

## Chapter 2

### ADMINISTRATION

#### ARTICLE I In General

##### **Section 2-1. Social Security Benefits for Employees.** [Ord. No. 69, §1]

The provisions of the Social Security Act as enacted by the Congress of the United States, together with the amendments thereto as from time to time passed and approved, as being applicable to municipalities, as authorized by sections 105.300 to 105.440 of the Revised Statutes of Missouri, is hereby adopted as applicable to all employees of the city.

##### **Section 2-2. Missouri State Workmen's Compensation Act Adopted.** [Ord. No. 44, §1]

The provisions of the Missouri State Workmen's Compensation Act is hereby adopted as being applicable to all employees of the city.

##### **Section 2-2.1. Retirement System for Certain Employees.** [Ord. No. 369, §1-3]

- (a) The city is a "political subdivision" as defined in sections 70.600 to 70.760, the Revised Statutes of Missouri 1969, as amended, and hereby elects to have covered by the local government employees retirement system all of its eligible employees in the following classes:
  - (a) Present and future general employees, including all of the elected officials eligible for coverage under such retirement system and all policemen.
  - (b) Eligible employees shall be given credit for one hundred percent of their prior employment by the city in computing their benefits from and contribution to the system.
  - (c) The city clerk is hereby authorized and directed to deduct from the wages and salaries of each employee member the member contributions required by section 70.705, the Revised Statutes of Missouri 1969, as amended, and to promptly remit such deductions to the retirement system, together with the employer contribution required by section 70.370, the Revised Statutes of Missouri 1969, as amended.

##### **Section 2-2.2. Conflicts of Interest.** [Ord. No. 999, §§1-4, 9-3-1991]

- (a) *Declaration of Policy.* The proper operation of municipal 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.

(b) *Conflicts of Interest.*

- (1) All elected and appointed officials as well as employees of a political subdivision must comply with Section 105.454 of the Missouri Revised Statutes on conflicts of interest as well as any other state law governing official conduct by public officials and employees.
- (2) 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:
  - a. Ten percent (10%) or more of any business entity; or
  - b. An interest having a value of ten thousand dollars (\$10,000.00) or more; or
  - c. 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.

(c) *Disclosure Reports.* Each elected official, the City Administrator and the chief purchasing officer, shall disclose the following information by May 1st 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 (\$500.00) dollars, 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 City Administrator and the chief purchasing officer also shall disclose by May 1st for the previous calendar year the following information:
  - a. The name and address of each of the employers of such person 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 by each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant 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 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.

(d) *Filing of Reports.*

- (1) 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;
  - a. Every person required to file a financial interest statement shall file the statement annually not later than May 1st and the statement shall cover the calendar year ending the immediately preceding December 31st; provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December 31st of the covered year until the date of filing of the financial interest statement.
  - b. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment.
- (2) Financial disclosure reports giving the financial information required in Subsection (c) hereof shall be filed with the local political subdivision and with the Secretary of State prior to January 1, 1993. After January 1, 1993, reports shall be filed with the local political subdivision and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

**ARTICLE II**  
**Board of Aldermen**

**Section 2-3. Qualifications of Aldermen.** [Ord. No. 2, §1; Ord. No. 2280, §1, 11-19-2013]

No person shall be an Alderman unless he is 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 election, and a resident of the ward from which he is elected.

**Section 2-3.1. Compensation and Expense Allowance.** [Ord. No. 727 §2, 9-4-1984; Ord. No. 1962 §1, 3-20-2007]

- (a) The monthly compensation for aldermen is hereby set at two hundred dollars per meeting

attended.

- (b) There is hereby established an expense allowance for each member of the board of aldermen in the amount of two hundred dollars (\$200.00) per month.

**Section 2-4. Election and Term of Office of Aldermen; Filling of Vacancies.** [Ord. No. 3, §1; Ord. No. 312, §1; Ord. No. 1996 §1, 9-11-2007]

Two aldermen shall be elected from each ward by the qualified voters thereof at the first election to be held on the first Tuesday in April next after the organization of the city. At such election for aldermen, the person receiving the highest number of votes in each ward shall hold office for two years and the person receiving the next highest number of votes shall hold office for one year; but thereafter each ward shall elect annually one alderman who shall hold his office for two years.

If a vacancy occurs in the office of alderman, the same shall be filled by the mayor or person exercising the duties of the mayor, subject to the consent and approval of the board of aldermen, such appointee's term to cease at the next general municipal election, at which time a successor shall be elected for the full term or for the remainder of the term in which the vacancy occurred if such term did not expire on the date of such election.

**Section 2-5. Time of Meetings; Adjourned Meetings; Special Meetings.** [Ord. No. 2, §2; Ord. No. 127, §2; Ord. No. 165 §2; Ord. No. 180, §2; Ord. No. 2095 §1, 8-18-2009]

The board of aldermen shall hold regular stated meetings on the first and third Tuesdays of each month within the city. All meetings of the board of aldermen shall be held at 7:00 P.M. Adjourned meetings may be held for the purpose of completing the unfinished business of any meeting at such time as may be determined by the board. Special meetings may be called from time to time at the time designated in the notice therefore; such special meetings may be called by the mayor or by a majority of the board of aldermen members. Notice of special meetings shall be given in person or by mail at least twenty-four (24) hours before the same is set.

**Section 2-5.1. Fee for Convening Special Meeting.** [Ord. No. 320, §2; Ord. No. 616, §1; Ord. No. 1014, §§1 — 2, 2-18-1992; Ord. No. 1397 §1, 3-2-1999]

Each Alderman shall receive as compensation for his services as such the sum of one hundred fifty dollars (\$150.00) for each regular meeting of the Board of Aldermen attended. In addition, the Mayor and each Alderman shall receive the sum of fifty dollars (\$50.00) for each special meeting of the Board of Aldermen attended, which is convened at the request or instigation of any person, persons, entity or the City of Eureka, Missouri. Said compensation rates shall be effective when the respective aldermanic terms presently being served expire and after such time the respective Aldermen shall receive the full compensation set forth above.

The payment of a fee of four hundred dollars (\$400.00) to the City of Eureka shall be a condition precedent to the convening of any special meeting of the Board of Aldermen of the City of Eureka when requested or instigated by any person, persons or entity other than the City of Eureka.

**Section 2-6. Aldermen to Attend all Meetings; Exceptions.** [Ord. No. 2, §3]

The members of the board of aldermen shall attend all meetings of the board unless leave of absence be granted or unless excused for illness or other special reasons.

**Section 2-7. Call of Meeting to Order; Roll Call.** [Ord. No. 4, §1]

At the hour appointed, the mayor, or in his absence the 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.

**Section 2-8. Quorum.** [Ord. No. 2, §4; Ord. No. 127]

Four aldermen shall constitute a quorum for the transaction of business. If at any meeting a quorum is not present, the meeting shall stand adjourned until the next regular or special meeting.

**Section 2-9. Order of Business.** [Ord. No. 4, §2; Ord. No. 195, §1]

The board of aldermen, upon the announcement of a quorum, shall proceed to transact the business before them in the following order:

- (a) Approval of the minutes of the last meeting unless changed or objected to by a member, in which event they shall be approved as corrected. Copies of the minutes of the last regular meeting shall be made available to each member of the board of aldermen at least twenty-four hours before the meeting is called to order at which the minutes are to be approved.
- (b) The presentation and hearing of remarks, complaints and petitions of citizens or other interested parties on all matters.
- (c) Reports of officers and committees.
- (d) Unfinished business.
- (e) New business.
- (f) The audit of all bills and claims against the city and ordering of payment of bills approved and allowed.
- (g) Miscellaneous business.

**Section 2-10. Rules of Parliamentary Procedure.** [Ord. No. 4, §5]

The established rules of parliamentary procedure shall govern the proceedings of the board of aldermen, except when otherwise provided by ordinance, and any question arising thereunder shall be decided by the mayor, subject to appeal to the board of aldermen by any member.

**Section 2-11. Powers and Duties Generally.** [Ord. No. 2, §13]

The board of aldermen shall have such powers and perform such duties as may be provided by the laws of the state or by this Code or other ordinance.

