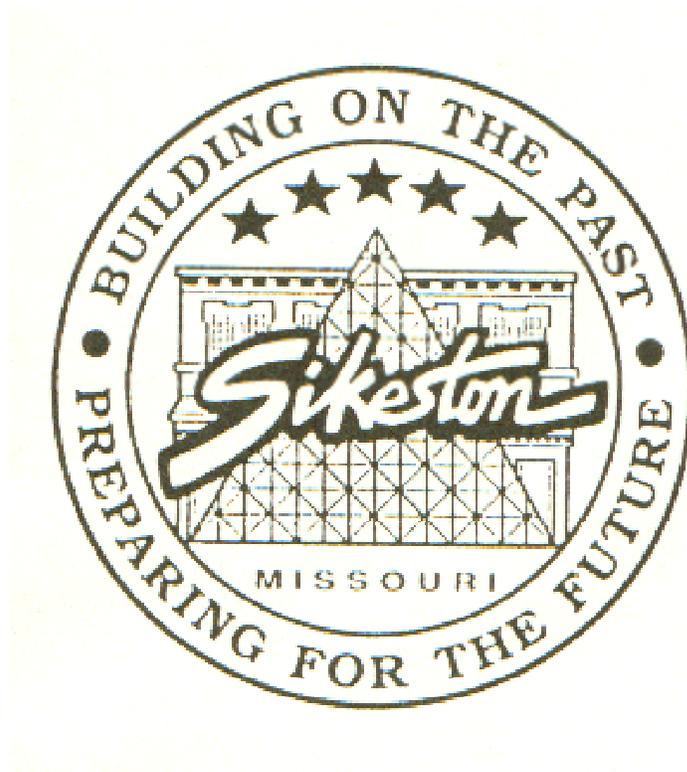


# CITY CHARTER



City of  
SIKESTON, MISSOURI

## Preface: CITY OF SKESTON CHARTER

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The citizens of Skeston decided in April 2001 to explore an alternative form of government. Those citizens voted to establish a Charter Commission. They also elected thirteen dedicated citizens to craft for them a Charter that would enhance the existing form of local government. The citizens of Skeston desired to form a government that allows for diversity of representation, enhances democracy, provides for greater control over conflicts of interest and financial management, allows the City to benefit from the wisdom gained through holding office by staggering terms of elected officials, and prohibits taxation without a vote of the citizens.

However, it is most important to recognize that none of these objectives can be accomplished without strict adherence to and practice of the most fundamental concepts of government – ***openness and accessibility of local government to the citizens of Skeston.***

Therefore, be it acknowledged that in order to provide for an educated and informed citizenry; to encourage greater interaction between the electorate and those elected to represent them; to give the electorate a larger voice in local government by maximizing the avenues of communication; but foremost, to comply with the intent of the voters to make local government more responsive to the voters, the Charter Commission has worked to ensure that every practicable action shall be undertaken by the City of Skeston to comply with that spirit and intent, for the benefit of all.

### Skeston Charter at a Glance

1. **Citizen Representation.** The present city government has five city council members elected at large. **The charter will increase the council to seven members:** one each to be elected by the residents of four newly created wards and three to be elected at large. (Article III, Section 2)
2. **Citizen Mayor.** The present mayor is appointed annually by the city council members and is appointed from the council membership. When voters decide to pass or reject the charter, they will also decide whether the mayor should be elected at large by the people or appointed by members of the city council. The mayor under the charter will have limited authority similar to the existing mayor. (Article III, Section 2)
3. **Citizen Participation.** The charter will provide new tools for citizens to directly make changes they feel necessary: initiative elections to propose new ordinances, referendum elections to eliminate existing ordinances, and recall elections to remove elected officials. (Article VIII)

