions or shows; museums; music arrangers or bureaus; natural gas companies; navigation companies or steamboat lines; news agents, dealers or distributors; newspapers, newspaper publishers, agents, dealers or distributors; news service or bureaus; nurseries or nurserymen; office buildings; oil companies; operatic, theatrical or other performances; opticians, optometrists; orchestras or bands; packing or slaughterhouses; parades; parking lots; passenger stations or terminals; pawnbrokers; pest exterminators; photographers; pipe lines; pipes, poles, wires or conduits of public utility companies; poultry shows; printing establishments; public amusements and entertainments; public carriers; public garages; public halls; public lecturers; public meetings; public movers; public scales and weighers; public utilities of all kinds; publishing companies; pushcarts; quarries; race tracks; realtors; realty brokers and salesmen; rectifiers; refrigerating companies; rendering plants; restaurants; runners; safe depositories; salary brokers or buyers; scalp treaters; selling or storing gasoline; service cars; service car drivers; shoe shining parlors; shooting galleries; sight-seeing tours; signs; skating rinks; slot machines; solicitors; sport events or exhibitions; statisticians; stock or merchants' exchanges; stockyards; storage houses; street railway cars and companies; street stands; surveyors; swimming pools; tailors; tanners; taxicabs; taxicab drivers and companies; taxidermists; ticket agents; theaters; toll bridges or viaducts; trailer or tourist camps or courts; transfer companies; travel or traffic bureaus; truck terminals; trust companies; typographers or type setters; undertakers; upholsterers; vehicles; veterinarians; veterinary hospitals; wine manufacturers; wineries; woodworkers;

(2) And upon agents or agencies for the sale of automobiles; bus or railroad tickets; cash registers; exports or imports; ice; lightning rods; lumber; magazines; monuments; nursery stock; oil, mining or other stocks; real estate; sewing machines, or any other property;

(3) And upon telegraph companies; telephone companies; street railway cars and companies; electric companies; gas companies; subway companies; conduit companies; heating

companies, lighting companies; water companies; transportation companies; and utilities of whatsoever name, kind or character, like and unlike; coal and other fuels, ice or dry ice dealers; ice cream dealers; dairy product dealers; livestock dealers; produce dealers; rental agents; agents and all agents of whatever kind or character; detective or detective agencies; renovating and repair establishments; lumber brokers and agents; loan companies; bondsmen; brokerage companies; electrical supply establishments; automobile establishments and agencies; electric charging stations; washing establishments; automobile repair shops; rest homes and homes for the aged; dealers in orthopedic, medical and surgical supplies, and manufacturers; rooming houses, boarding, apartment, and tenement houses; confectioners; office business, and professional buildings; public grounds, arenas and halls; wagon yard establishments; stable keepers; shows; parades; public animal, automobile shows or exhibitions; menageries; cycloramas; panoramas; signs; shooting galleries; clairvoyants and fortune tellers; palmists; lung testers; muscle developers; all vehicles, public, or private, automotive and otherwise; auction house establishments; automatic machines or devices; coin-operated devices; pool and billiard rooms and halls; sales of goods by common carriers or agencies; clothes pressers and cleaners; linen and towel supply establishments; dye houses; diaper services; radio broadcasting and television stations and companies; ambulance companies; food lockers and cold storage plants; shoe repairs and shoe repair establishments;

(4) And upon agents or agencies for bonding companies; buyers; distilleries, express companies; financing; insurance companies; laundries, cleaners and dyers; manufacturers; merchants; railway traffic; rentals, sellers; shippers; steamships; surety companies; theatrical bookings; and for any other persons or purpose;

(5) And upon brokers of whatever class or character, including but without limiting the generality of the foregoing, brokers of the following kinds: bond; bonding company, business; commodity; customhouse; feed; financial; food products; fruit; grain; insurance; investment; liquor; loan; meat; merchandise; patent right; produce;

real estate; scrap metal; steel; stock; surety company; and theatrical booking brokers.

(6) And upon contractors and subcontractors for the construction, alteration, repair or performance of air conditioning; airports; alleys; asphalt work; badminton or tennis courts; bridges; brickwork; building or house moving; razing, shoring or wrecking; building, carpentry; caulking; cement or concrete work; culverts; decorating; dredging; drilling; electrical work; excavating; flooring; foundations; grading; guttering or spouting; heating; home building; kalsomining; land clearing; lathing; mausoleums; millwrighting; ornamental work; painting; paper hanging; paving; pile driving; pipe lines; plastering; plumbing or gas fitting; power piping; power plants; prefabricated buildings; railroads; rigging; roads, road oiling; roofing; sashing; scaffolds; sewers; sheet metal work; sidewalks; steam fitting; steel erection; stone work; streets; street lighting; tanks; terrazzo or tile work; tin work; tuck pointing; trenches; ventilation; waterproofing; water works; weather stripping, and all other improvements on real property; and those engaged in the sale or products in connection therewith;