**Section 2-12. Journal.** [Ord. No. 2, §5]

The board of aldermen shall cause to be kept a journal of its proceedings, and ayes and nays shall be entered on any question at the request of any two members. In the vote on final passage of any ordinance, the ayes and nays shall in all cases be entered in the journal showing the vote of each alderman who is in attendance.

**Section 2-13. Appointment and Membership of Committees.** [Ord. No. 2, §6; Ord. No. 4, §3; Ord. No. 1765 §1, 7-6-2004]

Committees may be formed from time to time to assist and advise the City regarding various matters and may be comprised of Eureka residents and/or Eureka business owners. All committees shall be appointed by the Mayor with the approval of a majority of the members of the Board of Aldermen. Members of such committees shall receive no compensation as such, but each committee member shall receive an expense allowance of fifty dollars (\$50.00) upon attendance at each official committee meeting. Any member may be removed without cause upon the recommendation of the Mayor and approval by a majority of the Board of Aldermen.

**Section 2-14. Referral of Business to Committees.** [Ord. No. 2, §7]

New business and other matters may be referred by the mayor to the appropriate committee for consideration and report before final action by the entire board of aldermen. Such committee shall receive from the city clerk all papers relating to the subject matter referred.

**Section 2-15. Ordinances — Style; Passage Generally.** [Ord. No. 2, §8; Ord. No. 182, §2; Ord. No. 1252, §§1 — 2, 9-17-1996]

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Eureka, Missouri, as follows": No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the ayes and nays are entered on the journal; and all bills shall be read three (3) times before their passage. By unanimous vote of the Board of Aldermen in attendance, a bill may be read the first time by its short title if the proposed ordinance is available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. If there is no such unanimous vote from the Aldermen in attendance, the proposed ordinance shall be read the first time in its entirety. The bill may be read the second time by its short title, and if it is approved for the third reading at the same meeting at which it is introduced, it may be read the third time by its short title. No bill or ordinance shall be given a third reading or considered for final passage at the same meeting at which it is introduced, unless the motion for such third reading is unanimously adopted and such final passage is voted for affirmatively by at least two-thirds (2/3) of the members elected to 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.

**Section 2-16. Same — Veto.** [Ord. No. 2, §9]

Every bill duly passed by the board of aldermen and presented to the mayor and by him approved shall become an ordinance, and every bill presented, 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 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 city clerk, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the mayor; provided, that should the mayor neglect or refuse to sign any ordinance and return the same with his objections, in writing, at the next regular meeting of the board of aldermen, the same shall become a law without his signature.

**Section 2-17. Inspection of Accounts and Records.** [Ord. No. 2, §10]

The board of aldermen shall, as often as it deems necessary, require any officer of the city to exhibit his accounts or other papers or records, and to make report to the board, in writing, touching any matter relating to his office.

**Section 2-18. Semiannual Financial Report.** [Ord. No. 2, §12]

The board of aldermen shall semiannually in January and July of each year make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the city for the half-year ending December 31 and June 30, preceding the date of such report, which account and statement shall be published in some newspaper in the city.

**Section 2-19. Authority to Require Attendance of Witnesses and Production of Books and Papers.** [Ord. No. 2, §11]

The board of aldermen, in its discretion, may compel the attendance of witnesses and the production of books and papers relating to any subject under consideration in which the interest of the city is involved, and may call on the marshal or police of the city, or the proper officers of the county to execute such process.

**Section 2-19.1. Nomination and Appointment of all Boards, Commissions and Committees.** [Ord. No. 1126 §§3 — 4, 10-4-1994]

- (a) Provisions set forth in subsection (b) of this section shall be applicable to the nomination, consideration and appointment of all Boards, Commissions and Committees of the City, unless specifically waived by a majority of the Board of Aldermen on a case specific basis.
- (b) *Selecting And Forming Committees, Etc. — Procedure.*
  - (1) When a board, commission or committee is authorized and formed, the Mayor, in addition to selecting candidates himself or herself, shall solicit the Board of Aldermen for candidates. Such candidates shall receive equal consideration whenever possible based on objective criteria whenever applicable such as their qualifications and ability to serve.
  - (2) With the exception of aldermanic representatives and other exceptions approved by the Board of Aldermen, every effort should be made to recommend and appoint representation, (a) from each Ward on a proportionally equal basis, (b) by giving

preferential consideration to candidates who do not presently have family members serving on any other City of Eureka board, commission or committee, and (c) by giving preferential consideration to candidates who are not at the time of consideration serving on another City of Eureka board, commission or committee.

- (3) When the Mayor selects a candidate to recommend for appointment or reappointment, such name and any other relevant information shall be forwarded to the Board of Aldermen for a reasonable period to allow ample time for review and comments, if any.

### **ARTICLE III City Officers Generally**

#### **Division 1 Generally**

#### **Section 2-20. Appointive Officers.** [Ord. No. 6 §§1,2]

- (a) The following officers shall be appointed by the mayor, subject to the consent and approval of the board of aldermen:
  - (a) City Attorney.
  - (a) Street Commissioner.
  - (a) Treasurer.
  - (a) Building Commissioner.
  - (a) Chief of Police.
  - (a) Water and Sewer Commissioner.
- (a) Such officers as may be deemed necessary by the need and best interests of the city.
- (b) The following officer shall be appointed by the board of aldermen:
  - (b) City Clerk.

#### **Section 2-21. Elective Officers.** [Ord. No. 926, §2; Ord. No. 1659 §1, 11-19-2002]

The Mayor, Marshal and Collector shall be elected by the qualified voters of the City at an election to be held the first (1st) Tuesday following the first (1st) Monday in April and shall hold office for a term of four (4) years, and until their successors are elected and qualified.

#### **Section 2-22. Office of Marshal and Collector Separated; Combination of Elective Offices not to be Held by One Person.** [Ord. No. 30, §1]

At first general election held within the city for elective city officials, and at each successive city election thereafter, there shall be one person elected to the office of collector and another person elected to the office of marshal, and no one person shall be elected to any combination of any elective offices.

**Section 2-22.1. Political Activities of City Employees — Restrictions.** [Ord. No. 978 §§1-5, 12-4-1990; Ord. No. 1273 §1, 1-8-1997]

- (a) No City employee shall use any City equipment or perform any act during the employee's City working hours to aid a political candidate, political party, or political cause, or use a City position to persuade, coerce, or intimidate any person in the interest of a political candidate, political party, or political cause. Nothing in this section shall be construed to limit or discourage the employee's exercise of the right to vote.
- (b) No City employee may participate in any campaign or election or otherwise assist any candidate for election to any City of Eureka office, other than his/her own campaign for City elective office, other than by voting in the elections. A City employee may participate in or contribute to the election or appointment of persons to public offices other than the City of Eureka elective offices.
- (c) Any violation of the provisions of Subsections (a) or (b) of this Section shall be grounds for immediate dismissal from City employment.
- (d) Any City of Eureka employee who, upon being certified the winner of a City of Eureka elective office by the Board of Election Commissioners, shall immediately be deemed to have forfeited his employment with the City, with the exception of the elective office of City Collector of the City of Eureka which may be held by a City of Eureka employee. The City Marshal is not a City employee, but an elected official. Nothing in this Section should be used to construe the City Marshal as an employee.
- (e) Any City of Eureka employee who files as a candidate or is chosen to fill an elective office other than a City of Eureka elective office shall immediately file with the City Administrator.
  - (1) A statement that no City work hours or equipment will be used to assist in the campaign or in carrying out the responsibilities of the elective office; and
  - (2) A statement of the steps to be taken to assure that the employee's City job responsibilities will be carried out effectively during the campaign and for the duration of the term of office.
- (f) Failure to comply with this section shall be grounds for dismissal from City employment.

Division 2  
**Mayor**

**Section 2-23. Qualifications.** [Ord. No. 7, §1]

No person shall be mayor unless he is at least twenty-five years of age, a citizen of the United States and a resident of the city at the time of and for at least one year next preceding his election.

**Section 2-23.1. Compensation and Expense Allowance.** [Ord. No. 727 §1, 9-4-1984; Ord. No. 1962 §1, 3-20-2007; Ord. No. 2325 §1, 3-17-2015]

- (a) The monthly compensation for the Mayor shall be set at one thousand one hundred

twenty-five dollars (\$1,125.00).