4. **Conflicts of Interest.** The charter proposes strict procedures, including removal from office, to assure that decisions are not affected by the self-interest of any elected official. (Article III, Section 14)
5. **Financial Management.** Processes for developing a five-year capital plan and annual administrative budgets, investment policies, and public participation in these processes, are intended to provide a solid and secure base for city operations. (Article VI)
6. **Citizen Access.** In addition to required open meetings, the charter expands access to governmental proceedings through use of the internet to announce meeting agendas and disseminate minutes. (Article III, Section 12)
7. **Continuity.** The charter provides a schedule for orderly transition from the current city council structure to the new one, and has provisions to adjust procedures and ordinances to agree with the charter's direction. (Article XIII)
8. **Tax Limitations.** Specific sections of the charter require public hearings before the adoption of tax rates and public elections before the adoption of any new taxes. (Article VI, Section 10)

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**Charter  
City of Sikeston, Missouri**

**PREAMBLE**

We, the People of Sikeston, Missouri, in order to build on a proud heritage, promote the well-being of our community, ensure the free flow of information between local government and its constituents, and to secure the benefits and advantages of constitutional home rule under the Missouri Constitution, do hereby establish this Charter for the better government of our City.

**ARTICLE I**

**INCORPORATION, NAME, BOUNDARIES, AND FORM OF GOVERNMENT**

**Section 1.1 – Incorporation, Name, and Boundaries**

The inhabitants of the City of Sikeston, within the corporate limits as now established or as hereafter established in the manner then provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Sikeston.

**Section 1.2 – Form of Government**

The municipal government provided by this charter shall be the Council–Manager form of government.

**ARTICLE II**

**POWERS**

**Section 2.1 – Powers**

The city shall have all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this charter or by statute. The city shall, in addition to its home rule powers, have all powers conferred by law.

**Section 2.2 – Construction**

The powers of the city shall be liberally construed. The specific mention of a particular power in this charter shall not be construed as limiting the powers of the city. The enumeration of particular powers in this Charter is not exclusive of others, nor is it restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this article impair a power granted in any other part of this Charter; and whether powers, objects, or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the council to exercise freely any one or more such powers.

## ARTICLE III

### THE COUNCIL

#### Section 3.1 – Where Powers Vested

All powers of the city shall be vested in the City Council, unless this charter provides otherwise. The council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the city by law.

#### Section 3.2 – Composition, Eligibility, Election, and Terms

- a. Composition. The City Council shall consist of seven (7) members; a Mayor and six (6) Council Members. Four (4) Council Members shall reside in and be elected by the qualified voters of their respective wards, and two (2) Council Members to be known as at-large, and a Mayor elected at-large. (Adopted by the Citizens of Sikeston by vote on April 2, 2002.)
- b. Wards. The City Council, within six (6) months of passage of this charter, shall define and approve the boundaries of the four (4) wards of the city. Each ward shall be as equal as possible to the others in terms of compactness, population, and representation of the interests of the citizens within. All Federal and State mandates and principles of equality shall be observed. New ward boundaries shall be set within six (6) months of the release of demographic information from each decennial U.S. Census thereafter.

If the city council fails to define and approve the boundaries of the four (4) wards within the six (6) months provided, any citizen may require the Circuit Court of Scott County to define and impose appropriate boundaries upon the city. The Circuit Court may authorize the plaintiff, attorney and expert witness fees, for good cause as it deems appropriate. Once such a suit is filed, the city council shall be divested of further authority to define and adopt appropriate boundaries. Any city election conducted while such lawsuit is pending shall be conducted as the circuit court directs.

- c. Eligibility. Each Council Member and the Mayor shall be a qualified voter of the city and shall be at least twenty-one (21) years of age. The Council Members elected by wards shall be residents of the respective wards from which they are elected for a period of not less than one (1) year immediately prior to the last day on which a nomination petition can be filed for a city election. The Mayor and Council Members at-large shall have been a resident of the city for at least one (1) year immediately prior to their election.

- d. Election and Terms. Council Members shall be elected to serve staggered three (3) year terms. No person may be elected or serve more than two (2) consecutive full terms as Mayor, not including service to complete an unexpired term. Any person so limited as Mayor may not serve again as Mayor for three (3) years, either in an elected capacity or appointed to fill a vacancy. No person may be elected or serve more than two (2) consecutive full terms as Council Member, not including service to complete an unexpired term. Any person so limited as Council Member may not serve again as Council Member for three (3) years, either in an elected capacity or appointed to fill a vacancy. A Council Member so limited is prohibited from holding either an at-large or a ward council seat. A person who is elected to a second full three (3) year term, and who resigns before the end of that term (i.e., “elected” to two (2) consecutive terms but did not “serve” two (2) complete consecutive terms) is disqualified from seeking an immediate new term, in the same manner as someone who did not resign.