(7) And upon rebuilding, renovating, selling, repairing, maintaining, or storing accounting machines; air conditioning equipment; air compressors; aircraft; aluminum products; amusement devices; art glass; awnings; bicycles; boilers; calculating machines; cameras; carpets; clothing; contractor's equipment; cranes; dishwashing machines; duplicating machines; electric appliances; elevators; engines; fire escapes; furnaces; furniture; gas appliances; gas or electric ranges; gauges; hotel or restaurant equipment; industrial or technical instruments; intercommunicating systems; lifting jacks; jewelry; kitchen equipment; laboratory equipment; lawn mowers; leather goods; machinery of all kinds; meat choppers; motors; motor vehicles or parts thereof; musical instruments; numbering machines; office equipment; organs; phonographs; pianos; printing presses; public address systems; pumps, radios; radio equipment; railroad or tank cars; recording equipment; refrigerators; refrigeration systems; rugs; safes; sash metal; saws; scales; shoes; silverware; slicing machines; smoke stacks; soda fountains; sporting goods; stairs;

statuary; stokers; stoves; surgical instruments; surveying instruments; store or office fixtures; tape machines; tanks; television sets or equipment; tiles; tires; trailers; typewriters; umbrellas; vacuum cleaners; vending machines; washing machines; watches; windows, and all other kinds of property;

(8) And upon renting, selling, leasing, hiring and repairing aircraft, air compressors; automobiles; beds; bicycles; books, business or shoe machinery; chairs or tables, clothing; contractor's equipment; costumes; cranes; desks; electric or compressed hammers; fans; floor surfacing machines; horses; job wagons; lamps; motion picture projecting equipment; musical instruments, office equipment; oxygen tents; paint sprayers; portable saws; radios; recording equipment; refrigerators; scales; sewing machines; tank cars; tents; television sets; therapeutic devices; tools, trailers; trucks; typewriters; vacuum cleaners; washing machines; water coolers; welding equipment; and any other property of any class or character;

(9) And upon schools and academies of art; business; correspondence; dancing; dramatics; expression; language; music; nursery; riding; and technical and trade schools or colleges;

(10) And upon services rendered in connection with air conditioning systems; aircraft stations; aircraft transportation; air express; ambulances; apron supply; armature rewinding; automobile livery; battery charging; bleaching, cleaning, dyeing or pressing; boiler cleaning, inspection or setting; bookbinding; bookkeeping; buffing, grinding or polishing; building reports; check cashing; chimney cleaning; credit associations, bureaus or agencies, delivery of goods, baggage or parcels; desiccating; diapers, die cutting; duplicating; electrical transcription; electronic service; electroplating, embossing, enameling, feather renovating; film developing; filters; finders of missing persons; floor refinishing or maintenance; fluorescent lighting maintenance; furniture refinishing; galvanizing; grinding or sharpening; heating or refrigeration; hoisting; income or other tax returns or tax services; information or inspection bureaus; insurance inspection bureaus; insurance railroad and other rating bureaus, janitor service; linen

supply; linoleum laying; machinery designing; mailing; mail order houses; market research; messengers; metal finishing; spraying or stamping; mirror resilvering; motor vehicle oiling, repossessing, steam cleaning, towing, washing, wheel aligning or wrecks, motor vehicles or part of equipment thereof; mothproofing; multigraphing, office coats, overalls, towels, uniforms or work clothes supply; oil or gas burners or stokers; oil cutting or reclaiming; patrol; guard or watchman service; pattern making, payrolls; pension plans; photograph finishing; pipe bending, cleaning, cutting or threading; press clipping bureaus; real estate management; research bureaus; sales counseling; sand blasting; sewers; sheet metal stamping or other work; stell shearing; tariff bureaus; theater sound equipment; tube cleaning or expanding; typing or secretarial work; upholstering; ushering; vulcanizing; wall paper cleaning; welding; window displays; and all other services to persons or property, provided that all such services are performed by independent contractors and not by servants.

(11) And a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm or corporation.

Section 18.2. Reservation

The foregoing enumeration shall not be taken to affect or impair the general power of the city to impose license taxes upon any business, vocation, pursuit or calling or any class or classes thereof now or hereafter not prohibited by law.

Section 18.3. Liability to taxation

When authorized by law, license taxes may be imposed by ordinance upon any person, subject or object of such tax not otherwise included in this Article.

Section 18.4. Classification

Any ordinance imposing a license tax may divide and classify any subject of taxation, and may impose a different tax upon each class, but the tax shall be uniform for each class.