- (b) There is hereby established an expense allowance for the Mayor in the amount of four hundred twenty-five dollars (\$425.00) per month.

**Section 2-24. To be Conservator of the Peace; Enforcement of Laws.** [Ord. No. 7, §2]

The mayor shall be a conservator of the peace. He shall be active and vigilant in enforcing all laws and ordinances for the government of the city and may call on every male inhabitant of the city over eighteen years of age and under fifty, to aid in enforcing the laws.

**Section 2-25. Voting Authority; Recommendations to Board of Aldermen.** [Ord. No. 7, §4]

The mayor shall have a seat on and preside over the board of aldermen, but shall not vote on any question except in case of a tie, nor shall he preside or vote in cases where he is an interested party. The mayor shall from time to time communicate to the board of aldermen such measures as may, in his opinion, tend to the improvement of the finances, the police, health, security, ornament, comfort and general prosperity of the city.

**Section 2-26. Approval of Ordinances.** [Ord. No. 7, §5]

The mayor shall consider every bill which has been duly passed by the board of aldermen and attest its passage and the date thereof on the bill. If he approves the same, he shall also note his approval thereon by his signature thereto. If he disapproves the bill, he shall return the bill to the board of aldermen with his objections thereto. The mayor shall have power to sign or veto any ordinance passed by the board of aldermen, subject to the passage over his veto as provided by law; provided, that should he neglect or refuse to approve an ordinance or to return same with his objections, in writing, at the next regular meeting of the board of aldermen, the same shall become a law without his signature.

**Section 2-27. Appointment and Supervision of Officers.** [Ord. No. 7, §6]

The mayor shall communicate to the board of aldermen his appointments of the officers to be appointed and such members of boards, employees of the city, standing committees, special committees and such other appointments as he may be directed and authorized to make. He shall exercise a general supervision over all the officers and affairs of the city, and shall take care that this Code and other ordinances of the city and state laws relating thereto are complied with.

**Section 2-28. Authority to Remit Fines and Grant Pardons.** [Ord. No. 7, §3]

The mayor shall have power to remit fines and forfeitures, and to grant reprieves and pardons for offenses arising under this Code or other ordinances of the city.

**Section 2-29. Authority to Deal with Neglect of Subordinates; Inspection of Officers' Records.** [Ord. No. 7, §7]

The mayor shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty, and he shall have power, as often as he may deem it necessary, to require any officer of the city to exhibit his accounts or other papers or records, and to make report to the

board of aldermen, in writing, touching any matter relating to his office.

**Section 2-30. Signing of Commissions, Warrants, Etc., Approval of Bonds.** [Ord. No. 7, §8]

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 this Code or other ordinance. He shall sign all orders, drafts and warrants drawn on the city treasury for money, and cause the city clerk to attest the same and to affix thereto the seal of the city, and to keep an accurate record thereof in a book to be provided for that purpose.

**Section 2-31. Authority to Require New Bonds.** [Ord. No. 7, §9]

The mayor shall have the power, whenever in his judgement any bond held by the city from any person has become or is likely to become impaired through any cause whatsoever, to require the principal in such bond, at a time to be appointed by him to show cause why a new bond shall not be given, and unless cause is shown, such person shall be required within ten days to enter into a new bond, and in default thereof, the city shall have the right to declare a forfeiture of all rights and privileges granted by the city under the ordinance or contract of which the bond forms a part.

**Section 2-32. Administering of Oaths.** [Ord. No. 7, §10]

The mayor shall have power to administer oaths to witnesses to any matter under consideration in which the interest of the city is involved.

**Section 2-33. Additional Duties.** [Ord. No. 7, §11]

The mayor shall have such powers and perform such duties, other than those specified in this chapter, as may be provided by the laws of the state or by this Code or other ordinance.

**Section 2-34. Election of Acting Mayor During Absence, Etc., of Mayor.** [Ord. No. 7 §12; Ord. No. 1126 §§1 — 2, 10-4-1994]

With the exception of subsection (a) of this section, in the absence of the Mayor or whenever a vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify or from any cause whatsoever, the Board of Aldermen shall elect one of their own number to occupy the office of Mayor temporarily until such vacancy is filled or such disability is removed, or in the case of temporary absence, until the Mayor's return. Such Alderman, so elected, shall be styled "Acting Mayor" and shall, for the time being, perform the duties of Mayor, with all of the rights, privileges, powers and jurisdiction of the Mayor as may be prescribed by this Code, by other ordinance or by Missouri State law.

- (a) In the event that such qualifying event pursuant to Section 2-34 occurs when more than six (6) months remains in the unexpired term of office of the Mayor, a special election shall be held at the earliest possible time. The Board of Aldermen shall elect an Acting Mayor pursuant to Section 2-34 until the results of such Special Election are certified by the St. Louis County Board of Election Commissioners. The successful mayoral candidate shall serve the balance of the unexpired term of the vacated office.

## City Clerk

### **Section 2-35. Duties Generally.** [Ord. No. 8, §1]

It shall be the duty of the city clerk to attend the meetings of the board of aldermen; to keep regular minutes of their proceedings and to record the same and all ordinances which may become laws and all resolutions passed by the board in the journal. He shall have the custody of the city seal, the original rolls or ordinances and resolutions passed by the board of aldermen, the public records of the city and all such other papers, records and documents as may be entrusted to his care, and the same shall be safely and properly kept. He shall record the official bonds of all city officers, and all other bonds executed to the city and filed in his office, in a book kept for that purpose. He shall affix the city seal to and countersign all such public instruments, documents and papers as are required by law or ordinance to be attested with the seal of the city. He shall certify under his hand and the seal of the city all such documents, copies or papers in his office as may be required for the use of any city officer or private citizen. He shall furnish to the city attorney or board of aldermen any record, document or paper in his office, which either may be called for or be used in any court; but for the same he shall take and file a receipt. He shall, whenever required, furnish the mayor, board of aldermen or any committee of the board, copies or abstracts of any books, accounts, records, vouchers or documents in his office, or any information relating to the business of the city or of his office, and he shall at all times permit the mayor, any member of the board of aldermen or any interested city officer or other person, to examine any books, papers or documents in his office.

### **Section 2-36. Sealing, Countersigning and Register of Commissions, Documents, Etc.** [Ord. No. 8, §2]

The city clerk shall prepare, seal with the city seal and countersign all commissions and other official documents which the mayor is required to issue and keep a register thereof, in which the substance thereof shall be noted.

### **Section 2-37. To be General Accountant for City; Financial Responsibilities Generally.** [Ord. No. 8, §3]

The city clerk shall be general accountant of the city. He shall examine, audit and adjust all accounts, claims and demands in favor of or against the city, and shall after such examination certify the amount or balance due from the city on each account with invoice and voucher therefor to the board of aldermen or authorized committee thereof. He shall keep the account of the city in proper books therefor, in which the city shall be represented by the term "city revenue" in which shall be charged all money coming into the city treasury from whatever source derived, which shall be specified. He shall also keep in proper books the accounts between the city and city treasurer, charging the latter with all money received into the treasury and crediting him with all money paid out according to law, in each case specifying the source from which such money was received and on what account paid out. He shall keep in proper books therefor the accounts between the city and all officers or persons who may have entrusted to them the collection for any money for the city, charging each with the amount which may be in his hands for collection, and crediting him with all payments into the city treasury. He shall keep in proper books therefor a statement of the condition of the city revenue in which every fund, which by law or ordinance is made a separate fund, shall be credited with all receipts into the treasury on

account thereof, and shall be charged with all appropriation thereof and warrants drawn thereon.

**Section 2-38. Register of Vouchers, Etc.; Account of Debts Due to or by City.** [Ord. No. 8, §4]

The city clerk shall keep a register of all vouchers of approved bills and of warrants drawn on the treasury wherein shall be stated the date, number and amount thereof, and to whom and out of what fund payable. He shall also keep an account of all debts due to or by the city.