### **Section 3.3 – Mayor**

A mayor shall be elected at a regular election for a term of three (3) years. He shall be a member of the council. The mayor shall preside at meetings of the council, shall have the right to vote, and shall be recognized as head of the city government for all legal and ceremonial purposes and by the governor for purposes of military law. The mayor shall have no administrative duties and shall have no veto power. The council shall elect annually from among its members a mayor pro tempore who shall act as mayor during the absence or disability of the mayor.

### **Section 3.4 – Compensation; Expenses**

Except as provided in Article XIII, the council may determine the annual compensation of Council Members and mayor by ordinance, but no ordinance increasing such compensation shall become effective for a Council Member or mayor until the commencement of a new term of office. Council Members and mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

### **Section 3.5 – Prohibitions**

- a. Holding Other Office. Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no Council Member shall hold any other city office or employment during the term for which he was elected to the council, and no former Council Member shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he was elected to the council.
- b. Appointments and Removals. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the council as a group may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

- c. Interference with Administration. Except for the purpose of inquiries and investigations under Section 3.10, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

**Section 3.6 – Vacancies; Forfeiture of Office; Filling of Vacancies**

- a. Vacancies. The office of a Council Member or of a Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.
- b. Forfeiture of Office. A Council Member or Mayor shall forfeit his office if he:
  - 1. Lacks at any time during his term of office any qualification for the office prescribed by this charter or by law,
  - 2. Violates any prohibition of this charter,
  - 3. Is convicted of a crime involving moral turpitude, or
  - 4. Fails to attend three (3) consecutive regular meetings of the council without being excused by the council.
- c. Vacancy in Office of Mayor. A vacancy in the office of Mayor shall be filled by the Mayor pro tempore, who shall be sworn into the office of Mayor and thereby vacate the mayor pro tempore's existing office of council member. The vacancy thus created by the assumption of the mayor office by the mayor pro tempore shall be filled as provided in subsection 3.6(d) below. The City Council shall then elect a mayor pro tempore. The new Mayor shall hold his office until the next regular Municipal election, unless such period exceeds one (1) year. In the latter case, the council shall make arrangements for a special election to fill such vacancy for the unexpired term. At the election, whenever held, whomever is elected Mayor will serve the balance of the term of office originally held by the individual who vacated the office.
- d. Vacancy in Office of Council Member. A vacancy in the office of Council Member shall be filled by the council according to the eligibility qualifications specified in Section 3.2 (c) by a majority vote of all its remaining members for a period running to the next regular municipal election unless such period exceeds one (1) year. In the latter case, the council shall make arrangement for a special election to fill such vacancy for the unexpired term.

### **Section 3.7 – Judge of Qualifications**

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing. Decisions made by the council under this section shall be subject to review by the courts as a contested case pursuant to Chapter 536. RSMo. Council may establish procedures for judging the qualifications of members or determining if there are grounds to forfeit the office which may include the appointment of a hearing officer to take evidence and report findings to the City Council.

### **Section 3.8 – City Clerk**

The council shall appoint an officer who shall have the title of City Clerk. He shall keep the journal of council proceedings, authenticate by his signature all ordinances and resolutions, and record them in full in a book kept for that purpose. He shall perform such other duties as may be required by law, by this charter, or by the council. The city clerk shall hold office at the pleasure of the council. The person serving as city clerk may also have additional municipal duties as assigned and supervised by the city manager for additional compensation.

### **Section 3.9 – City Treasurer**

The council shall appoint an officer who shall have the title of City Treasurer. The treasurer shall possess such powers and perform such duties as may be prescribed by law, by this charter, or by the council. The city treasurer shall hold office at the pleasure of the council. The person serving as city treasurer may also have additional municipal duties as assigned and supervised by the city manager for additional compensation.

