

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

ARTICLE I. INCORPORATION

SECTION 100.010: INCORPORATION AS CITY OF FOURTH CLASS

On the second (2nd) day of April, 1974, Velda City was incorporated as, and is now, a City of the Fourth Class under the laws of the State of Missouri. (CC 1974 §100.010)

ARTICLE II. GENERAL CODE PROVISIONS

SECTION 100.020: CONTENTS OF CODE

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

SECTION 100.030: CITATION OF CODE

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

SECTION 100.040: OFFICIAL COPY OF CODE

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption shall be kept on file in the office of the City Clerk. An extra copy of this Code shall be kept in the City Clerk's office available for public inspection.

SECTION 100.050: ALTERING OR AMENDING CODE

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.210 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

SECTION 100.060: NUMBERING OF CODE

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

SECTION 100.070: DEFINITIONS AND RULES OF CONSTRUCTION

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

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

CITY: The City of Velda, Missouri.

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

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

MAY: Is permissive.

MAYOR: The Mayor of the Board of Aldermen of the City of Velda, Missouri.

MONTH: A calendar month.

OATH: Shall be construed to include an affirmation in all cases in which an affirmation may

QuickCode -- City of Velda City

be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

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

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

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

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

PROPERTY: Includes real and personal property.

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

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

SHALL: Is mandatory.

SIDEWALK: Shall mean that portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

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

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

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

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

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

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

SECTION 100.080: WORDS AND PHRASES, HOW CONSTRUED

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

SECTION 100.090: HEADINGS

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

SECTION 100.100: CONTINUATION OF PRIOR ORDINANCES

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

SECTION 100.110: EFFECT OF REPEAL OF ORDINANCE

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses, and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

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

SECTION 100.120: REPEALING ORDINANCE REPEALED, FORMER ORDINANCE

QuickCode -- City of Velda City
NOT REVIVED, WHEN

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

SECTION 100.130: SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section, or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections, and Chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

SECTION 100.140: TENSE

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

SECTION 100.150: NOTICE

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

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or

QuickCode -- City of Velda City

3. If the person to be served is unknown, or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

SECTION 100.160: NOTICE -- EXCEPTIONS

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

SECTION 100.170: COMPUTATION OF TIME

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

SECTION 100.180: GENDER

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

SECTION 100.190: JOINT AUTHORITY

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

SECTION 100.200: NUMBER

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

ARTICLE III. PENALTY

SECTION 100.210: GENERAL PENALTY PROVISIONS

- A. Whenever in this Code or in any ordinance of the City or in any rule, regulation, notice, condition, term or order promulgated by any officer or agency of the City under authority duly vested in him/her or it any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance, rule, regulation, order or notice shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment, but in any case wherein the penalty for an offense is fixed by any Statute, the same penalty shall apply.
- B. Except where otherwise provided, each and every day any violation of this Code or any ordinance of the City or any rule, regulation, order or notice promulgated by any officer or agency of the City under authority duly vested in him/her or it shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.
- D. In case of the amendment by the Board of Aldermen of any Section of such Code for which a penalty is not provided, the general penalty as provided in Subsection (A) of this Section shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein. (Ord. No. 615 §1, 6-10-09)

CHAPTER 105: ELECTIONS

ARTICLE I. WARDS

SECTION 105.010: WARDS

The City shall be divided into two (2) Wards:

1. *Ward I.* Starting at the south corner of Lucas and Hunt Road and Lincoln and proceeding northerly on the east side of Lincoln to a point one hundred fifty (150) feet north of Claremore, proceeding easterly to a point one hundred fifty (150) feet north of Claremore and Maywood, proceeding southerly on Maywood to include Normandale and Leadale and McKinley School on the east side of Maywood to a point two hundred (200) feet south of Maywood, proceeding from this point two hundred (200) feet south of Maywood northerly to the southwest corner of Lincoln and Lucas and Hunt Road, and to include in these boundaries, the following streets, Claremore, Myron, Parkdale, Leadale, Normandale, Colonial Avenue to a point one hundred fifty (150) feet north of Claremore and Maywood proceeding northerly to a point one hundred fifty (150) feet north of Claremore.
2. *Ward II.* Starting at Northeast Lincoln and Lucas and Hunt Road proceeding northerly on the west side of Lincoln to a point one hundred fifty (150) feet south of Lexington proceeding easterly to a point at one hundred fifty (150) feet south of Lexington and Maywood proceeding northerly on Maywood to a point of one hundred fifty (150) feet north of Edison Avenue then proceeding westerly to a point one hundred fifty (150) feet north of Edison and Lucas and Hunt Road proceeding southerly to the northeast corner of Lincoln and Lucas and Hunt Road. Ward II shall contain the following streets, west side of Lincoln to Lexington and then both east and west side of Lincoln to a point one hundred fifty (150) feet north of Edison also Colonial from a point one hundred fifty (150) feet north of Claremore to a point one hundred fifty (150) feet north of Edison shall also include Lexington, Woodrow, Glenmore and Edison Avenue. (CC 1974 §120.010; Ord. No. 213 §§1--2, 8-25-74)

ARTICLE II. IN GENERAL

SECTION 105.020: CONFORMANCE OF CITY ELECTIONS WITH STATE LAW

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

SECTION 105.030: DATE OF MUNICIPAL ELECTION

QuickCode -- City of Velda City

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Velda City shall be held for the purpose of electing a Mayor, who shall hold his/her office for a term of four (4) years, and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Velda City shall be held for the purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified.
- D. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Velda City shall be held for the purpose of electing one (1) Alderman from each ward, who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified.

SECTION 105.040: DECLARATION OF CANDIDACY -- DATES FOR FILING

Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the fifteenth (15th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

SECTION 105.050: DECLARATION OF CANDIDACY -- NOTICE TO PUBLIC

The City Clerk shall, on or before the fifteenth (15th) Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City.

SECTION 105.060: NOTICE OF ELECTIONS

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

QuickCode -- City of Velda City

except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Aldermen is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The written notice shall be executed on behalf of the Board of Aldermen by the Mayor of the Board, and shall include the attestation of the City Clerk and shall have affixed thereto the Seal of the City of Velda City. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

SECTION 105.070: DECLARATION OF CANDIDACY -- FILING FEE AND FORM

- A. *Declaration--Filing Fee.* Any person seeking elective office in Velda City, Missouri, shall file with the City Clerk a signed written declaration of candidacy setting forth the title of the office sought and his/her residence address together with payment to the City of a filing fee of twenty dollars (\$20.00). Filing fees of candidates received by the City Clerk shall be deposited in the General Revenue Fund of the City.
- B. *Statement Of Qualifications--Form.* If the person is seeking the elective office of Mayor or a member of the Board of Aldermen, he/she shall further certify and affirm in the presence of the City Clerk that he/she has attained the age of twenty-one (21) years or more; that he/she is a citizen of the United States and the State of Missouri; and that he/she has resided within Velda City for not less than three hundred sixty-five (365) days next prior to the date the election is to be held.

The suggested form for a Declaration of Candidacy for the office of Mayor or a member of the Board of Aldermen is as follows:

Declaration of Candidacy

I, _____, the undersigned, do hereby file as a candidate for election as Mayor as a member of the Board of Aldermen of Velda City, St. Louis County, Missouri, at the City general election to be held on the first (1st) Tuesday after the first (1st) Monday of April. I certify and affirm that I have attained the age of twenty-one (21) years or more; that I am a citizen of the United States and the State of Missouri; and that I have resided within Velda City for not less than three hundred sixty-five (365) days next prior to the date said election is to be held, and presently reside at _____.

(Signature of Candidate)

Date and time filed: _____

Filing fee of twenty dollars (\$20.00) paid.

Certified/Affirmed before me in my presence the date and time above-noted.

City Clerk

(CC 1974 §120.060; Ord. No. 294 §1, 1-12-78; Ord. No. 392 §3, 1-8-86; Ord. No. 415 §3, 11-9-88; Ord. No. 462 §1, 6-8-94; Ord. No. 515 §1, 8-12-98)

CHAPTER 110: MAYOR AND BOARD OF ALDERMEN

ARTICLE I. MAYOR

SECTION 110.010: ELECTIVE OFFICER

On the first (1st) Tuesday after the first (1st) Monday in April of 1989, a municipal election of the qualified voters of the City of Velda City shall be held for the purpose of electing a Mayor, who shall hold his/her office for a term of four (4) years, and until his/her successor is elected and qualified. (Ord. No. 437 §1N, 4-10-91)

SECTION 110.020: QUALIFICATIONS

No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election. (Ord. No. 437 §1B, 4-10-91)

SECTION 110.030: ACTING PRESIDENT TO PERFORM DUTIES OF MAYOR, WHEN

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

SECTION 110.040: MAYOR MAY SIT IN BOARD

The Mayor shall have a seat in and preside over the Board of Aldermen, but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City, and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

SECTION 110.050: BILLS MUST BE SIGNED -- MAYOR'S VETO

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by ayes and nays and the names entered upon the journal, and if two-thirds (2/3) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature.

SECTION 110.060: MAYOR TO SIGN COMMISSIONS

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

SECTION 110.070: MAYOR SHALL HAVE THE POWER TO ENFORCE LAWS

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50), to aid in enforcing the laws.