**Section 2-39. City Office Supplies and Postage.** [Ord. No. 8, §5]

The city clerk shall procure all stationery, books and other articles necessary for his own office and that of the mayor and other city officers, and for the board of aldermen, and shall furnish all city officers with such books as are required to be used or kept by them, of all which he shall keep an accurate account, taking receipts from all officers to whom he shall deliver such supplies. He shall also pay the postage on, or other necessary expenses of any official documents received or sent by him, or any other city officer, and for all expenses incurred under the provisions of this section he shall draw a warrant on the city treasurer, payable out of the appropriation for such purposes.

**Section 2-40. Drawing and Issuance of Warrants.** [Ord. No. 8, §6 & 7]

The city clerk shall draw and countersign warrants on the city treasurer for any money found to be due and owing by the city, and for which there is an appropriation specifying therein the fund or appropriation out of which such warrants shall be paid, but no such warrant shall be issued unless there be actually in the treasury money sufficient to pay the same.

The city clerk shall not draw or issue warrants for the payment of any accounts mentioned in or arising under the provisions of Section 2-39 or this section until such accounts have been approved by the board of aldermen, as evidenced by its resolution to that effect, and no warrant for the payment of money drawn by the city clerk shall be paid by the treasurer unless the same is signed by the mayor.

**Section 2-41. Charging of City Collector with Taxes Levied and to be Collected.** [Ord. No. 8, §8]

When the board of aldermen shall have fixed the rate of taxation for any given year, and the tax books are made out and delivered to the city collector, the city clerk shall charge the collector with the full amount of taxes levied and to be collected, and also with all other licenses and other duties of all kinds to be collected.

**Section 2-42. Annual Accounting.** [Ord. No. 8, §9]

The city clerk shall at the first regular meeting of the board of aldermen in April of each year render his account with the proper vouchers, to the board of aldermen, who shall settle and adjust the same.

**Section 2-43. Administering of Oaths.** [Ord. No. 8, §10]

The city clerk shall have the power to administer oaths or affirmations to parties or witnesses in any case in which he may deem it necessary in the course of any examination of accounts or

claims presented to him to be audited, and all oaths required by law, including oaths of office, may be administered by the city clerk, except oaths in the municipal court, which shall be administered by the mayor or municipal judge.

**Section 2-44. Duties at City Elections.** [Ord. No. 8, §11]

The city clerk shall in all city elections perform all duties specified in the general election law of the state to be performed by the county clerk, and he shall also perform all such duties as may be from time to time required of him by law or ordinance.

**Section 2-45. Handling of Special Tax Bills.** [Ord. No. 8, §12]

The city clerk shall issue special tax bills as directed by this Code or other ordinance. The city clerk shall keep a record of all special tax bills issued in a special book provided for that purpose, which record shall show the date and amount of each tax bill, the rate of interest it bears and a description of the land against which it was issued, the name of the party to whom it was issued and the improvement or other purpose for which the cost was incurred. The city clerk shall record the satisfaction of any tax bill on the special book with the date of satisfaction, on presentation of the tax bill to him marked paid, or on filing by the city collector of one duplicate copy of his payment report of a special tax bill. A tax bill when satisfied, shall be considered cancelled.

Division 4  
**City Collector**

**Section 2-46. Appointment.** [Ord. No. 10, §1; Ord. No. 1659 §2, 11-19-2002; Ord. No. 2326 §1, 3-17-2015<sup>1</sup>]

The Board of Aldermen shall appoint a City Collector who shall be subject to removal at the Board's discretion.

**Section 2-47. Qualifications.** [Ord. No. 10, §2; Ord. No. 2326 §1, 3-17-2015]

The person appointed City Collector shall be a regular full-time employee of the City.

**Section 2-48. Duties.** [Ord. No. 1155 §§1-2, 3-21-1995]

The City Collector shall perform those duties as set forth in the Revised Statutes of Missouri, as amended.

**Section 2-49. Performance of Duties.** [Ord. No. 1155 §§1 — 2, 3-21-1995]

The City Collector shall exercise duties related to the assessment, receipt and collection of taxes, bills, invoices, statements, assessments, fees, receipts, proceeds, licenses and every other form of general or otherwise classified City revenues only when no member of the City's administrative staff or other contracted agency is available to perform such duties. The City Collector shall prepare and present all financial journals, reports and any other records required by State Statute,

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1. Editor's Note: Section 1 of Ord. No. 2326 also changed the title of this Section from "Election; Term of Office" to "Appointment."

City Ordinance or City policy only when no member of the City's administrative staff or other contracted agency is available to perform such duties. The City Collector may at his discretion, periodically review the financial reports, journals or other records generated by the City's administrative staff or other contracted agencies.

**Section 2-50. Bond.** [Ord. No. 10, §15; Ord. No. 1155 §3, 3-21-1995]

The city collector shall give bond with sufficient surety in the favor of the city in such amount as designated by the board of aldermen, but which shall not be less than two thousand dollars, which bond premium shall be paid for by the city.

**Section 2-51. Appointment of Deputy Collector.** [Ord. No. 10, §16; Ord. No. 1155 §3, 3-21-1995]

The board of aldermen may, as the need therefor shall arise, appoint some suitable person as a deputy collector, to aid and assist the city collector in the performance of his duties, at a salary designated by the board.

**Section 2-52. When Taxes Become Delinquent.** [Ord. No. 11, §3; Ord. No. 1155 §3, 3-21-1995]

All unpaid taxes for each year shall become delinquent on the first day of January of the following year.

**Section 2-53. Uncollectible Taxes.** [Ord. No. 10, §11; Ord. No. 1155 §3, 3-21-1995]

The board of aldermen may declare worthless any and all personal delinquent taxes which they may deem uncollectible.

**Section 2-54. — 2-58. (Reserved)** <sup>2</sup>

Division 5  
**City Treasurer**

**Section 2-59. Appointment; Term of Office.** [Ord. No. 12, §1]

After the first annual April election, a city treasurer shall be appointed by the mayor, with the approval of the board of aldermen, to serve for a term of two years or until his successor be appointed and qualified.

**Section 2-60. Qualifications.** [Ord. No. 12, §2]

The city treasurer shall be qualified voter of the city for at least one year prior to his appointment, not less than the age of twenty-one years and a householder of the city.

**Section 2-61. Duties Generally.** [Ord. No. 12, §3]

The duties of the city treasurer shall be as follows:

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2. Editor's Note — Ord. No. 1155 adopted on 3-21-1995 repealed §§2-48 to 2-54 placing new subject matter in §§2-48 and 2-49 and renumbering 2-55 to 2-58 as 2-50 to 2-53. Former §§2-50 — 2-54 were not replaced or renumbered. Said sections originally derived from ord. no. 10 §§6-10, 12, 14.

- (a) To receive and safely keep all money, warrants, books, bonds and obligations and any other property belonging to the city and entrusted to his care, and deliver the same to his successor in office, taking duplicate receipts therefor, one of which he shall file with the city clerk.
- (b) To pay over all money, bonds or other obligations of the city only on warrants duly drawn, passed and approved by the board of aldermen, signed by the mayor and attested by the city clerk, and not otherwise.
- (c) All checks issued by the treasurer in payments of allowed disbursements as aforementioned, shall be countersigned by the mayor and attested by the city clerk.
- (d) To keep in proper books a full, accurate account of all money received and disbursed by him for the city, showing the date of receipt and disbursement, from whom received and to whom paid, and on what fund received and disbursed.
- (e) To keep faithful account and check upon the securities and funds of the city in the city depository.
- (f) To issue to every officer or other person making payment to the city, a receipt therefor stating what the same represents.
- (g) To furnish a written report to the board of aldermen at a regular monthly meeting showing the amount on hand on the last day of the preceding month.
- (h) To report in detail to the board of aldermen in writing, annually, at the first regular meeting in April of each year, the receipts and expenditures of the treasury for the previous fiscal year, the specific amounts on hand belonging to the general fund and other funds the city may be credited with.
- (i) To effect such other duties as may be delegated to him by the board of aldermen with respect to city funds.

**Section 2-62. Bond.** [Ord. No. 12, §4]

Before entering upon his duties as city treasurer, he shall give a good and adequate surety bond in favor of the city for the faithful performance of his duties, in such amount as designated by the board of aldermen, the premium for which shall be paid by the city.