Section 18.5. Period of issue

All licenses shall be issued for such periods as may be provided by ordinance, but no such period shall exceed one year.

Section 18.6. Exclusions

The license taxes imposed by this Article upon persons engaged in any business, vocation, pursuit or calling shall apply only to persons engaged therein as independent contractors and not as servants.

ARTICLE XIX. MISCELLANEOUS PROVISIONS

Section 19.1. Judicial notice of the Charter

This charter is declared to be a public act, and all courts shall take judicial notice thereof.

Section 19.2. Ordinances to remain in force

All ordinances, regulations and resolutions in force at the time this Charter takes effect, which are not inconsistent with the provisions of this Charter, shall remain and be in force until altered, modified or repealed by or under authority of this Charter or ordinance.

Section 19.3. Proof of ordinance

Any ordinance may be proved by a copy thereof certified by the city clerk under the seal of the City; or, when printed and published by authority of the City, it shall be received in evidence in all courts or other places, without further proof of authenticity.

Section 19.4. Pending actions and proceedings

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the City or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

Section 19.5. Continuance of contracts, public improvements, and taxes

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the City which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

Section 19.6. Transfer of records and property

All records, property and equipment of any office, department or agency or part thereof, the powers and duties for which are assigned to any other office department or agency by this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are assigned.

Section 19.7. Salaries

Unless otherwise provided in this Charter, the council shall prescribe by ordinance the salaries or other compensation of all officers in the unclassified service of the City. The council shall also, by ordinance not inconsistent with the provisions of this Charter relating to the department of personnel, prescribe maximum and minimum salaries or other compensation for all officers, employees or classes of employees in the classified service of the City. The city manager may determine the compensation to be paid to each officer or employee within the limits so established. In no

case shall the salary or compensation of any officer or employee be based upon or measured by fees.

Section 19.8. Oath of office

Before entering upon the duties of his office, every officer shall file with the city clerk his certificate of election or appointment, and shall take and subscribe before, and file with the city clerk his oath or affirmation that he possesses all the qualifications for the office to which he is chosen, that he is not subject to any of the disqualifications set forth in this Charter, that he will support the constitution and laws of the United States and of the State of Missouri, and the Charter and ordinances of the City of Springfield, and that he will faithfully discharge the duties of his office.

Section 19.9. Official bonds

The city manager, city clerk, director of finance, and all other officers and employees receiving, disbursing, or responsible for City funds, and such other officers and employees as the council by ordinance may designate shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the City in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the council, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the City of all monies belonging to the City that may come into their hands. If any person elected or appointed to any office or employment shall fail to give bond as herein required; he shall forfeit his office or employment. The City shall pay the premiums on all such bonds. Unless otherwise provided by ordinance, the bond of the city clerk shall be filed with the mayor, and the bonds of all other officers and employees shall be filed with the city clerk.

Section 19.10. Notice of suits

No action shall be maintained against the City for or on account of any injury growing out of any defect in the condition of any

bridge, boulevard, street, sidewalk or thoroughfare in this City, until notice shall have first been given in writing to the Mayor of the City within 90 days of the occurrence for which such damage is claimed, stating the place where and the time when such injury was received, the character and circumstances of the injury, and that the person so injured will claim damages therefor from the City.

Approved by vote of the people February 8, 1994.

Section 19.11. Judicial bonds

The City shall not be required to give bond in any judicial proceeding of appeal.

Section 19.12. Rate of taxation

The rates of taxation levied by the council shall be within the limits prescribed by the state law applicable to cities adopting constitutional charters.

Section 19.13. Security of deposits

The council shall require all funds of the City in any city depository to be adequately secured in an amount satisfactory to the council by the following types of securities:

- (a) Obligations of the United States, the State of Missouri, this city; or
- (b) In bonds, bills, notes, debentures or other obligations guaranteed as to payment of principal and interest by the government of the United States or any agency or instrumentality thereof, the State of Missouri or this city; or
- (c) In revenue bonds of this city.

Approved by vote of the people June 11, 1974.

Section 19.14. Remitting taxes prohibited

No general or special tax or assessment, or interest or penalty thereon, shall be remitted or abated, or the right to enforce payment thereof released, except in correction of errors.

Section 19.15. Officers; employees; qualification

No person shall be entitled to hold any office or employment who is in arrears for any city taxes.

Section 19.16. Officers and employees interested in contracts

No member of the council and no salaried officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services, except on behalf of the City as an officer or employee. This section shall not apply if the transaction involves the sale of City bonds made after public notice and competitive bidding, provided the bid accepted is the lowest qualified bid received.