### **Section 3.10 – Investigations**

The council may make investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a subpoena issued in the exercise of these powers by the council shall be guilty of a misdemeanor and subject to punishment as prescribed by law or ordinance.

### **Section 3.11 – Independent Audit**

The council shall provide for an independent audit of all city accounts at least once a year. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the report prepared by the certified public accountant or firm of such accountants shall be kept in the city clerk's office and shall be open to public inspection.

### **Section 3.12 – Legislative Proceedings**

- a. Meetings. The council shall meet regularly at least once each month at such times and places as the council may prescribe. The mayor upon his own motion may, or at the request of three (3) members of the council shall, call a special meeting of the council for a time not earlier than twenty-four (24) hours after notice is given to all members of the council then in the city.

- b. Rules and Journals. The council shall determine its own rules and order of business. It shall cause a journal of its proceedings to be kept and this journal shall be open to public inspection. A separate journal shall be kept of executive sessions, which journal shall remain closed to public inspection or to legal process.
- c. Voting. Voting shall be by roll call except on procedural motions, and the ayes and nays shall be recorded. In all roll call votes, except for electronic voting, the names of the members of the council shall be called in alphabetical order and the name to be called first shall be advanced one (1) position alphabetically in each successive roll call vote. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance. Except as otherwise provided in this charter, the affirmative vote of a majority of the entire council shall be necessary to adopt any ordinance.
- d. Form of Ordinances. Proposed ordinances and resolutions shall be introduced in the council only in written or printed form. The enacting clause of all ordinances shall be:

Be It Ordained By the Council of the City of Sikeston.

The enacting clause of all ordinances submitted by initiative shall be:

Be It Ordained By the People of the City of Sikeston.

- e. Procedure. Except in the case of emergency ordinances, every proposed ordinance shall be read by title in open council meeting two (2) times before final passage, and at least one (1) week shall elapse between introduction and final passage. A copy of each proposed ordinance shall be provided for each council member at the time of its introduction, and at least three (3) copies shall be provided for public inspection in the office of the city clerk until it is finally adopted or fails of adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the council in accordance with such rules and regulations as the council may adopt. If the council adopts an amendment to a proposed ordinance that constitutes a change in substance, any member of the council may require that the proposed ordinance as amended be placed on file for public inspection in the office of city clerk for an additional one (1) week before final passage. In the absence of such a request, the council may consider the amended ordinance at the same meeting.
- f. Emergency Ordinances. An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the vote of two-thirds (2/3) of the members of the council. An ordinance granting, reviewing, or extending a franchise shall not be passed as an emergency ordinance.

- g. Effective Date. Every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein. Emergency ordinances shall become effective upon adoption or at any later date specified therein.
- h. Authentication and Recording. All ordinances and resolutions adopted by the council shall be authenticated by the signature of the mayor and city clerk. The city clerk shall record in a properly indexed record kept for the purpose of all ordinances and resolutions adopted by the council.
- i. Agendas and Minutes. Copies of all agendas and approved minutes of all city entities shall be public records and shall be made available to the public at suitable places in the city to include city hall, the library, and via electronic access such as a city managed website.

### **Section 3.13 – Revision of Ordinances**

Within three (3) years after adoption of this charter, all ordinances and resolutions of the city of a general and permanent nature shall be revised, codified, and promulgated according to a system of continuous numbering and revision as specified by ordinance.

### **Section 3.14 – Regulation of Conflict of Interest Among Elected Officials and Employees**

No member of the council, appointed official, or employee of the City shall:

- a. Be present at any portion of a meeting or discussion with the city staff or any other member of the city council, or vote on any issue where the member has a financial conflict of interest as defined by Missouri statute.
- b. Have a financial interest, direct or indirect, in any transaction with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services. This section shall not apply if the transaction involves public notice and competitive bidding, provided the bid accepted is the lowest qualified bid received.