Division 6  
**City Marshal**

**Section 2-63. Office Established; Election; Term of Office; Qualifications.** [Ord. No. 881, §1]

There is hereby established the office of City Marshal. After the organization of the city, at the first annual election following, there shall be elected a City Marshal, who shall serve for a term of four (4) years, or until his successor be appointed, elected and qualified. He shall be not less than twenty-five (25) years of age, a citizen of the United States, the state and the county, and shall have been an inhabitant of the city for not less than one (1) year next preceding his election or appointment.

**Section 2-64. To be Chief of Police; Bond.** [Ord. No. 13, §2]

The marshal shall be chief of police of the city and in charge of and responsible for the efficient organization and functioning of the police department. Before entering upon his duties as marshal, he shall give a surety bond in favor of the city in a sum designated by the board of aldermen.

**Section 2-65. Duties Generally; to be Subject to Supervision of Mayor and Board of Aldermen.** [Ord. No. 13, §4]

The marshal as chief of police shall have custody of all the books, records, property, weapons, badges, vehicles, equipment, supplies and property of the police department and shall direct and have the responsibility for the good conduct and proper and efficient performance of their duties of the members and employees of the police department. In all such matters he shall have and be subject to the advice, counsel and orders of the mayor and board of aldermen. He shall perform such specific duties as may be provided by the laws of the state and the provisions of this Code or other ordinance.

**Section 2-66. Authority to Make Arrests.** [Ord. No. 13, §5; Ord. No. 2118 §1, 4-20-2010]

The marshal and his police shall make arrests, on warrant duly issued, for any offense against this Code or other ordinances of the City, or against the laws of the state, and keep the offender in the city or county jail or other proper place to prevent his escape until a trial can be had before a court having jurisdiction, unless such offender shall give a good and sufficient bond for his appearance for trial as provided by law. Pursuant to Section 544.216, RSMo., the marshal and his police may arrest, on view, and without a warrant, any person the officer sees violating or who such officer has probable cause to believe has violated any laws of the State of Missouri, including misdemeanors, or who has violated any local ordinance for which the officer has jurisdiction, even though the crime was not committed in the officer's presence.

**Section 2-67. Conservator of the Peace; Execution of Warrants, Writs, Etc.** [Ord. No. 13, §6]

The marshal and his police shall be conservators of the peace, and shall be active and vigilant in the preservation of good order within the city. They shall also serve and execute all warrants, subpoenas, writs and other process lawfully placed in their hands for service.

**Section 2-68. Attendance at Court and Board of Aldermen Meeting.** [Ord. No. 13, §8]

The marshal shall attend all court proceedings of the city. He shall attend all regular meetings of the board of aldermen. He shall perform such other duties as may be prescribed by law or ordinance or as directed from time to time by the mayor or board of aldermen.

**Section 2-69. Duties at City Elections.** [Ord. No. 13, §9]

At city elections the marshal shall perform such duties as prescribed by the general election laws of the state.

**Section 2-70. Salary as Chief of Police.** [Ord. No. 74, §1]

The board of aldermen is hereby authorized to pay a salary to the chief of police of the city for the performance of his duties in such office, which shall be in addition to such salary he may receive as city marshal.

Division 7  
**Water and Sewer Commissioner**

**Section 2-71. Appointment; Duties Generally.** [Ord. No. 68, §1]

The mayor shall, with the approval of all members of the board of aldermen, appoint a qualified person as commissioner for duty with the city's municipal water and sewer system. Such water and sewer commissioner shall perform all duties as may be required of him in connection with the construction, operation and maintenance of the water and sewer system, and such other duties as the board of aldermen may direct.

**Section 2-72. Term of Office; Removal from Office.** [Ord. No. 68, §2]

The water and sewer commissioner shall serve in such capacity at the pleasure of the board of aldermen, but may be removed from office for cause shown by the mayor with the approval of a majority of all members of the board of aldermen.

**Section 2-73. Salary.** [Ord. No. 68, §3]

The water and sewer commissioner for all services performed, shall be paid a salary which shall be fixed by the board of aldermen, which shall be paid out of the water department funds of the city.

Division 8  
**Street Commissioner**

**Section 2-74. Appointment; Term of Office; Qualifications.** [Ord. No. 14, §1]

There shall be appointed by the mayor, subject to the approval of the board of aldermen, a qualified person to serve as street commissioner, who shall serve for a term of two years, or until his successor is appointed and qualified. He shall be not less than twenty-five years of age, a citizen of the United States and the state and county, and shall have been an inhabitant of the city for not less than one year next preceding his appointment.

**Section 2-75. Duties Generally.** [Ord. No. 14, §2]

The street commissioner shall be the directing and operating head of and in charge of such employees, tools, equipment and materials, the property of the city, used or intended for the repair and maintenance of the public streets and highways of the city. He shall be subject to the general supervision of the mayor and the board of aldermen. He shall direct the work of the opening, maintaining and repair of all streets, alleys, bridges and public places within the city. He shall make inspections and see that the streets, highways and public places of the city are maintained and kept in good condition and free from obstructions and defects which might impair their free and open use by the public or result in injury to persons or property. He shall, as directed by the mayor and board of aldermen or as required by this Code or other ordinance,

provide, erect and maintain all street signs, traffic signs and markings.

**Section 2-76. Monthly Reports.** [Ord. No. 14, §3]

The street commissioner shall submit to the mayor and board of aldermen at a regular monthly meeting thereof a report of the condition of the streets within the city, making such recommendations for their repair and maintenance and requirements and repairs necessary, and shall direct the work ordered thereon.

**Section 2-77. Authority to Close Streets, Etc.** [Ord. No. 14, §4]

The street commissioner shall have power to close off any public avenue, street or highway, or erect barricades thereon, whenever any emergency, defect or obstruction arises, which cannot be repaired at once, placing warning signs and lights thereon warning the public of such condition.

Division 9  
**City Administrator**

**Section 2-77.1. Office Established.** [Ord. No. 973 §1, 10-2-1990]

There is hereby created and established the office of city administrator for the city.

**Section 2-77.2. Appointment; Term of Office.** [Ord. No. 973 §2, 10-2-1990]

A qualified person shall be appointed city administrator by the mayor with the approval of a majority of the members elected to the board of aldermen. The person so appointed shall serve for an indefinite term.

**Section 2-77.3. Qualifications.** [Ord. No. 973 §3, 10-2-1990]

The person appointed to the office of city administrator shall be at least twenty-five (25) years of age and shall be a resident of the city or shall become such resident within six months next after the date of appointment, unless otherwise extended by the mayor and board of aldermen.

**Section 2-77.4. Bond.** [Ord. No. 973 §4, 10-2-1990]

The city administrator, before entering upon the duties of his office, shall file with the city a bond of fifty thousand dollars (\$50,000.00) approved by the board of aldermen and conditioned upon faithful and honest performance of his duties and the rendering of full and proper accounts to the city for funds and property that shall come into his possession or control. The cost of such bond shall be paid by the city; provided, that should the city administrator be covered by a blanket bond to the same extent, an individual bond shall not be required.

**Section 2-77.5. Oath of Office.** [Ord. No. 973 §5, 10-2-1990]

Before entering upon the duties of his office, the city administrator shall take and subscribe to an oath or affirmation, before the city clerk or some other person authorized to administer oaths, that he possesses all the qualifications prescribed for his office by law, that he will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of the

state and the ordinances of the city and that he will faithfully demean himself while in office.

**Section 2-77.6. Compensation.** [Ord. No. 973 §6, 10-2-1990]

The city administrator shall receive such compensation as determined from time to time by the board of aldermen and such compensation shall be made payable semi-monthly, unless as otherwise determined for all city employees.

**Section 2-77.7. Removal from Office.** [Ord. No. 973 §7, 10-2-1990]

The city administrator shall serve at the pleasure of the mayor and board of aldermen. The mayor, with consent of a two-thirds majority of all members of the board of aldermen, may remove the city administrator from office at will and such city administrator may also be removed by a five-sixths vote of all members elected to the board of aldermen independently of the mayor's approval or recommendation. If requested, the mayor and board of aldermen shall grant the city administrator a public hearing within thirty days following notice of removal. During the interim, the mayor, with the approval of a majority of all aldermen or by five-sixths of all aldermen without the mayor's approval, may suspend the city administrator from duty, but shall continue his salary during said suspension.