SECTION 110.080: MAYOR MAY REMIT FINE, GRANT PARDON

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

SECTION 110.090: AUTHORITY TO APPOINT CERTAIN OFFICERS

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a Treasurer, City Attorney, Prosecuting Attorney, City Assessor, Chief of Police, Municipal Judge, Street Commissioner and Night Watchman, and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor, and the person elected Marshal may be appointed to and hold the office of Street Commissioner.

SECTION 110.100: REMOVAL OF OFFICERS

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds (2/3) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals.

SECTION 110.110: PAYMENT OF CITY TAXES PREREQUISITE

No person shall be elected to the office of Mayor who shall at the time be in arrears for unpaid City taxes, or forfeiture or defalcation in office. (Ord. No. 437 §1L, 4-10-91)

ARTICLE II. BOARD OF ALDERMEN -- IN GENERAL

SECTION 110.120: ELECTIVE OFFICE

On the first (1st) Tuesday after the first (1st) Monday in April of each year, a municipal election of the qualified voters of the City of Velda City shall be held for the purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified.

SECTION 110.130: QUALIFICATIONS

No person shall be Alderman unless he/she be at least twenty-one (21) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election, and resident of the Ward from which he/she is elected. (Ord. No. 438 §IB, 4-10-91)

SECTION 110.140: ACTING PRESIDENT -- TERM

The Board shall elect one (1) of their own members who shall be styled "Acting President of the Board of Aldermen" and who shall serve for a term of one (1) year but who may serve more than one (1) term. (Ord. No. 438 §IC, 4-10-91)

SECTION 110.150: SALARIES FIXED BY ORDINANCE

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

SECTION 110.160: MAYOR AND BOARD -- DUTIES

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

SECTION 110.170: BOARD TO KEEP JOURNAL OF PROCEEDINGS

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

SECTION 110.180: BOARD SHALL PUBLISH SEMI-ANNUAL STATEMENTS

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

**SECTION 110.190: BOARD MAY COMPEL ATTENDANCE OF WITNESSES --
MAYOR TO ADMINISTER OATHS**

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

SECTION 110.200: BOARD MEMBERS SHALL ATTEND ALL MEETINGS, ETC.

All members of the Board of Aldermen hereafter shall be obligated to attend all regular and special hearings and/or meetings of the Board of Aldermen as well as any City committee pertaining to personnel, police, budget, occupancy, licensing or any other matter which is the subject of committee concern. Members of the Board of Aldermen also shall be obligated to participate in all civic, block unit and area council meetings, and members of the Board shall routinely tour their respective wards, interact with residents and communicate the suggestions, concerns and comments of said residents to the full Board of Aldermen. In performing these and their other duties as established by law, the members of the Board shall expend not less than twenty-four (24) hours per month. (Ord. No. 496 §1, 9-10-97)

SECTION 110.210: ALDERMEN MUST BE REGISTERED VOTERS, RESIDENTS OF CITY, ETC.

All Aldermen elected to office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City. No person shall be elected to office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All Aldermen shall be residents of the City. (Ord. No. 438 §II, 4-10-91)

SECTION 110.220: OATH

Every Alderman before entering upon the duties of the office, shall take and subscribe to an oath or affirmation, before some court of record in the County, or the City Clerk, that he/she possesses all the qualifications prescribed for the office by law; will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City and faithfully demean themselves while in office. All other provisions of Section 79.260, RSMo., shall apply to Aldermen in Velda City. If any person shall fail to take and subscribe to such oath or affirmation or to give bond as required the office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to use of such person. (Ord. No. 438 §III, 4-10-91)

SECTION 110.230: POWER TO ENACT OR MAKE ORDINANCES, RULES AND REGULATIONS

The Board of Aldermen may enact or make all ordinances, rules and regulations necessary to carry out the purposes of Chapter 79, RSMo. The Board of Aldermen may enact or make all ordinances, rules and regulations not inconsistent with the laws of the State, expedient for maintaining the peace, good government and welfare of the City and its trade and commerce. (Ord. No. 438 §IV, 4-10-91)

SECTION 110.240: MONTHLY COMPENSATION MAY BE WITHHELD -- WHEN

- A. Knowing that representative government requires conscientious representatives and attendance at various board and committee meetings in order to conduct City business, the City Clerk shall do the following:
 - 1. Withhold the monthly compensation of any Alderman who fails to attend the regular monthly Board meeting.

2. Withhold fifty dollars (\$50.00) for each additional scheduled open meeting of the Board of Aldermen or committees of the Board of Aldermen.
- B. Any Alderman who disagrees with the withholding may present a grievance to the entire Board of Aldermen. If the remaining three (3) Aldermen find the absence was beyond the control of the presenting Alderman, the remaining Aldermen may order payment of all or part of the expenses and compensation withheld. (Ord. No. 439 §2, 5-8-91)

ARTICLE III. BOARD OF ALDERMEN MEETINGS

SECTION 110.250: ATTENDANCE AT MEETINGS

Members of the Board of Aldermen shall be required to attend all stated and special meetings of the Board, unless leave of absence is granted by the Board, or unless excused by the Mayor for illness or other special reason. (CC 1974 §110.010, Ord. No. 4 §1, 6-27-38)

SECTION 110.260: MEETINGS -- TIME, QUORUM AND NOTICE

- A. The regular meeting of the Board of Aldermen shall be held on the second (2nd) Wednesday of each month at 7:30 P.M.
- B. The Mayor, or in his/her absence, the Acting President of the Board of Aldermen, may call and convene such additional adjourned or special meetings as necessary to address City business.
- C. No meeting shall proceed or continue unless there exists a quorum. A quorum shall exist whenever three (3) of four (4) Aldermen are present. If a quorum is not present at any meeting, such meeting may be adjourned to another date and time certain by the Mayor or those Aldermen present.
- D. Notice of all special and adjourned meetings shall be given to the public in the time and manner required by applicable State law; and also, shall be given to the Mayor and each member of the Board of Aldermen by personal communication, which shall be in writing whenever time allows. (CC 1974 §110.020; Ord. No. 371 §2, 10-12-83)

SECTION 110.270: ORDER OF BUSINESS

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

QuickCode -- City of Velda City

1. Reading of the minutes of the last meeting or meetings unless temporarily waived, and approval of the same as read unless changed or objected to by a member, in which event, they shall be approved as corrected.
2. The presentation and hearing of remarks, complaints and petitions of citizens or other interested parties on all matters;
3. Reports of officers and committees.
4. Unfinished business.
5. New business.
6. The audit of all bills and claims against the City and ordering of payment of bills approved and allowed.
7. Miscellaneous business. (CC 1974 §110.030; Ord. No. 4 §3, 6-27-38)

SECTION 110.280: APPOINTMENT OF COMMITTEES

All committees shall be appointed by the Mayor unless, on motion, the Board shall elect to appoint any such committee. (CC 1974 §110.040; Ord. No. 4 §4, 6-27-38)

SECTION 110.290: MAYOR NOT TO VOTE

The Mayor shall not vote on any bill, motion or other matters acted upon by the Board except in case of a tie. (CC 1974 §110.050; Ord. No. 4 §5, 6-27-38)

SECTION 110.300: RULES OF PARLIAMENTARY PROCEDURE

The established rules of parliamentary procedure as stated in Roberts Rules of Order shall govern the proceedings of the Board, 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. (CC 1974 §110.060; Ord. No. 4 §6, 6-27-38)

SECTION 110.310: ORDINANCES -- PROCEDURE TO ENACT

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Velda City, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal.

QuickCode -- City of Velda City

Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.

CHAPTER 115: OFFICERS AND EMPLOYEES

ARTICLE I. CITY ATTORNEY

SECTION 115.010: APPOINTMENT AND QUALIFICATIONS

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall appoint a City Attorney. Such person shall be licensed to practice law in the State of Missouri. The Mayor shall also be empowered to appoint with the consent and approval of the majority of the members of the Board of Aldermen such other attorneys as may be required to represent the City on special individual matters, such persons to also be licensed to practice law in the State of Missouri and to be known as "Special Counsel" on such matters. (Ord. No. 401 §2(125.010(A)), 5-13-87)

SECTION 115.020: TERM OF OFFICE -- COMPENSATION FOR SERVICES

The term of office of the City Attorney shall begin at the time of appointment and approval until the next general election thereafter. City Attorney shall receive as compensation a set sum as designated by ordinance in the annual budget, payable monthly, and which shall be full compensation for eight (8) hours or less of services rendered by said attorney for attendance at regular monthly meetings the answering of the legal questions pertaining to municipal affairs, the drafting and/or reviewing of ordinances, easements, deeds, contracts and other documents pertaining to municipal business. Said City Attorney is to advise the Mayor when a full eight (8) hours of services have been rendered to the City under the above duties. Upon completion of eight (8) hours of service to the City, said City Attorney will notify the Mayor and before expending any more time, the Mayor, with the approval of the Board of Aldermen, will authorize said City Attorney to furnish further service to the City for any particular month at a reasonable hourly rate. In addition to the aforementioned compensation and services, the City Attorney shall be paid a reasonable fee as agreed to by a

QuickCode -- City of Velda City

majority of the members of the Board of Aldermen whenever his/her services are required to prosecute, defend or otherwise represent the City as attorney of record on any case filed in the Federal Courts and Circuit Courts of this State, and on the drafting of substantial and major revisions or additions to the Code of ordinances, and for his/her attendance at special meetings and/or hearings of the City which are held at times other than immediately prior to or following the regular monthly meetings of the Board. (Ord. No. 401 §2(125.010(B)), 5-13-87)