No member of a board or commission shall have a financial interest, direct or indirect, in any contract with the department or administrative agency managed or operated by the board or commission on which he is serving, or be financially interested, directly or indirectly, in the sale to the board or commission of any land, materials, supplies, or services, except on behalf of the department or administrative agency.

Any violation of this Section renders the contract or sale void, and any council member, officer, employee, or board member violating the Section thereby forfeits his office or employment.

Notwithstanding any other provision of the Charter to the contrary, the City may acquire land from an employee of the City, other than a salaried officer, by purchasing the land from the employee or through the exercise of eminent domain; provided, however, such land shall not be purchased by the City at more than the fair market value as determined by an independent appraiser.

Approved by vote of the people November 5, 1985.

Section 19.17. Power to administer oaths

Any councilmember or the city clerk may administer oaths or affirmations in any matter pertaining to the affairs and government of the City.

Section 19.18. Condemnation proceedings

All proceedings for the condemnation of property or in the exercise of the right of eminent domain shall be in accordance with the laws of the state now or hereafter applicable to cities of the second class, or with such laws as may be provided for constitutional charter cities.

Section 19.19. Use of equipment and supplies

(1) Any equipment belonging to any department or agency and usable by any other department or agency of the City shall be made available to such other department or agency, at such time and in such manner as not to interfere with the efficient operation of the department or agency owning such equipment and in the manner provided by ordinance, without charge except the cost of operating such equipment.

(2) Any equipment or supplies usable by any other department or agency and no longer usable or needed by the department or agency charged with it, shall be made available to such other department or agency through the city purchasing agent at the depreciated cost thereof before being otherwise disposed of; provided, that this shall not apply to used equipment which can be delivered to the seller of any equipment as part payment of the purchase price of such new equipment.

Section 19.20. Terms of present boards

The members of all boards now provided for in the City and *continued by this Charter shall remain in office until the end of their*

present term or three years from the adoption of this Charter, whichever shall first occur, when their successors shall be appointed in accordance with this Charter. The terms of the members first appointed under the provisions of this Charter shall be staggered by lot in such manner that the terms of succeeding members will comply with the provisions of this Charter.

Section 19.21. Dissolution of boards

Any board established by the provisions of this Charter may be abolished and the functions, powers and duties of said board transferred to a department of the City government either then existing or to be established by the city council for the assumption thereof, upon the two-thirds majority vote of the total membership of the city council and the board being abolished meeting in joint session.

Section 19.22. Appointment of boards

The officer appointing persons for membership upon the various boards established and recognized by this Charter, and which appointments are required to be approved by the council, shall present any appointments for membership on said boards to the council at a regular meeting, and no action shall be taken by the council on such appointment for a period of at least two weeks after such appointments have been presented thereto. The council may hold public hearings as to the qualifications of the persons appointed and the advisability of such appointments, but upon the lapse of such two-week period shall either approve or disapprove the appointments presented to it. Its failure to act shall constitute its approval of such appointments.

Section 19.23. Assessed valuations

The assessed valuation of real estate and personal property in the City for taxation for municipal purposes shall be the same as the assessed valuation thereof for state and county purposes, as fixed by the county assessor.

Section 19.24. Compensation of county assessor

There shall be paid to the county assessor by the City as compensation for his services in connection with the appraisalment of real estate and personal property for taxation within the corporate limits of the City the sum of twelve hundred dollars per year, payable annually. In addition thereto, there shall be paid to the county assessor by the City the sum of ten cents per hundred words for copies furnished to the director of finance by the county assessor on or before the 20th day of each January of that part of the county assessor's books showing the assessment of personal property subject to taxation within the City, and a like amount for copies of that part of the assessment of merchants and manufacturers subject to taxation by the City furnished to the director of finance immediately after such assessments are made.

Section 19.25. Effect of unconstitutional provisions

If any provision of this Charter be held to be unconstitutional or void, this shall not affect the validity, force or effect of any other provision.

Section 19.26. Contracts and ordinances contrary to Charter

All contracts, agreements and other obligations entered into, and all ordinances and resolutions passed after the adoption of this Charter and contrary to the provisions thereof shall be void.

Section 19.27. Use of the masculine pronoun

Throughout this Charter, the general use of the masculine pronoun is understood to apply indiscriminately to either sex.

Section 19.28. Amending the Charter

Amendments to this Charter may be framed and submitted to the electors by a commission in the manner provided by law and the *Constitution for framing and submitting a complete Charter*. Amendments may also be proposed by the council or by petition of

not less than ten per cent of the registered qualified electors of the city, filed with the city clerk, setting forth the proposed amendment. The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next election held in the City not less than sixty days after its passage, or at a special election held as provided by law and the Constitution for a Charter. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; Sections or Articles may be submitted separately or in the alternative and determined as provided by law and the Constitution for a complete Charter.

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