**Section 2-77.8. Duties.** [Ord. No. 973 §8, 10-2-1990]

The administrator shall serve as the chief administrative assistant to the mayor. He shall be responsible for the administration and management of the business and employees of the city subject to the direction and supervision of the mayor and board of aldermen. To that end, he shall have the following duties and powers:

(a) *General Administrative.*

- (1) Carry out all lawful policies established by the Mayor and Board of Aldermen.
- (2) Establish short and long range goals for the City with the approval of the Mayor and Board of Aldermen.
- (3) Develop a plan of organization to establish areas of responsibility, lines of authority and formal channels of communication for approval by the Mayor and Board of Aldermen.
- (4) Provide for the maintenance of the physical property and equipment of the City; meet operation conditions in compliance with applicable Federal, State and local legal requirements.
- (5) Provide for periodic reports to the Mayor and Board of Aldermen on all aspects of the City's activities.
- (6) Provide for meaningful relationships and communications between the City and its residents.
- (7) Provide for an economic, efficient and safe delivery of supplies and service necessary in rendering efficient services to the City and its residents.

- (8) Provide for a sound, stable and realistically economical insurance and bonding program for all aspects of the City liability and risk.
  - (9) Supervise the operational activities of all City departments.
  - (10) Coordinate the activities of all departments, agencies and offices.
  - (11) Prescribe such rules and regulations as are necessary for the conduct of the City's departments, agencies and offices, and revoke, suspend or amend any rule or regulation of any City department, agency or office.
  - (12) Be accountable to the Mayor and Board of Aldermen for any actions taken when requested to do so, and at all times be subject to the supervision, direction and control of the Mayor subject to review by the Board of Aldermen.
  - (13) Prepare and submit to the Mayor and Board of Aldermen an annual statement of objectives which will specify goals and time tables consistent with objectives set forth by the Mayor and Board of Aldermen.
  - (14) Perform related duties as required by the Mayor and Board of Aldermen not inconsistent with the Statutes of the State of Missouri and the ordinances of the City of Eureka.
  - (15) Act as project manager on City capital improvements; recommend projects, assist in the selection of consultants, represent the City's interest with contractors and utilities; direct and participate in the negotiation of right of way easements and approval of change orders.
  - (16) Assist City attorney on court cases, complaints, and claims involving the City and cooperate to draft ordinances and changes to City Code.
  - (17) Direct and participate in preparation of agenda for Board of Aldermen; attend Board of Aldermen meetings, make recommendations and implement decisions.
- (b) *Budgetary.* Prepare a plan for the fiscal solvency and security of the City, including the submission of a realistic annual budget which provides for a program of sound fiscal management.
- (c) *Committee Liaison.*
- (1) Attend all meetings of the Board of Aldermen and, as requested, meetings of all Aldermanic Committees.
  - (2) Serve as liaison between the Mayor and Board of Aldermen and the various committees, boards and commissions of the City and their members.
- (d) *Personnel.*
- (1) Recommend the establishment and maintenance of personnel programs employing sound personnel policies and practices which are internally consistent and externally competitive.
  - (2) Promote the organization and continuing development of a competent City staff.

- (3) Design, prepare and submit for review and adoption by the Board of Aldermen personnel procedures, position classifications and compensation schedules for employees covered in the City's personnel program.
  - (4) Prescribe the functions and duties of officers and employees of the City not otherwise prescribed by any ordinance of the City.
  - (5) Recommend to the Mayor and Board of Aldermen appointment, promotion or removal from service all officers, who are not elected to office, and employees of the city, except as otherwise provided by law or City ordinance.
  - (6) Establish such administrative rules and regulations, not inconsistent with law or established City policy, as may be necessary or proper for the efficient and economical conduct of the business of the City.
- (e) *Financial.*
- (1) Supervise in the manner prescribed by ordinance the purchase of all materials, supplies and equipment for which funds are provided in the budget or appropriated by the Board of Aldermen.
  - (2) Keep the Mayor and Board of Aldermen advised of the financial condition and future needs of the City, including the anticipated financial impact of proposed ordinances and make such recommendations as he may deem appropriate.
  - (3) Supervise the preparation of a semi-annual status report covering City financial conditions.
  - (4) Supervise and coordinate efforts on behalf of the city to obtain financial grants from any sources.
- (f) *Press Release.* Represent the City's interests before the media and with other public jurisdictions; lobby on behalf of the City's interests.
- (g) *Other Duties.* Perform such other duties as may be imposed upon him by the Mayor and Board of Aldermen or by a contract of employment with the City.

**Section 2-77.9. Interference by Individual Members of Board of Aldermen.** [Ord. No. 973 §9, 10-2-1990]

No individual 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 a majority of the full board of aldermen.

**Section 2-77.10. Responsible for City Property.** [Ord. No. 973 §10, 10-2-1990]

The Administrator shall have responsibility for all real and personal property owned or maintained by the City of Eureka. He shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property owned by the City may be sold by the Administrator only with approval of the Mayor and Board of Aldermen. Real property may be sold only when such sale is authorized by ordinance.

**Section 2-77.11. Coordinate Work Activities.** [Ord. No. 973 §11, 10-2-1990]

The Administrator shall coordinate the work of all the departments, agencies and offices of the City, and 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 the City government.

**Section 2-77.11.1. Investigative Responsibility.** [Ord. No. 973 §12, 10-2-1990]

The Administrator shall have the authority to investigate, examine or inquire into the affairs or operation of any department of the city under his jurisdiction, and shall report on any condition or fact concerning the City government required by the Mayor or Board of Aldermen.

**Section 2-77.11.2. Addressing Board of Aldermen.** [Ord. No. 973 §13, 10-2-1990]

The Administrator shall have the authority to appear before and address the Board of Aldermen at any meeting.

**Section 2-77.11.3. Limitation on Duties and Authority.** [Ord. No. 973 §14, 10-2-1990]

At no time shall the duties or authority of the Administrator supersede the actions of the Mayor and Board of Aldermen.

**Section 2-77.11.4. Municipal Political Activity Prohibited.** [Ord. No. 973 §15, 10-2-1990]

The City Administrator shall not use official authority or influence for the purpose of interfering with any election. While retaining the right to vote as he pleases, he shall take no active part in any political campaign or lend support to or oppose the candidacy of any person seeking elective office in the City of Eureka.

**Section 2-77.11.5. Administrator Pro-Tem.** [Ord. No. 973 §16, 10-2-1990]

In the event that the Administrator shall be absent due to illness, disability, vacation or for personal reasons, the Mayor may designate a temporary City Administrator who shall have and perform all of the powers, rights and duties of the Administrator during such absence but the individual so designated shall receive no additional compensation therefore.

**Section 2-77.11.6. Employment Contract.** [Ord. No. 973 §17, 10-2-1990]

The City of Eureka may, acting through the Mayor with the consent of a majority of the members elected to the Board of Aldermen or by a two-thirds vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation, enter into an employment contract with a person meeting the qualifications set forth in this Division. Such contract may more fully set forth the terms and conditions of this Division.

Division 10  
**Director of Public Works**

**Section 2-77.12. Office Created.** [Ord. No. 503, §1]

There is hereby created an office of the director of public works for the city.

**Section 2-77.13. Duties.** [Ord. No. 503, §2]

The director of public works shall have the following duties and responsibilities:

- (a) He shall be director of the department of public works.
- (b) He shall supervise and coordinate the activities of the commissioner of water and sewers.
- (c) He shall supervise and coordinate the activities of the commissioner of streets.
- (d) He shall act as the personnel officer for water, sewer, building, street and public work activities; and, with the approval of the board of aldermen, shall employ personnel for such activities. In addition, after consultation with department heads, he shall recommend to the board of aldermen advancements and appropriate pay increases within the approved position classifications. He shall, with the approval of the board of aldermen in conjunction with the appropriate department head, have the power to appoint and remove all subordinate employees of the city.
- (e) He shall be responsible for the security, operation and maintenance of all city-owned facilities and equipment, including but not limited to sewage treatment plants, water wells and all equipment.
- (f) He shall report to the board of aldermen as to the projected and anticipated needs of the city with respect to all activities relating to public works.
- (g) He shall cooperate with and exercise on-the-spot supervision of the activities of consulting engineers employed by the city on public works projects.