ARTICLE II. CITY CLERK

SECTION 115.030: ELECTION BY BOARD -- TERM OF OFFICE

The Board of Aldermen shall elect after the general City election, or as soon thereafter as possible, some suitable person as City Clerk, who shall hold his/her office for the term of one (1) year and until his/her successor shall be appointed and has qualified, except that the Clerk may be removed by the Mayor with the approval of a majority of all members of the Board of Aldermen, or may be removed by two-third (2/3) vote of all the members of the Board of Aldermen. (Ord. No. 405 §IA(125.020), 7-8-87)

SECTION 115.040: QUALIFICATIONS

No person shall be eligible for the office of the City Clerk unless he/she shall have attained the age of twenty-one (21) years, be a citizen of the United States. (Ord. No. 405 §IB(125.020), 7-8-87)

SECTION 115.050: POWERS AND DUTIES

- A. It shall be the duty of the City Clerk to attend all meetings of the Board of Aldermen; to keep a journal and record of the minutes of all proceedings and all ordinances which may become laws and all resolutions passed by the Board; he/she shall have the custody of the City Seal, the original rolls of ordinances and resolutions passed by the Board, the public records of the City and all such other papers, records and documents as may be entrusted to his/her care; and the same he/she shall safely and properly keep. He/she shall record the official bonds of all City Officers and all other bonds executed to the City filed in his/her office in a book kept for that purpose. He/she shall affix the City Seal to and countersign all such public instruments, documents and papers as are required to be attested with the Seal of the City. He/she shall certify under his/her hand and the Seal of the City all such documents, copies, and papers in his/her office as may be required for the use of any City Officer or private citizen. He/she shall furnish to the City Collector or Board of Aldermen any record,

QuickCode -- City of Velda City

document or paper in his/her office which either may call for to be used in any court, but for the same he/she shall take and file a receipt. He/she shall whenever required, furnish to the Mayor or Board of Aldermen or any committee of the Board, copies or abstracts of any books, accounts, records, vouchers or documents in his/her office, or any information relating to the business of the City or his/her office, and he/she shall at all times permit the Mayor or any member of the Board of Aldermen or any interested City Official to examine any books, papers or documents in his/her office.

- B. The City Clerk shall prepare and seal with the Seal of the City and countersign all commissions and other official documents which the Mayor is required to issue, and shall keep a register thereof in which the substance thereof shall be noted.
- C. The City Clerk shall procure, sign and affix the City Seal to blank licenses for all purposes for which license is required to be issued, and shall, from time to time, deliver to the Collector any required number of same of which he/she shall keep a register, where it shall be stated the number and amount thereof, for what issued and to whom delivered, and for all blank licenses so delivered he/she shall take duplicate receipts.
- D. The City Clerk shall be the general accountant of the City. He/she 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 thereon, except in cases where some other officer is charged with such duty. He/she shall keep the accounts of the City in proper books therefor, in which the City shall be represented by the term "*City Revenue*", which shall be charged with all monies coming into the City Treasury from whatever source derived, which source shall be specified and shall be classed with all appropriations made for any purpose or account which shall be specified. He/she shall also keep in proper books therefor the accounts between the City and the City Treasurer, charging the latter with all monies received into the Treasury and crediting him/her with all monies paid out according to law, in each case specifying the source such money was received from and on what account paid out.
- E. He/she shall keep in proper books therefor the accounts between the City and all officers and persons who have entrusted to them the collection of any money for the City, charging each with the amount which may be in his/her hands for collection and crediting him/her with all payments into the City Treasury.
- F. He/she shall keep a register of all warrants drawn on the Treasury, wherein shall be stated the date, number, amount thereof, and to whom, and out of what fund payable.
- G. The City Clerk shall draw and countersign warrants on the City Treasury for any monies found to be due and owing by the City and for which there is an appropriation out of which such warrants shall be paid, but no warrants shall be issued unless there be actually in the Treasury money sufficient to pay same.
- H. The City Clerk shall not draw or issue warrants for the payment of any accounts mentioned in

QuickCode -- City of Velda City

or arising under the provisions of this Article until such accounts have been examined and approved by the majority of the Board of Aldermen, as evidenced by endorsement to that effect thereon, and no warrants for the payment of money drawn by the City Clerk shall be paid by the Treasurer unless the same is signed by the Mayor or Acting President of the Board of Aldermen.

- I. When the Board of Aldermen shall have fixed the rate of taxation for any given year, the City Clerk shall make out appropriate and accurate tax books and shall therein set out in suitable columns opposite the name of each person, the item of taxable property, as returned by the Assessor and the Board of Equalization, the amount of taxes, whether general or special, due thereon, and shall charge the Collector with the full amount of taxes levied and to be collected. The Clerk shall also charge the City Collector with all licenses and other duties of all kinds to be collected.
- J. The City Clerk shall, at the first (1st) regular meeting of the Board of Aldermen in March of each year, render his/her account, with proper vouchers, to the Board, who shall settle and adjust the same.
- K. The City Clerk shall have power to administer oaths or affirmations to parties in any case in which he/she may deem it necessary in the course of examination of accounts or claims presented to him/her 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. (Ord. No. 405 §I(C--M)(125.020), 7-8-87)

SECTION 115.060: COMPENSATION

The City Clerk shall receive as full compensation for his/her services an amount as provided by ordinance. (Ord. No. 405 §IP(125.020), 7-8-87)

SECTION 115.070: ABSENCE OF CITY CLERK

Whenever for any reason, the City Clerk is unable to perform the duties of his/her office, the Board may, by resolution, appoint a temporary Clerk who shall have all the powers and perform all the duties of the regular Clerk, and shall receive the same salary for the time he/she acts, but in no event shall the regular Clerk receive any pay for the time he/she fails to perform the duties of his/her office as herein provided. (Ord. No. 405 §IQ(125.020), 7-8-87)

ARTICLE III. CITY TREASURER

SECTION 115.080: APPOINTMENT AND TERM OF OFFICE

There shall be appointed by the Mayor with the consent and approval of the majority of the members of the Board of Aldermen, at its first (1st) regular session after the general City election, or as soon thereafter as possible, some suitable person as City Treasurer, who shall hold his/her office for the term of one (1) year or until his/her appointment be terminated. (CC 1974 §125.030(A); Ord. No. 214 §1, 8-25-74)

SECTION 115.090: QUALIFICATIONS

No person shall be appointed to the office of City Treasurer unless he/she shall have attained the age of twenty-one (21), be a citizen of the United States, and a resident and inhabitant of the City and be a qualified voter of the City. (CC 1974 §125.030(B); Ord. No. 214 §1, 8-25-74)

SECTION 115.100: DUTIES

- A. It shall be the duty of the City Treasurer to receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his/her care, and shall pay over all monies, bonds or other obligations of the City on warrants or orders duly drawn, passed or ordered by the Board of Aldermen and signed by the Mayor and attested by the City Clerk, and having the Seal of the City affixed thereto and not otherwise; and shall perform such other duties as may be required of him/her by law or ordinance.
- B. No money shall be paid out of the Treasury except on a warrant signed by the Mayor and attested by the City Clerk. No warrants shall be drawn upon the Treasury, nor shall any ordinance appropriating money be passed, unless there is an unexpended balance to the credit of the City in the fund in the Treasury upon which such warrant is drawn, to meet such warrant, or a sufficient sum of unappropriated money in the fund in the Treasury upon which such warrant is drawn, to meet such warrant.
- C. The City Treasurer shall report to the Board of Aldermen on or before the first (1st) day of July in each year, the amount of receipts and expenditures of the Treasury, the amount of money on hand, and the amount of bonds falling due, if any, for the redemption of which provision must be made; also, the amount of interest to be paid during the next fiscal year. He/she shall also perform such other duties in the line of his/her office as may be required of him/her from time to time by the Board. He/she shall furnish any other reports and information concerning the finances of the City as the Mayor or Board shall from time to time require. (CC 1974 §125.030(C--J); Ord. No. 214 §1, 8-25-74)

SECTION 115.110: OATH OF OFFICE -- BOND

Before entering upon the duties of his/her office, the City Treasurer shall take the oath required of other City Officers, and shall file a good and sufficient bond in the sum of two thousand dollars (\$2,000.00) to be approved by the Mayor and Board of Aldermen. (CC 1974 §125.030(K); Ord. No. 214 §1, 8-25-74)

SECTION 115.120: COMPENSATION

The City Treasurer shall receive such compensation for his/her services as City Treasurer as is provided by ordinance. (CC 1974 §125.030(L); Ord. No. 214 §1, 8-25-74)

ARTICLE IV. CITY COLLECTOR

SECTION 115.130: APPOINTMENT

There shall be appointed by the Mayor with the consent and approval of the majority of the members of the Board of Aldermen, at its first (1st) regular session after the general City election, or as soon thereafter as possible, some suitable person as City Collector, who shall hold his/her office for the term of one (1) year or until his/her appointment be terminated.