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

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

- c. While a member of the city council, receive (either directly or paid to a member of the member's immediate family) anything having more than twenty-five dollars (\$25.00) in value from any person or business that sells or offers to sell or rent any good or service to the City, or that desires to purchase or rent any property from the city, except that:

1. The member may be employed by the person or business provided that employment:
  - a. Is compensated on a basis other than through commissions and
  - b. Predates election to the city council and has been continuous and uninterrupted since that time, or
2. The member may accept social invitations from the person or business provided similar social invitations were regularly extended in the two (2) years immediately preceding the member's election to the council. However, such exception must be disclosed at a public meeting of the city council by the member immediately upon the event that calls the exception into effect.
- d. While a member of the city council, serve in a compensated advisory or supervisory status (as a member of a board of directors or otherwise) with any entity that sells or offers to sell or rent any good or service to the City, or that desires to purchase or rent any property from the city. The city council may, by specific public roll-call vote, waive the provisions of Section 3.14(d) for the specific term of a specific individual member, provided that the individual member will remain disqualified from being present at a meeting, lobbying, or discussing with the city staff or any other member of the city council, or voting on any issue where the member has a financial conflict of interest.

A violation of any of these prohibitions shall cause the immediate removal of the mayor or council member from office. The city council does not have the power to forgive or absolve an offending member of any violation. The removed official shall not be eligible for election to the city council for two (2) years following his removal. In the event the member does not acknowledge the violation, the remaining members of the council shall expel the offending council member at the next meeting of the city council. In the event the council fails to immediately expel the member, the offending council member shall be removed from office by a court of competent jurisdiction upon suit by any taxpayer, citizen, or prospective or actual vendor to the city. The cost of such removal lawsuit (including all attorney fees) shall be taxed against the offending official.

## **ARTICLE IV**

### **CITY MANAGER**

#### **Section 4.1 – Appointment; Qualifications; Compensation**

The council shall appoint a city manager for an indefinite term and shall fix his compensation and conditions of employment. The manager shall be appointed solely on the basis of executive and administrative qualifications. He need not be a resident of the city or state at the time of his appointment. He must reside inside the city within six (6) months of appointment, unless an extension is granted by the council.

#### **Section 4.2 – Acting City Manager**

By letter filed with the city clerk the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. If the city manager should fail to do so, the council shall make such designation. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.

#### **Section 4.3 – Powers and Duties of the City Manager**

The city manager shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs placed in his charge by or under this charter. He shall have the following powers and duties:

- a. Appoint and, when he deems it necessary for the good of the service, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- b. Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law.
- c. Attend all council meetings and shall have the right to take part in discussion but may not vote. He shall receive notice of all special meetings.
- d. See that all laws, provisions of this charter, and acts of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- e. Each year prepare and submit a budget and a five (5) year capital program to the council.
- f. Submit to the council and make available to the public a complete report on the finances and administrative activities of the city at the end of each fiscal year.
- g. Make such other reports as the council may require concerning the operations of city departments, offices, and agencies subject to his direction and supervision.
- h. Keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as he deems desirable.
- i. Perform such other duties as are specified in this charter or may be required by the council.

#### **Section 4.4 – Contract Authorized**

Nothing in this article is intended to prevent the City from entering into an employment contract with its city manager that provides additional or specified employment terms or benefits that differ from those provided other employees of the City.

A provision providing for reasonable severance pay in such a contract would not be an abrogation of council's power to remove.

## **ARTICLE V**

### **ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM**

#### **Section 5.1 – Administrative Organization**

Within six (6) months after the adoption of this charter, the council shall adopt by ordinance an administrative code providing a complete plan of organization and structure for the city government. The administrative code may authorize the city manager to promulgate regulations dealing with questions of organization and structure. The administrative code and any regulations promulgated pursuant thereto shall be consistent with this charter. Unless otherwise required by law, all boards and commissions provided for in the administrative code shall be appointed by the council. The council shall have as an autonomous board the present board of municipal utilities, with the powers set forth in sections 91.450. RSMo through 91.550. RSMo. The board of municipal utilities shall have authority over finance and personnel matters except as may be otherwise limited by state law. The council can create additional autonomous and advisory boards as it decides. The city council shall retain its existing authority to abolish any of these boards.