**Section 2-77.14. Selection and Appointment.** [Ord. No. 503, §3]

A committee of the board of aldermen, as a whole or a quorum thereof, at a duly constituted meeting, upon a simple majority of the vote of the members present, shall select and appoint the director of public works.

**Section 2-77.15. Assumption of Position by Other Officer.** [Ord. No. 503, §5]

The office of the director of public works may be fulfilled as additional duties bestowed upon any other officer of the city, elected or appointed; except, that no member of the board of aldermen may be selected or appointed to fill the position.

**Section 2-77.16. Compensation.** [Ord. No. 503, §4]

The board of aldermen shall determine the salary to be paid the director of public works, commensurate with his experience, abilities and job requirements, upon a resolution passed and carried at a regular constituted meeting by the members then and there present and voting.

**Section 2-77.17. Bond.** [Ord. No. 503, §6]

The director of public works, before entering upon the duties of his office, shall file with the city a bond of fifty thousand dollars, approved by the board of aldermen and conditioned upon faithful and honest performance of his duties and the rendering of full and proper accounts to the

city for funds and property that shall come into his possession or control. The cost of such bond shall be paid by the city; provided, that should the director of public works be covered by a blanket bond to the same extent, an individual bond shall not be required.

**Section 2-77.18. Removal from Office.** [Ord. No. 503, §7]

The director of public works shall serve at the pleasure of the board of aldermen. The board of aldermen, with the consent of a two-thirds' majority of all members of the board of aldermen, may remove the director of public works from office at will. If requested, the board of aldermen shall grant the public works director a public hearing within thirty days following notice of removal. During the interim, a majority of all aldermen may suspend the public works director from duty, but shall continue his salary; and if, after a hearing, removal becomes final, shall pay his salary for two calendar months following the final removal date; provided, that if the public works director shall be removed for acts of dishonesty or of moral turpitude, such salary shall not be continued.

**Section 2-77.19. Interference by Individual Aldermen.** [Ord. No. 503, §8]

No individual member of the board of aldermen shall directly interfere with the conduct of any department or the duties of any employees subordinate to the director of public works except at the express direction of a majority of the full board of aldermen.

**ARTICLE IV**  
**Zoning Commission**

**Section 2-78. Created; Purposes.** [Ord. No. 781 §2]

There shall be created a Zoning Commission, which shall also constitute the Planning Commission, for the purposes of establishing rules, regulations and restrictions of buildings and other structures; subdivisions, industrial, commercial and residential zones, within the City; and making, adopting, amending, and implementing a City plan by the duly appointed Planning Commission with the powers and duties herein set forth.

**Section 2-79. Composition; Appointment, Term of Office and Compensation of Members; Quorum; Officers; Records.** [Ord. No. 986 §2, 4-16-1991; Ord. No. 1417 §1, 9-7-1999; Ord. No. 1464 §1, 7-5-2000; Ord. No. 1490 §1, 10-17-2000]

The Zoning Commission, which shall also constitute the Planning Commission, shall consist of nine (9) members, including: the Mayor or his appointed citizen member replacement who shall serve no longer than the term of said Mayor, a member of the Board of Aldermen selected by the Board if the Board chooses to have an Alderman serve on the Commission, and seven (7) citizen members if the Mayor chooses to be a member, eight (8) citizen members if either the Mayor chooses to not be a member or the Board chooses to not have an Alderman as a member, or nine (9) citizen members if the Mayor chooses to not be a member and the Board chooses to not have an Alderman as a member, all as appointed by the Mayor and approved by a majority of the Board of Aldermen. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as

previously stated. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing. No action of any kind relating to zoning or planning matters shall be taken or considered by the Commission unless there shall be present at the time a quorum of its members, and a quorum shall consist of five (5) members. A majority of the nine (9) members, five (5), voting in the affirmative, shall be necessary for action on any issue before the Commission. The Commission shall elect a Chairman and Secretary from among the citizen members; the term of Chairman and Secretary shall be for one (1) year with eligibility for re-election. The Commission shall hold regular meetings and special meetings as it deems essential and necessary, and shall keep a record of the minutes and proceedings of all meetings.

**Section 2-80. Duties.** [Ord. No. 34 §3]

It shall be the duty of the Zoning Commission to study the past and probable future development of the city and to recommend to the Board of Aldermen the boundaries of the various districts and the appropriate regulations and restrictions that should be contained in the zoning regulations. The commission shall also, whenever requested by the Board of Aldermen, study and report on such matters as the subdividing of undeveloped lands, the opening of streets and alleys, or the widening or extension of same, or any other matters concerning major improvement or development of the physical aspects of the city.

**Section 2-81. Approval of Subdivision Plats.** [Ord. No. 34, §4]

Before any subdivision plat is approved by the Board of Aldermen it shall first be presented to the Zoning Commission for study and approval or recommendations. However, such action of such commission shall not be binding upon the Board of Aldermen but shall be deemed advisory only.

**Section 2-82. Public Hearing on Zoning Plans.** [Ord. No. 34, §5]

Before any plan for the zoning of the city is submitted by the Zoning Commission to the Board of Aldermen with its recommendations, the commission shall first hold a public and open meeting of which notice thereof shall be first given at least fifteen days prior to the meeting date.

**Section 2-82.1. Special Meetings.** [Ord. No. 785 §§1,2]

The Planning and Zoning Commission, in addition to regularly scheduled semi-monthly meetings, may convene a special meeting, which may be called in the following manner:

- (a) Upon initiation by the Chairman of the Commission, or by the Chairman in response to a request by a developer or other interested party.
- (b) At the request of the Mayor; or
- (c) At the request of the Board of Aldermen.

In the event a special meeting is called pursuant to the request of a developer or other interested party, a fee of One Hundred Dollars (\$100.00) shall be paid in advance to the City Clerk by the developer or other interested party requesting a special meeting of the Planning and Zoning Commission. This fee shall be adjusted on an annual basis, effective January 1 of the

year in question, to reflect increases, if any, in the November offering next preceding this January 1 of the Cost of Living Index for all urban consumers for the St. Louis area published by the Bureau of Labor Statistics of the United States Department of Labor, as compared to the previous November offering, using the period 1967 = 100 as the base period. All such computation of increases made as provided herein shall be rounded to the nearest fifty cent figure, and shall not be further adjusted during the course of the year in question until the following January 1 of the next year in question, when such further adjustments, if warranted as provided herein, shall be made.

**Section 2-83. Adoption of Rules and Regulations; Employment of Consultants, Engineers, Etc.** [Ord. No. 34, §6]

The Zoning Commission may adopt such rules and regulations as are deemed necessary for the transaction of its business. It may, with the approval of the Board of Aldermen, avail itself of such services of an engineer, consultant or technician or such others as it may deem necessary.

**Section 2-84. Additional Powers and Duties.** [Ord. No. 34, §7]

The Zoning Commission shall have such other powers, duties and privileges as are or may be prescribed by the laws of the state or this Code or other ordinances of the city.

**ARTICLE V  
Park Board**

**Section 2-85. Established; Composition; Applicability of State Law.** [Ord. No. 148, §1; Ord. No. 1693 §1, 5-20-2003; Ord. No. 2088 §1, 7-1-2009]

There is hereby established a Park Board for the city to consist of eleven (11) directors and to be governed by the provisions of Sections 90.520 through 90.570 of the Revised Statutes of Missouri.

**Section 2-86. Appointment and Term of Office of Directors.** [Ord. No. 148, §3; Ord. No. 1693 §1, 5-20-2003; Ord. No. 2088 §1, 7-1-2009]

The mayor shall appoint, with the approval of the board of aldermen, a total of eleven (11) directors, with three (3) from each of the three (3) wards and two (2) from the city at large. No such appointee shall be a member of the municipal government. Each year, he shall appoint, with the approval of the board of aldermen, directors as required depending upon the expiration of the respective terms of office, each of whom shall hold office for three (3) years.