SECTION 115.140: DUTIES

- A. It shall be the duty of the City Collector to promptly collect in the manner required by law or ordinance, all monies, taxes, general or special, and licenses, which may be levied or assessed or charged to him/her for collection by virtue of any law or ordinance. He/she shall see that all persons engaged in any business for which a license is required by any ordinance shall take out such license and upon their failure or refusal to so do, shall report the offender for proper action. He/she shall perform all such other duties in relation to the collection of the revenue as may be required by ordinance.
- B. He/she shall pay into the City Treasury, monthly, all monies received by him/her from all sources which may be levied by law or ordinance; also, all licenses of every description authorized by law to be collected, and all monies belonging to the City which may come into his/her hands. He/she shall give bond in a sum determined by the Board of Aldermen and approved by the Mayor.
- C. The City Collector shall, upon request, report to the Board of Aldermen, at the regular

QuickCode -- City of Velda City

meeting in each month, all taxes collected on the real and personal delinquent lists, and he/she shall pay the same into the City Treasury and shall receive credit therefor. He/she shall conform and comply with all requirements entailed by law or ordinance and shall turn over to his/her successor in office all uncollected delinquent lists, receiving credit therefor, and his/her successor shall be charged therewith.

- D. The City Collector shall at the regular meeting of the Board of Aldermen in March of each year, make a detailed report to the Board of Aldermen, stating the various monies collected, the amounts uncollected, and the names of the persons from whom he/she failed to collect, and the causes therefor. (Ord. No. Bill #216 §I(C--F), 8-25-74)

SECTION 115.150: COMPENSATION

The City Collector shall receive in full compensation for his/her services a salary as provided by ordinance. (Ord. No. Bill #216 §I(G), 8-25-74)

ARTICLE V. CHIEF OF POLICE

SECTION 115.160: APPOINTMENT AND QUALIFICATIONS

- A. *Appointment.* The person appointed as Chief of Police, of and for Velda City, shall be not less than thirty-five (35) years of age, a citizen of the United States, and a resident of the State of Missouri for not less than one (1) year.
- B. *Qualifications.*
 - 1. He/she shall have completed a Law Enforcement Officer training course conducted by the Federal Bureau of Investigation, State Highway Patrol, Police Academy, or an accredited college course for Police Officers with a minimum of six hundred (600) hours of instruction, as set forth by the laws of the State of Missouri.
 - 2. He/she shall have had not less than five (5) years of road experience as a regular Police Officer in the State of Missouri.
 - 3. He/she shall have had not less than two (2) years administrative Police Department experience with respect to assignments, duty schedules, records and reports. (Ord. No. 238 §I, 1-15-76)

ARTICLE VI. MISCELLANEOUS PROVISIONS

SECTION 115.170: OFFICERS TO BE VOTERS AND RESIDENTS -- EXCEPTIONS

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

SECTION 115.180: OFFICERS' OATH -- BOND

Every officer of the City and his/her assistants, and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the County, or the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City, and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to the use of such person.

SECTION 115.190: VACANCIES IN CERTAIN OFFICES, HOW FILLED

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

SECTION 115.200: POWERS AND DUTIES OF OFFICERS TO BE PRESCRIBED BY

ORDINANCE

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

SECTION 115.210: SALARIES FIXED BY ORDINANCE

The Board of Aldermen shall fix the compensation of all the Officers and employees of the City, by ordinance. But the salary of an Officer shall not be changed during the time for which he/she was elected or appointed.

SECTION 115.220: POLITICAL ACTIVITIES OF CITY EMPLOYEES

- A. No City employees shall be coerced to take part in political campaigns in any manner.
- B. No employee of Velda City shall actively advocate or oppose the candidacy of any individual for nomination or election of Alderman of Velda City while actively employed at performing his/her duties.
- C. No employee shall use any influence or preferential treatment to any other employee concerning any political activity.
- D. No employee shall solicit funds or support for the purpose of supporting any candidate for the office of Alderman of Velda City.
- E. Employees are expected to exercise their right to vote in municipal elections, but shall not engage in any other way in any municipal election.
- F. Velda City Hall shall not be used for political activity of any kind. Failure to comply with these provisions is grounds for immediate dismissal. (CC 1974 §105.020; Ord. No. 202 §1, 4-10-74)

SECTION 115.230: RANDOM DRUG TESTING PROCEDURE

- A. Henceforth, all employees of Velda City, Missouri, as a condition of their employment and/or continued employment with Velda City, upon request of their superior, are subject to testing for the presence of drugs.
- B. Upon request, an employee shall provide a urine sample in a sufficient volume to provide for duplicate testing. Upon request of the employee being tested, a sample in sufficient volume shall be provided to the employee. Upon request of the person who is tested, full information

QuickCode -- City of Velda City

concerning the test shall be made available to him/her.

- C. The collection and testing of urine samples shall be pursuant to the following provisions:
1. Urine specimens shall be collected in clean, dry containers. Preservatives may be used that are appropriate for the test method. Specimens shall be refrigerated if not tested within one (1) day of collection.
 2. The individual performing any tests of the urine samples for the presence of drugs shall be properly qualified to perform said analysis.
 3. The laboratory in which these analyses are performed shall have a Director who shall assume full responsibility for accuracy of tests and reports.
 4. The following methodologies are approved for the analysis of urine for the presence of drugs.
 - a. Enzyme Immunoassay (EIA).
 - b. Fluorescence Immunoassay (FIA).
 - c. Radio Immunoassay (RIA).
 - d. Gas-Liquid Chromatography (GLC).
 - e. Thin-Layer Chromatography (TLC).
 - f. High-Pressure Liquid Chromatography (HPLC).
 - g. Ultraviolet Spectrophotometry (UV).
 - h. Gas Chromatography/Mass Spectrometry (GC/MS).
 5. All positive results found upon initial testing shall be confirmed by GC/MS. TLC and HPLC methods may be used in conjunction with GC/MS for confirmation.
 6. No positive test results will be valid unless confirmed by the independent test required in Subsection (5) hereinabove.
- D. Any urine sample requested by the employee shall be provided to the employee by the person requesting said sample. Prior to providing the employee with the requested sample(s) the person providing the sample shall properly label and seal the container containing said sample and place his/her initials and date on the seal of the container. Any said sample provided by an employee to a testing laboratory of employee's choice shall not be valid for use by the employee unless and until the laboratory receiving said sample from the employee certifies that it received the sample with the seal thereon in an untampered and/or unbroken condition.

QuickCode -- City of Velda City

- E. Immediately upon passage by the Board of Aldermen and approval by the Mayor of this Article, the City shall cause to be posted in the City the following notice:

EMPLOYEES OF VELDA CITY

TAKE NOTICE THAT, VELDA CITY HAS ADOPTED ORDINANCE NO. 420 WHICH REQUIRES THE EMPLOYEES OF VELDA CITY TO SUBMIT TO RANDOM DRUG TESTING UPON THE REQUEST OF ANY SUPERVISOR. THIS RANDOM DRUG TESTING SHALL BECOME POLICY AND WILL GO INTO EFFECT ON THE FOURTEENTH (14TH) DAY OF MARCH, 1990. (Ord. No. 420 §§1--5, 9-13-89)

SECTION 115.240: EXPENSE REIMBURSEMENT AND ADVANCE POLICY

- A. For purposes of this Section, the term "*expense*" shall refer only to expenses actually and necessarily incurred in the performance of the official business of the City. The term "*employee*" shall include all persons employed by the City and all elected and appointed officials.
- B. Any employee incurring any expense as defined in this Section and seeking reimbursement of same may submit to the City Clerk, within thirty (30) days of incurring such expense, a voucher certified as being true and correct. The Mayor shall review such expense vouchers and shall recommend to the Board of Aldermen reimbursement to the employee of only those expenses properly incurred, and the Board shall approve reimbursement of only appropriate expenses. If the Mayor claims reimbursable expenses, the Board shall review and approve reimbursement of only appropriate expenses.
- C. Nothing in this Section shall prohibit the Board of Aldermen from approving the reimbursement of appropriate expenses in a sum certain prior to the time when the employee incurs such expenses. If such approval is made the employee, within ten (10) days after such expenses are actually incurred, shall submit to the City Clerk receipts and/or some other proof that the expenses have been incurred.
- D. The City Treasurer may advance payment of projected expenses as authorized by the Board of Aldermen when the projected expenses to be incurred would pose a financial burden on the employee. If such an advance is authorized, within ten (10) days after such expenses are actually incurred the employee shall submit to the City Treasurer a voucher for the expenses actually and necessarily incurred and any balance of the advance remaining after expenditure.
- E. Upon approval of appropriate expenses the City shall reimburse or advance the employee by the execution of a check drawn on the City's general revenue account. (Ord. No. 511 §1, 7-8-98)

CHAPTER 120: BOARDS, COMMISSIONS AND DEPARTMENTS

ARTICLE I. DEPARTMENT OF PARKS AND RECREATION

SECTION 120.010: CREATION OF DEPARTMENT -- COMPOSITION

There shall be created hereunder a Department of Velda City known as "Department of Parks and Recreation". The Department of Parks and Recreation shall consist of one (1) member of the Board of Aldermen, who shall be the Commissioner of the Department, and four (4) residents of Velda City. (Ord. No. 399 §1, 8-13-86)

SECTION 120.020: MEMBERSHIP -- APPOINTMENT AND TERM -- REMOVAL

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall appoint the members of the Department of Parks and Recreation, who shall serve a term of office commencing at the time of appointment and terminating at the end of the term of the office of the Mayor who has appointed said member. Any member of the Department of Parks and Recreation may be removed from office by vote of majority of the Board of Aldermen. (Ord. No. 399 §2, 8-13-86)

SECTION 120.030: COMMISSIONER'S RESPONSIBILITY

The Commissioner shall be in charge of the Department of Parks and Recreation and shall be responsible for the supervision and coordination of all meetings and activities of the Department of Parks and Recreation. (Ord. No. 399 §3, 8-13-86)

SECTION 120.040: AUTHORITY

The Department of Parks and Recreation shall have authority to either grant or deny all permits to occupy the used portions of any park, park area, historic site, playground, swimming pools, garden or other area owned or used by the City for recreational purposes, and facilities in connection therewith, except highways, streets or park drives therein, which such occupancy or use is consistent with the public use thereof and is not inconsistent with any law or general ordinance. The Board of Aldermen may, at any time, revoke any permit

QuickCode -- City of Velda City
granted hereunder. (Ord. No. 399 §4, 8-13-86)

SECTION 120.050: DONATIONS TO CITY PARKS -- AUTHORITY AND DUTY OF COMMISSIONER

- A. The Commissioner of the Department of Parks and Recreation is authorized, with the approval of the Board of Aldermen, to accept and take charge of, for and on behalf of the City, all donations made to the public parks, places or squares of the City by private individuals or societies. It is hereby made the Commissioner's duty to apply donations strictly to the purposes for which they were made. Said Commissioner shall have the authority to designate officially certain places in the public parks, places and squares which have been approved by the aforementioned private donations by the name of the donor and the Commissioner shall in all such cases file a copy of the articles or stipulations of donation with the Clerk of the City.
- B. In the event any monument, statue or other work of art or utility erected from private donations in any public park, place or square shall hereafter cease to be the property of the City, the donor or the donor's legal representative shall have permission to remove the same from the premises with the consent of the Commissioner of the Department of Parks and Recreation. (Ord. No. 399 §§5--6, 8-13-86)

CHAPTER 125: MUNICIPAL COURT

SECTION 125.010: MUNICIPAL COURT ESTABLISHED

There is hereby established in this City a Municipal Court to be known as the "Velda City Municipal Court, a Division of the Circuit Court of St. Louis County, State of Missouri". This Court is a continuation of the Municipal Court of the City as previously established. (Ord. No. 316 §2(115.010), 1-11-79)

SECTION 125.020: APPOINTMENTS AND QUALIFICATIONS

- A. The Mayor shall appoint with the approval of a majority of the members of the Board of Aldermen a Municipal Judge and a Clerk of the Municipal Court and such other non-judicial personnel as may be required for effective administration of the Court's business. The Municipal Judge shall hold his/her office for a period of two (2) years and shall take office bi-annually from January 2, 1979. The Mayor shall have the power to designate a competent, eligible and qualified person to hold the office of Provisional Judge, who shall act in case of

QuickCode -- City of Velda City

the disqualification, absence, sickness, disability or other incapacity of the Municipal Judge.

- B. The Municipal Judge and the Provisional Judge will each meet the following qualifications:
1. Must be between the ages of twenty-one (21) and seventy-five (75) years.
 2. Must be a resident of the State of Missouri, but need not be a resident of Velda City.
 3. Must be an attorney at law, licensed by the Missouri Supreme Court and qualified to practice law within the State of Missouri.
 4. Must not hold any other office of Velda City, though they may hold other or similar offices in other municipalities. (Ord. No. 316 §2(115.020), 1-11-79)

SECTION 125.030: VACATION OF OFFICE

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

1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges as provided in Missouri Supreme Court Rule 12,
2. Upon attaining his/her seventy-fifth (75th) birthday, or
3. Upon losing his/her license to practice law within the State of Missouri. (Ord. No. 316 §2(115.030), 1-11-79)

SECTION 125.040: COMPENSATION, COURT ROOM AND SESSIONS

- A. The Board of Aldermen shall set the compensation for the Municipal Judge, Provisional Judge and Court Clerk and other non-judicial personnel by ordinance.
- B. The Board of Aldermen shall provide a Court room at the expense of the City suitable for the holding of the sessions of Court.
- C. The Municipal Judge shall determine the day and time at which sessions of the Municipal Court shall be convened in the Court room. (Ord. No. 316 §2(115.040), 1-11-79)

SECTION 125.050: JURISDICTION

The Municipal Judge shall be a conservator of the peace within the City boundaries. He/she shall have original jurisdiction to hear and determine violations against the City ordinances. He/she shall exercise generally the powers, duties and jurisdiction as set forth in the Revised

QuickCode -- City of Velda City

Statutes of Missouri, Supreme Court Rule 37 and the City ordinances. All decisions and orders of the Municipal Judge and all matters before the Municipal Court shall be governed by the procedural and substantive law of the Revised Statutes of Missouri, Supreme Court Rule 37 and case law applicable to the Missouri Courts. (Ord. No. 316 §2(115.050), 1-11-79)

SECTION 125.060: SUPERINTENDING AUTHORITY

The Municipal Court of the City shall be subject to the rules of the Circuit Court of St. Louis County and to the rules of the Missouri State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court of St. Louis County and the Municipal Judge and Municipal Court personnel shall obey the directives of the Presiding Judge. (Ord. No. 316 §2(115.060), 1-11-79)

SECTION 125.070: RECORDS AND REPORTS OF THE MUNICIPAL COURT

The Municipal Judge shall keep the docket in which he/she shall enter every case commenced before him/her and record the proceedings thereon. He/she shall keep such other records as are required by the Circuit Court of St. Louis County and the Missouri Supreme Court. All dockets and records kept shall be the records of the Circuit Court of St. Louis County. Upon leaving office the Municipal Judge shall deliver the dockets and the records of the Municipal Court, and all other books and papers pertaining to his/her office, to his/her successor in office or to the Presiding Judge of the Circuit Court of St. Louis County. In addition to the foregoing for each month that the Municipal Judge holds office, he/she shall cause the Court Clerk to prepare a report of the Court proceedings for that month for delivery to the City Clerk for presentation to the Mayor and the Board of Aldermen at a regular monthly meeting; said monthly report to provide the information set forth in Section 125.100 of this Chapter. (Ord. No. 316 §2(115.070), 1-11-79)

SECTION 125.080: POWERS AND DUTIES OF THE MUNICIPAL JUDGE

The Municipal Judge shall be and is hereby authorized to:

1. Administrate oaths and enforce due obedience to all orders, rules and judgments made by him/her, and may fine and imprison for contempt committed before him/her in Court in the same manner and to the same extent as a Circuit Judge.
2. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and

QuickCode -- City of Velda City

Procedure in Municipal Courts. Any and all rules made or adopted hereunder may be annulled or amended by the Board of Aldermen by an ordinance limited to such purpose; provided that such ordinance does not violate or conflict with the provisions of the Missouri Rules of Practice and Procedure in Municipal Courts or State Statutes.

3. To summon and subpoena all persons whose testimony may be deemed essential as witnesses at the trial of a violation; and to enforce their attendance by attachment if necessary. When a trial shall be continued by the Municipal Judge it shall not be necessary to resubpoena any witnesses who may be present at the time of the continuance if the Municipal Judge shall orally notify such witnesses to attend before him/her on the new date set for trial to testify in the case. The Municipal Judge shall enter the names of any such witnesses so orally notified on his/her docket and such oral notice shall be as valid as a summons or subpoena.
4. To immediately stop all further proceedings before him/her if it shall appear to him/her that the defendant ought to be put upon trial for an offense against the criminal laws of the State of Missouri and not cognizable before the Municipal Court, and to cause the complaint to be made before an Associate Circuit Judge of St. Louis County.
5. To enter a judgment and sentence of imprisonment against a convicted defendant in the Municipal Court; and if in the opinion of the Municipal Judge the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the St. Louis County Jail and to the custody of the Sheriff of St. Louis County of the St. Louis County Department of Welfare, if space for the prisoner is available in the County Jail, who upon receipt of a warrant of commitment from the Municipal Judge shall safely receive and keep said prisoner/ defendant until discharged by due process of law. The City shall pay the board of such defendant/prisoner at the same rate as is regularly allowed to such Sheriff or department for the keeping of such prisoners in its custody.
6. To suspend the imposition of sentence.
7. To temporarily or permanently stay execution of all or part of any sentence of imprisonment or fine.
8. Waive all or part of the Court costs assessed in a particular case.
9. Make use of public or private probation program of his/her choice for the referral of defendants for any of the following purposes: to make recommendations for sentencing after conducting a background investigation of the defendant; to enroll the defendant in a counseling program or short-term educational program appropriate to the offense for which the defendant has been charged; to supervise defendants placed on probation by the Municipal Judge; and for such other purposes as the Municipal Judge may direct.
10. To have and exercise such other powers, duties and privileges as are or may be necessary

QuickCode -- City of Velda City

to perform his/her function and as are prescribed by the laws of the State of Missouri, the rules of the Missouri Supreme Court, this Chapter and the other ordinances of this City. (Ord. No. 316 §2(115.080), 1-11-79)

SECTION 125.090: PAROLE OR PROBATION, WHEN GRANTED -- CERTIFICATE -- CONDITIONS OF PROBATION -- MODIFICATION OF CONDITIONS

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

SECTION 125.100: DUTIES AND AUTHORITY OF THE MUNICIPAL COURT CLERK

The duties and authority of the Municipal Court Clerk shall be as follows:

- 1. To take oaths and affirmations.