**Section 2-87. Organization; Rules and Regulations.** [Ord. No. 148, §3; Ord. No. 1693 §1, 5-20-2003; Ord. No. 2088 §1, 7-1-2009]

The board shall elect one (1) of their members as president in June of each year and elect such other officers as they may deem necessary. They shall make and adopt such bylaws, rules and regulations for their guidance for the government of the park as may be expedient, not inconsistent with Sections 90.500 through 90.570 of the Revised Statutes of Missouri.

**Section 2-88. Duties Generally.** [Ord. No. 148, §4]

The park board shall have exclusive control of the expenditures of all money credited to the park fund and the supervision, care and custody of all city park sites and recreational areas and shall in general carry out the spirit and intent of sections 90.500 through 90.570 of the Revised Statutes of Missouri.

**Section 2-89. Compensation of Directors.** [Ord. No. 148, §5; Ord. No. 153, §2; Ord. No. 686, §1]

The directors of the park board shall receive no compensation as such, but each member of the park board shall receive an expense allowance of fifty dollars per month upon attendance at the regular monthly meeting of the park board.

**Section 2-90. Annual Report.** [Ord. No. 148, §6]

The park board of directors shall make on or before the second Monday in June an annual report to the Board of Aldermen, stating the condition of their trust on the first day of May of each year in accordance with section 90.560 of the Revised Statutes of Missouri.

**Section 2-91. Service Charge for Lights and Concession Stands.** [Ord. No. 620, §1]

- (a) There shall be charged a fee of ten dollars per game for the usage of any ball field in any city park at night involving the use of lighted fields.
- (b) There shall be a charge of five dollars per day for the use of any concession stand by any public or private organization in any city park as part of a planned activity.

These charges shall be adjusted on an annual basis, effective January 1 of the year in question, to reflect increases, if any, in the November offering next preceding this January 1 of the Cost of Living Index for all urban consumers for the St. Louis area published by the Bureau of Labor Statistics of the United States Department of Labor, as compared to the previous November offering, using the period 1967 = 100 as the base period. All such computation of increases made as provided herein shall be rounded to the nearest fifty-cent figure and shall not be further adjusted during the course of the year in question until the following January 1 of the next year in question, when such further adjustments, if warranted as provided herein, shall be made.

**Section 2-92. through Section 2-100. (Reserved)**

**ARTICLE VI  
Eureka Tree Ordinance<sup>3</sup>**

**Section 2-101. Title.** [Ord. No. 1809 §1, 12-21-2004]

This Article shall be known and may be cited as the "Eureka Tree Ordinance" of the City of Eureka, Missouri.

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3. Editor's Note — Ord. no. 1809 §1, adopted December 21, 2004, repealed sections 2-101 — 2-104, article VI "Tree Board" and enacted new provisions set out herein. Former sections 2-101 — 2-104 derived from ord. no. 1041 §1, 11-17-1992; ord. no. 1780 §1, 8-17-2004.

**Section 2-102. Purpose and Intent.** [Ord. No. 1809 §1, 12-21-2004]

*Purpose.* It is the purpose of this ordinance to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the City of Eureka, Missouri.

*Intent.* It is the intent of the Board of Aldermen of the City of Eureka that the terms of this ordinance shall be construed so as to promote:

- (1) The planting, maintenance, restoration and survival of desirable trees and shrubs that are on public property within the City of Eureka.
- (2) The protection of community residents from personal injury and property damage, and the protection of the City of Eureka from property damage caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants located within the community.

**Section 2-103. Definitions.** [Ord. No. 1809 §1, 12-21-2004]

COMMUNITY FOREST MANAGER — The official designee of the City Administrator given responsibility for administration of the community forestry program.

PARK TREES — Trees, shrubs, bushes and all other woody vegetation in public parks.

PRIVATE COMMUNITY FOREST — All trees within the municipal boundaries of the City but not owned by the City.

PUBLIC COMMUNITY FOREST — All street and park trees and other trees owned by the City.

STREET TREES — Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

TREE TOPPING — The severe cutting back of limbs in stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**Section 2-104. Creation and Establishment of Eureka Tree Board.** [Ord. No. 1809 §1, 12-21-2004]

There is hereby created and established a Tree Board for the City which shall consist of the thirteen (13) members who also serve on the Park Board. Tree Board members shall meet the requirements for appointment and term of office as set forth in Article V, Section 2-86 and shall meet at the regularly scheduled meetings of the Park Board which shall be held the first (1st) Tuesday following the week of the first (1st) monthly Board of Aldermen meeting. Seven (7) members of the Tree Board shall constitute a quorum for the transaction of business. If at any Tree Board meeting a quorum is not present, the meeting shall stand adjourned until the next regular or special meeting.

**Section 2-105. Tree Board Member Compensation.** [Ord. No. 1809 §1, 12-21-2004]

No member of the Tree Board or voluntary worker shall receive compensation for services

performed on behalf of the City except as might otherwise be paid to members of the Park Board.

**Section 2-106. Duties of Tree Board.** [Ord. No. 1809 §1, 12-21-2004]

The Tree Board shall have the following duties:

- (a) Review and approve policies and procedures for the planting, maintenance, preservation and removal of trees and shrubs on City rights-of-way and property.
- (b) Review and recommend to the Mayor and Board of Aldermen a budget for the planting, management, preservation and removal of trees and shrubs on City rights-of-way and property.
- (c) Review and submit to the Mayor and Board of Aldermen an annual report with recommendations for the management of trees and shrubs on City rights-of-way and property.
- (d) Perform such other duties as may be requested by the Mayor and approved by a majority of the members of the Board of Aldermen.

**Section 2-107. Designation of Community Forest Manager.** [Ord. No. 1809 §1, 12-21-2004]

The Mayor may, with consent of the Board of Aldermen, designate an individual to serve as the Community Forest Manager and to perform the duties and exercise the authority conferred upon him by City ordinance. This person's duties will be to execute the management plan for the planting, care, cultivation, pruning and removal of trees, shrubs and plants to be planted, preserved and removed or replaced for the City.

**Section 2-108. Street Tree Species to be Planted.** [Ord. No. 1809 §1, 12-21-2004]

The City shall maintain an extensive list of recommended trees for planting in public areas. The purpose of this listing will be to maintain diversity in the total tree population. This list shall be available to residents of the City upon request to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically by the Community Forest Manager to reflect new developments or species that will affect the population of the community forest.

**Section 2-109. Public Tree Care.** [Ord. No. 1809 §1, 12-21-2004]

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way or bounds of all streets, alleys, lanes, squares and public grounds as may be necessary to ensure public safety. All work done on public trees will be consistent with the most current American National Standards Institute A300 Tree Shrub and Other Woody Plant Maintenance — Standard Practices.

**Section 2-110. Distances and Clearances for Planting.** [Ord. No. 1809 §1, 12-21-2004]

No street tree shall be planted that the Community Forest Manager deems to present an unsafe, hazardous or unlawful location due to the proximity to streets, sidewalks, curbs, street corners,

fire hydrants or utilities.

**Section 2-111. Tree Topping.** [Ord. No. 1809 §1, 12-21-2004]

It shall be unlawful as a normal practice for any person or City department to top any street tree, park tree or other tree on public property. Trees severely damaged by storms or other causes where other pruning practices are impractical may be exempted from this Section at the determination of the Community Forest Manager.

**Section 2-112. Dead or Diseased Tree Removal on Private Property.** [Ord. No. 1809 §1, 12-21-2004]

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Said owners at their own expense shall perform the removal within sixty (60) days after the date of service notice. In the event of failure of the owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of the removal on the owners' property tax notice or directly bill the owner.

**Section 2-113. Enforcement.** [Ord. No. 1809 §1, 12-21-2004]

The Community Forest Manager or his designee is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person, firm or corporation in violation thereof or institute legal proceedings as may be required and the City Attorney is hereby authorized to institute appropriate proceeding to that end.

**Section 2-114. Violations or Penalties.** [Ord. No. 1809 §1, 12-21-2004]

Any person who violates or causes a violation of any provision of this Article shall be punishable, upon conviction, in accordance with Section 1-7 of this Code, and each day such violation continues shall be deemed a separate offense. Any charge brought under this Section shall be brought by the City, at its option, to the Associate Circuit Court of the City or the Circuit Court of the County.

The municipal prosecutor may bring an action in the name of the municipality to restrain or prevent a violation of any provision of this Article or any continuance of any such violation.