QuickCode -- City of Velda City

2. To have complaints signed and sworn to in his/her presence.
3. To sign and issue warrants, commitments to jail and subpoena.
4. To establish the amount of bail and admit to bail.
5. To accept the appearance, waiver of trial and plea of guilty from defendants at the Traffic Violations Bureau.
6. To accept the payment of fines and Court costs at sessions of Court and at the Traffic Violations Bureau.
7. To maintain a complete copy of the ordinances of Velda City, certified by the City Clerk, which shall constitute prima facie evidence of such ordinances before the Municipal Court.
8. To prepare and provide to the City Clerk by the tenth (10th) day of each month a confidential sworn report by the affidavit of the Court Clerk of the Municipal Court of all defendants cases heard or tried by the Municipal Judge during the preceding month. The City Clerk shall in turn present said report to the Mayor and the Board of Aldermen at its first (1st) session thereafter. The report shall consist of:
 - a. The names of all defendants who are convicted of an ordinance violation or who request a trial de novo in the St. Louis County Circuit Court,
 - b. The amount of the fine or sentence imposed and the Court costs assessed, and
 - c. If applicable, that a trial de novo was requested.
9. Perform all other duties as provided for the Municipal Court Clerk to perform by this Chapter, other ordinances of Velda City, Rules of the Missouri Supreme Court or local rules adopted by the Municipal Judge, and the laws of the State of Missouri; and to perform such other duties as directed from time to time in writing by the Municipal Judge. (Ord. No. 316 §2(115.090), 1-11-79)

SECTION 125.110: TRAFFIC VIOLATIONS BUREAU

The Municipal Judge shall establish a Traffic Violations Bureau in accordance with Section 479.050, RSMo., if requested by either the Mayor or the Board of Aldermen; otherwise the establishment of a Traffic Violations Bureau shall be at the option of the Municipal Judge. Court costs in amounts set under Section 125.130(A) shall also be collected for violations paid in the Traffic Violations Bureau, whenever the Municipal Judge has so designated their collection for the particular violation. (Ord. No. 316 §2(115.100), 1-11-79)

SECTION 125.120: DISQUALIFICATION, JURY TRIALS, APPEALS (TRIAL DE NOVO)

- A. *Disqualification.* The Municipal Judge shall be disqualified from hearing a case:
1. On his/her own motion if in any way he/she has an interest in the result of the case, or
 2. Upon affidavit filed before trial begins by either the defendant or the prosecutor stating that they cannot have a fair and impartial trial by reason of the interest, bias or prejudice of the Municipal Judge. Neither the prosecutor nor the City may file more than one (1) such affidavit in the same case.
- B. *Right To Jury Trial.* Any person charged with the violation of a municipal ordinance of this City shall be entitled to a trial by jury, in the same manner as in prosecution for misdemeanors before an Associate Circuit Judge of St. Louis County. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court of St. Louis County for reassignment and hearing.
- C. *Appeals (Trial De Novo).* In all cases tried before the Municipal Judge on a plea of not guilty wherein the defendant is found guilty after said trial, the defendant shall have the right of appeal for a trial de novo in the Circuit Court of St. Louis County. An application for trial de novo shall be filed and perfected within ten (10) days after judgment on such form and in such manner as provided by Missouri Supreme Court Rules. (Ord. No. 316 §2(115.110), 1-11-79)

SECTION 125.130: COURT COSTS

- A. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the St. Louis County Municipal Division of the 21st Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:
1. Costs of Court in the amount of twelve dollars (\$12.00).
 2. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each

QuickCode -- City of Velda City

certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.

- b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.

3. *Crime victims' compensation fund.*

- a. A surcharge in the sum of seven dollars fifty cents (\$7.50) shall be assessed in each Court proceeding filed in a case for violation of any City ordinance, except that no such fee shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court or when Court costs are to be paid by the City.
- b. The Court Clerk shall allocate seven dollars thirteen cents (\$7.13) of said surcharge to the State Department of Revenue and the remaining thirty-seven cents (\$.37) to the City Treasury.

4. *Motorcycle Safety Trust Fund.*

- a. Any person who violates a municipal ordinance when the Court finds that the violation occurred when the Defendant was the operator of a motorcycle or motortricycle shall have a judgment assessed against the Defendant of five dollars (\$5.00) in the favor of the State of Missouri Motorcycle Safety Trust Fund. Any motor vehicle operator who violates a municipal ordinance where the violation involves a motorcycle or motortricycle or where the operator causes an accident involving a motorcycle or motortricycle shall have a judgment assessed against the Defendant of five dollars (\$5.00) in the favor of the State of Missouri Motorcycle Safety Trust Fund.
- b. Each Court cost assessed under this Section shall be doubled if the operator at fault violated any State law or local ordinance relating to the consumption of alcohol.
- c. The Court costs collected under this Section by the Clerk of the Court shall be paid into the State Treasury to the credit of the Motorcycle Safety Trust Fund created in Section 302.137, RSMo.

5. *Reimbursement of certain costs of arrest.*

- a. Upon a plea or a finding of guilty for a first (1st) offense of violating the provisions of an ordinance of the City of Velda, involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.

QuickCode -- City of Velda City

- b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
 - c. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
 - d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such Department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.
6. *Additional surcharge for Spinal Cord Injury Fund.* Any person who is convicted of driving while intoxicated, driving with an excessive blood alcohol content or driving under the influence of alcohol or drugs, when the defendant is represented by or has waived the right to an attorney, shall have a judgment entered against the defendant in favor of the Spinal Cord Injury Fund in the amount of twenty-five dollars (\$25.00). The judgments collected pursuant to this Section shall be paid into the State Treasury to the credit of the Spinal Cord Injury Fund created pursuant to Section 304.027, RSMo.
- B. In addition the following fee shall be collected from such defendant as cost when assessed on any case by the Municipal Judge:
- 1. For each letter sent to the defendant for failing to appear in Court to answer to the charge or to pay his/her fine and costs \$ 10.00
 - 2. For each warrant issued for the defendant's failure to appear in Court to answer to the charge or to comply with the sentence of the Court 40.00
 - 3. For each such warrant served or executed 50.00
 - 4. For the service of a witness subpoena on a Velda City Police Officer charge No
 - 5. For the service of a witness subpoena within the City boundaries 15.00

QuickCode -- City of Velda City

6. For the service of a witness subpoena outside the City boundaries 25.00
plus \$0.38 per mile
 7. For a bill paid by the City to the County Sheriff or other
for imprisonment of the defendant in a jail/prison facility exact amount
paid
 8. For the preparation of an appeal, affidavit, appeal
bond and appeal transcript 25.00
 9. As a condition to any probationary period upon the suspension
of the imposition of sentence
12.00--100.00
 10. For certification without trial to the Circuit Court 5.00
- C. In addition the Municipal Court Clerk shall collect such costs as are required by the Circuit Court of St. Louis County on an appeal for a trial de novo or upon a certification for a jury trial in the Circuit Court of St. Louis County.
- D. When a person other than a Police Officer or prosecutor files a complaint to initiate prosecution and later advises the Court that he/she no longer desires to prosecute, the Municipal Judge shall assess the Court costs against such complainant.
- E. No Court costs shall be charged against the City in any case. (Ord. No. 316 §2(115.120), 1-11-79; Ord. No. 351 §2, 10-15-80; Ord. No. 552 §§1--2, 9-12-01)

SECTION 125.140: GENERAL REVENUE

On or before the tenth (10th) day of each month the fines and costs collected at Court sessions and Traffic Violations Bureau from the preceding month shall be paid over and deposited to the City Treasurer to the credit of the General Revenue Fund if they have not earlier been paid. (Ord. No. 316 §2(115.130), 1-11-79)

SECTION 125.150: BAIL BONDS -- PROCEDURE

The defendant shall, upon arrest, be entitled and admitted to bail by sufficient surety or sureties or cash bond in a reasonable amount:

1. By the Municipal Judge or by the Clerk or Deputy Clerk thereof, if the Judge is absent or if the Court is not in session, or when so authorized or directed by the Judge.

QuickCode -- City of Velda City

2. By the Mayor, if the Judge, Clerk and Deputy Clerk are absent, or if the Court is not in session.
3. By the Chief of Police or any Police Officer having custody of the defendant, when the amount of bail is endorsed on the warrant of arrest in the amount so specified, or when so authorized or directed by the Judge.
4. All bail bonds shall be immediately deposited with the Clerk of the Municipal Court who shall have exclusive custody and control of said bonds, subject to the order of the Municipal Judge.
5. The Court Clerk shall maintain a separate escrow account for the deposit and safeguarding of all cash bonds until final disposition by the Municipal Judge. (CC 1974 §115.150; Ord. No. 164 §15, 5-4-72)

SECTION 125.160: OFFENSE -- NOT COGNIZABLE BEFORE MUNICIPAL COURT

If in the progress of any trial before the Municipal Court, it shall appear to the Judge that the accused ought to be put upon his/her trial for an offense against the criminal law of the State, he/she shall immediately stop all further proceedings before him/her and shall cause complaint to be made before an Associate Circuit Judge who shall proceed as in other cases cognizable before Associate Circuit Judges. (CC 1974 §115.160; Ord. No. 164 §16, 5-4-72)

SECTION 125.170: JUDGMENT OF CONVICTION -- HOW ENFORCED

If the defendant pleads guilty or is found guilty, the Judge shall declare and assess the punishment and render judgment accordingly. It shall be part of the judgment that the defendant is then committed to jail until the judgment is complied with; provided, that any person so committed may be compelled to labor upon the streets, alleys, or roads of the City or at such other labor as the Board of Aldermen may provide in such manner and under such rules and regulations as they may prescribe until the whole amount of such fine, penalty and costs is worked out allowing to the defendant for each day he/she shall so labor such sum as the Board of Aldermen may designate but not less than fifty cents (\$.50) per day. If defendant shall refuse to work when so commanded, he/she may be punished in such manner as the Board of Aldermen shall prescribe provided such punishment shall not be cruel or excessive. (CC 1974 §115.170; Ord. No. 164 §17, 5-4-72)

SECTION 125.180: FAILURE TO APPEAR IN MUNICIPAL COURT

- A. A person commits the offense of failure to appear in Municipal Court if:

QuickCode -- City of Velda City

1. He/she has been issued a summons for a violation of any ordinance of the City of Velda City, and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 3. He/she has been placed on Court supervised probation, and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.
- B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

SECTION 125.190: ADMINISTRATIVE SEARCH WARRANTS

A. Search Warrant Defined--Who May Issue, Execute.

1. An administrative search warrant is a written order of the Municipal Judge commanding the search or inspection of any property, place or thing and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein to determine or prove the existence of violations of any ordinance or Code Section of the City relating to the use, condition or occupancy of property or structures located within the City or to enforce the provisions of any such ordinance or Code Section.
2. The Municipal Judge, having original and exclusive jurisdiction to determine violations against the ordinances of the municipality, may issue an administrative search warrant when:
 - a. The property or place to be searched or inspected or the thing to be seized is located within the City at the time of the making of the application, and
 - b. The owner or occupant of the property or place to be searched or inspected or the thing to be seized has refused to allow same after official request by the City.
3. Any such warrant shall be directed to the Chief of Police or any other Police Officer of the City and shall be executed by the Chief of Police or said Police Officer within the City limits and not elsewhere.

B. Who May Apply For Warrant--Contents Of Application.

1. Any Police Officer or an attorney of the City may make application to a Municipal Judge

QuickCode -- City of Velda City
for the issuance of an administrative search warrant.

2. The application shall:
 - a. Be in writing;
 - b. State the time and date of the making of the application;
 - c. Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - d. State that the owner or occupant of the property or places to be entered, searched, inspected or seized has been requested by the City to allow such action and has refused to allow such action;
 - e. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in Subsection (C)(1) hereof, to:
 - (1) Search or inspect for violations of an ordinance or Code Section specified in the application, or
 - (2) Show that entry or seizure is authorized and necessary to enforce an ordinance or Code Section specified in the application and that any required due process has been afforded prior to the entry or seizure;
 - f. Be verified by the oath or affirmation of the applicant; and
 - g. Be signed by the applicant and filed in the Municipal Court.
3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered.

C. Hearing and Procedure--Contents Of Warrant--Execution And Return.

1. *Hearing and procedure.*
 - a. The Municipal Judge shall hold a non-adversary hearing to determine whether probable cause exists to inspect or search for violations of any City ordinance or Code Section or to enforce any such ordinance or Code Section.
 - b. In doing so the Municipal Judge shall determine whether the action to be taken by the City is reasonable in light of the facts stated. The Municipal Judge shall consider the goals of the ordinance or Code Section sought to be enforced and such other factors as

QuickCode -- City of Velda City

may be appropriate, including, but not limited to, the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant City ordinance or Code Section and the passage of time since the property's last inspection. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a City ordinance or Code Section.

- c. If it appears from the application and any supporting affidavit that there is probable cause to inspect or search for violations of any City ordinance or Code Section or to enforce any such ordinance or Code Section, a search warrant shall immediately be issued.
 - d. The warrant shall issue in the form of an original and two (2) copies, and the application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Municipal Court.
2. *Contents of search warrant.* The search warrant shall:
- a. Be in writing and in the name of the City;
 - b. Be directed to any Police Officer in the City;
 - c. State the time and date the warrant was issued;
 - d. Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - e. Command that the described property or places be searched or entered upon, and that any evidence of any City ordinance violations found therein or thereon, or any property seized pursuant thereto, or a description of such property seized be returned, within ten (10) days after filing of the application, to the Municipal Judge who issued the warrant to be dealt with according to law;
 - f. Be signed by the Judge with his title of office indicated.
3. *Execution and return.*
- a. A search warrant issued under this Section shall be executed only by a City Police Officer, provided however, that one (1) or more designated City Officials may accompany the officer and the warrant shall be executed in the following manner:
 - (1) The warrant shall be executed by conducting the search, inspection, entry or seizure as commanded and shall be executed as soon as practicable and in a reasonable manner.
 - (2) The officer shall give the owner or occupant of the property searched, inspected or

QuickCode -- City of Velda City

entered upon a copy of the warrant.

- (3) (a) If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.
- (b) A copy of the itemized receipt of any property taken shall be delivered to an attorney for the City within two (2) working days of the search.
- (c) The disposition of property seized pursuant to a search warrant under this Section shall be in accordance with an applicable City ordinance or Code Section, but in the absence of same, then with Section 542.301, RSMo.
- (4) The officer may summon as many persons as he deems necessary to assist him in executing the warrant and such persons shall not be held liable as a result of any illegality of the search and seizure.
- (5) An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he would be justified in using if the warrant were valid.
- (6) A search warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the making of the application.

b. *Disposition of return.*

- (1) After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Court.
- (2) The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property or places searched or seized.
- (3) The return shall be accompanied by any photographs, copies or recordings made and by any property seized, along with a copy of the itemized receipt of such property required by this Section; provided however, that seized property may be disposed of as provided herein, and in such a case a description of the property seized shall accompany the return.
- (4) The Court Clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized.

D. *Warrant Invalid, When.* A search warrant shall be deemed invalid:

1. If it was not issued by the Municipal Judge;

QuickCode -- City of Velda City

2. If it was issued without a written application having been filed and verified;
3. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in Subsection (C)(1)(b) hereof;
4. If it was not issued with respect to property or places in the City;
5. If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty;
6. If it is not signed by the Judge who issued it; or
7. If it was not executed and the required return made within ten (10) days after the date of the making of the application. (Ord. No. 542 §1, 8-9-00)

CHAPTER 130: FINANCE AND TAXATION

ARTICLE I. FISCAL YEAR

SECTION 130.010: FISCAL YEAR

Commencing July 1, 1978, the fiscal year of Velda City shall be for a twelve (12) month period beginning July first (1st) and ending June thirtieth (30th) of the following calendar year and all future annual budgets for the City shall be prepared and approved accordingly; provided that in order to effectuate the change in fiscal years accomplished by this Article, the City shall operate on a special six (6) month budget for the period January 1, 1978 to June 30, 1978. (CC 1974 §105.010; Ord. No. 291 §2, 11-15-77)

ARTICLE II. TAXATION

Note--Velda City levies a one percent (1%) sales tax in conjunction with St. Louis County under the authority of Sections 66.600 et seq., RSMo., 1994. The City is a Group "B" municipality for purposes of distribution of this tax in accordance with Section 66.620, RSMo., 1994.

SECTION 130.020: CAPITAL IMPROVEMENT SALES TAX

A. There is hereby imposed and levied a sales tax on one-half of one percent (0.5%) of the

QuickCode -- City of Velda City

receipts from the sale at retail of all tangible personal property or taxable services at retail within Velda City, Missouri, for the purposes of funding capital improvements, including the operation and maintenance of capital improvements, as authorized under Section 94.890, RSMo.

- B. Velda City, Missouri, hereby chooses and selects that the distribution of proceeds of the City's capital improvement sales tax received by the Missouri Collector of Revenue shall be in accord with the terms and provisions of "Option 2" of Section 94.890, RSMo., such that one hundred percent (100%) of the said sales tax collected shall be deposited in subaccount #2 of the "Municipal Capital Improvement Sales Tax Fund" established in accord with §1(5) of House Bill No. 607 and distributed to Velda City, Missouri, for the purpose of funding capital improvements, based on the percentage ratio that the population of the said City bears to the total population of all the municipalities choosing Option 2.
- C. The City Clerk is hereby authorized and directed to provide the Missouri Director of Revenue a certified copy of this Article and such other documents, materials and information as may be necessary to carry out the collection, allocation and distribution of the tax provided herein. (Ord. No. 484 §§1--3, 12-13-95)

SECTION 130.030: OPT OUT OF STATE IMPOSED SALES TAX HOLIDAY

The City of Velda City hereby determines that it will prohibit the provisions of Section 144.049, RSMo., 2003, from exempting sales of certain clothing, personal computers, certain computer software and school supplies that occur within the boundaries of said City during the first (1st) Friday in August and ending on the following Sunday from local sales taxes. (Ord. No. 589 §1, 4-12-06)

CHAPTER 135: OPEN MEETINGS AND RECORDS POLICY

ARTICLE I. IN GENERAL

SECTION 135.010: DEFINITIONS

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

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

COPYING: If requested by a member of the public, copies provided in accord with the cost

QuickCode -- City of Velda City

schedule established by this Article, if duplication equipment is available.

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

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

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

PUBLIC MEETING: Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided or public policy formulated, whether such meeting is conducted in person or by means of communication equipment including, but not limited to, conference call, video conference, Internet chat or Internet message board. The term "*public meeting*" shall not include an informal gathering of members of a public

QuickCode -- City of Velda City

governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

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

PUBLIC VOTE: Any vote, whether conducted in person, by telephone or by any other electronic means, cast at any public meeting of any public governmental body. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §1, 9-8-04)

**SECTION 135.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC --
EXCEPTIONS**

All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the

QuickCode -- City of Velda City

public policy considerations of Section 610.011, RSMo., however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.
3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this subdivision, the term "*personal information*" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.

QuickCode -- City of Velda City

11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.
16. Operational guidelines and policies developed, adopted or maintained by any public agency responsible for law enforcement, public safety, first response or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall expire and be of no further force or effect on December 31, 2008.
17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.
 - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;
 - b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall, in the same writing, state that the public interest in non-disclosure outweighs the public interest in disclosure of the records;

QuickCode -- City of Velda City

- c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed;
 - d. This exception shall expire and be of no further force or effect on December 31, 2008.
18. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.
19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §2, 9-8-04)

**SECTION 135.030: RECORDS PERTAINING TO INTERNAL INVESTIGATIONS
AND INVESTIGATIONS OF ALLEGEDLY ILLEGAL CONDUCT**

In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee of the City is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by City employees will be considered to be personnel records and shall be closed records under the custody of the respective department head. (Ord. No. 521 §1, 1-13-99)

**SECTION 135.040: RECORDS PERTAINING TO MEDICAL CONDITION OR
HISTORY**

QuickCode -- City of Velda City

All information obtained by the City regarding medical examinations, medical condition or medical history of City employees or job applicants, if retained by the City, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:

1. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;
2. First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or
3. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records. (Ord. No. 521 §1, 1-13-99)

SECTION 135.050: RECORDS CONTAINING CONFIDENTIAL, PROPRIETARY OR PRIVATE INFORMATION -- PENALTY FOR BREACH OF CONFIDENTIALITY OF CLOSED MATTERS

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

QuickCode -- City of Velda City

may be heard. At such hearing the Clerk shall consider, among such other factors as may be reasonable and relevant:

1. The requirements and intent of State law, City ordinances and this policy;
2. The legitimate expectations of privacy on the part of interested parties;
3. The personal, confidential, private or proprietary nature of the information at issue;
4. Whether the information was obtained by the City under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and
5. The public purposes to be served by disclosure of the requested information.

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

- C. In addition to or in lieu of the hearing described above, the City Clerk may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The City Clerk may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 135.110.
- D. Records and information that have been closed pursuant to the provisions of this Chapter, Chapter 610, RSMo., and other relevant State and Federal laws and regulations are to be treated as confidential by all employees and elected and appointed officials of the City. It shall be grounds for disciplinary action for any employee to:
 1. Violate the confidentiality relating to such records or information;
 2. Copy or remove closed and/or confidential information without the specific consent of the custodian thereof or in the normal course of performing such employee's duties for the City;
 3. Provide or discuss closed records or confidential information with any person other than as a necessary part of performing such employee's duties for the City; or
 4. Divulge, discuss or disclose information or records addressed in any closed meeting of a public governmental body, other than as a necessary part of performing such employee's duties for the City.

Elected and appointed officials are also expected to maintain the same strict standards of confidentiality required of employees. Breach of the confidentiality standards established by this Chapter and required of employees in this Section may be grounds for removal from office or other sanctions as may be deemed appropriate by the body of which such official is

QuickCode -- City of Velda City

a member or by the Board of Aldermen. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §3, 9-8-04)

SECTION 135.060: NOTICES OF MEETINGS

- A. All public governmental bodies shall give notice of the time, date and place of each meeting, and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on the appropriate bulletin board at the City Hall or other prominent place which is easily accessible to the public and clearly designated for that purpose at the City Hall.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 135.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- D. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §4, 9-8-04)

SECTION 135.070: CLOSED MEETINGS, HOW HELD

- A. Except as set forth in Subsection (C) of Section 135.060, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental

QuickCode -- City of Velda City

body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

- B. Any meeting or vote closed pursuant to Section 135.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.
- C. In the event any member of a public governmental body makes a motion to close a meeting or a record or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in Chapter 610, RSMo., or this Chapter, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this Subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to Chapter 610, RSMo. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §5, 9-8-04)

SECTION 135.080: JOURNALS OF MEETINGS AND RECORDS OF VOTING

- A. Except as provided in Section 135.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for the Missouri General Assembly and any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of

QuickCode -- City of Velda City

the members of the public governmental body participating via telephone, facsimile, Internet or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.

- B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §6, 9-8-04)

SECTION 135.090: ACCESSIBILITY OF MEETINGS

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
- C. A public body shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 610.021, RSMo., shall be allowed without permission of the public body; any person who violates this provision shall be guilty of an ordinance violation and punished by imprisonment for a period not to exceed fifteen (15) days, a fine not to exceed three hundred dollars (\$300.00) or by both such fine and imprisonment. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §7, 9-8-04)

SECTION 135.100: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord

QuickCode -- City of Velda City

with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption. (Ord. No. 521 §1, 1-13-99)

SECTION 135.110: CUSTODIAN DESIGNATED -- RESPONSE TO REQUEST FOR ACCESS TO RECORDS

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. The custodian shall provide public access to all public records as soon as possible, but no later than the end of the third (3rd) business day following the date the request is received by the custodian. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If additional delay is necessary, the custodian shall give a detailed explanation for the delay and the place and earliest time and date the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- C. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.
- D. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Subsection shall only apply to messages sent to other members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject, however, to the exceptions for closed records as provided by law. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §8, 9-8-04)

SECTION 135.120: PROCEDURES FOR RESOLVING QUESTIONS OF PUBLIC ACCESSIBILITY

QuickCode -- City of Velda City

A public governmental body or record custodian in doubt about the legality of closing a particular meeting, record or vote may, subject to approval by the Board of Aldermen, bring suit at the expense of the public governmental body, in the Circuit Court for the County of St. Louis to ascertain the propriety of such action. In addition, subject to approval by the Board of Aldermen, the public governmental body or custodian may seek a formal opinion of the Attorney General or an attorney for the City regarding the propriety of such action. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken. (Ord. No. 521 §1, 1-13-99)

SECTION 135.130: FEES

- A. The custodian shall charge ten cents (\$0.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, plus an hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the City. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the City shall produce the copies using employees of the City that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the City to provide an estimate of the cost to the person requesting the records. Provided however, that the fee for copies of bond receipts and other bond documents of the Velda City Municipal Court and/or Velda City Police Department shall be one dollar fifty cents (\$1.50) for the first (1st) page and one dollar fifty cents (\$1.50) for each additional page per request and no hourly charge for document search shall be levied for such documents. The custodian shall receive (and may require) payment prior to duplicating any documents.
- B. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the City required for making copies and programming, if necessary, and the cost of the disk or tape, or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §9, 9-8-04)

ARTICLE II. LAW ENFORCEMENT ARREST REPORTS AND

QuickCode -- City of Velda City
RECORDS, INCIDENT REPORTS, ETC.

SECTION 135.140: DEFINITIONS

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

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

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

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

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

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

INVESTIGATIVE REPORT: A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties. (Ord. No. 521 §1, 1-13-99)

SECTION 135.150: POLICE DEPARTMENT RECORDS

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department, and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section

QuickCode -- City of Velda City

320.083, RSMo., investigate reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed except as provided in Section 135.170.

- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this Section or Section 135.170 for purposes of investigation of any civil claim or defense, as provided by this Subsection. Any individual, his/her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.
- D. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed. (Ord. No. 521 §1, 1-13-99)

SECTION 135.160: EFFECT OF NOLLE PROS, DISMISSAL, AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be

QuickCode -- City of Velda City

accessed except as provided in Section 135.170. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 135.170. (Ord. No. 521 §1, 1-13-99)

SECTION 135.170: PUBLIC ACCESS OF CLOSED ARREST RECORDS

- A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. They shall be available to the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies, Department of Revenue for driving record purposes, facilities as defined in Section 198.006, RSMo., in-home services provider agencies as defined in Section 660.250, RSMo., the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo., and Federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to Federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.
- B. As used in this Section, the term "*child care*" includes providers and youth services agencies as those terms are defined in Section 43.540, RSMo., elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services. (Ord. No. 521 §1, 1-13-99)

SECTION 135.180: "911" TELEPHONE REPORTS

Excepted as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, information consisting

QuickCode -- City of Velda City

of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 135.150. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown. (Ord. No. 521 §1, 1-13-99)

**SECTION 135.190: DAILY LOG OR RECORD MAINTAINED BY POLICE
DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS --
PUBLIC ACCESS TO CERTAIN INFORMATION**

The City of Velda City Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and copying by the public:

1. The time, substance and location of all complaints or requests for assistance received by the Police Department;
2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
3. If the incident involves an alleged crime or infraction:
 - a. The time, date and location of occurrence;
 - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
 - c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved. (Ord. No. 521 §1, 1-13-99; Ord. No. 576 §10, 9-8-04)