#### **Section 5.2 – Personnel System**

Within six (6) months after the adoption of this charter, the council shall adopt by ordinance a personnel code providing a comprehensive personnel system for city officers and employees. The personnel code shall provide that all appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The personnel code may authorize the city manager or a personnel board, if one be established, to promulgate regulations dealing with personnel matters. The personnel code and any regulations promulgated pursuant thereto shall be consistent with this charter. The personnel code and regulations may exclude persons working for the autonomous boards identified in Section 5.1 and any additional autonomous boards created by the city council.

#### **Section 5.3 – Oath of Office**

Before entering upon the duties of the office, every elective and appointive officer of the City and its Boards including all members of boards and commissions and such other employees as prescribed by Ordinance, shall take, subscribe, and file with the City Clerk, an oath or affirmation that they possess all the qualifications prescribed by this Charter for said office, will support the Constitution and laws of the United States and of the State of Missouri, and the Charter and Ordinances of the City of Sikeston, and will faithfully perform and discharge the duties of the office.

#### **Section 5.4 – Power to Administer Oath**

The City Clerk, Municipal Judge, Clerk of the Municipal Court, and any member of the Council may administer oaths or affirmations in any matter pertaining to the affairs and government of the City.

## ARTICLE VI

### FINANCIAL PROCEDURES

#### **Section 6.1 – Fiscal Year**

The fiscal year of the city shall begin on the first day of July and end on the last day of June unless otherwise provided by ordinance. The fiscal year shall constitute the budget and accounting year.

#### **Section 6.2 – Submission of Budget and Budget Message**

On or before the sixtieth (60<sup>th</sup>) day preceding the beginning of the fiscal year, the manager shall submit to the council a proposed budget for the ensuing fiscal year and an accompanying message.

#### **Section 6.3 – Budget**

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require.

#### **Section 6.4 – Capital Program**

a. Submission to Council. The manager shall prepare and submit to the council a five (5) year capital program at least six (6) months prior to the start of the new fiscal year.

b. Contents. The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements that are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

#### **Section 6.5 – Council Action on Budget**

a. Notice and Hearing. The council shall publish in one (1) or more newspapers of general circulation in the city a general summary of the budget and a notice stating:

1. The times and places where copies of the message and complete budget are available for inspection by the public to include both physical and electronic access, and

2. The time and place, not less than two (2) weeks after such publication, for at least one (1) public hearing on the budget which shall be held at least thirty (30) days prior to adoption of the budget.
- b. Amendment Before Adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit.
  - c. Adoption. The council by ordinance shall adopt the budget on or before the fifteenth (15<sup>th</sup>) day of the last month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

### **Section 6.6 – Council Action on Capital Program**

- a. Notice and Hearing. The council shall publish in one (1) or more newspapers of general circulation in the city, a general summary of the capital program and a notice stating:
  1. The times and places where complete copies of the capital program are available for inspection by the public to include both physical and electronic access, and
  2. The time and place, not less than two (2) weeks after such publication, for at least one (1) public hearing on the capital program which shall be held at least thirty (30) days prior to adoption of the capital program.
- b. Adoption. The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the fifteenth (15<sup>th</sup>) day of the last month of the current fiscal year.

### **Section 6.7 – Public Records**

Copies of the budget and the capital program of all city entities as adopted shall be public records and shall be made available to the public at suitable places in the city to include city hall, the library, and via electronic access such as a city managed website.

### **Section 6.8 – Amendment After Adoption**

- a. Supplemental Appropriations. If during the fiscal year the manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- b. Reduction of Appropriations. If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. The council then shall take such further action as

it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one (1) or more appropriations.

- c. Transfer of Appropriations. At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
- d. Emergency Appropriations; Effective Date. The supplemental appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption and may be made by emergency ordinance in accordance with the provisions of Section 3.12(f).

### **Section 6.9 – Administration of Budget**

- a. Work Programs and Allotments. At such time as the manager shall specify, each department, office, or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, reduced, or transferred appropriations made pursuant to Section 6.8.
- b. Budgeting for Boards and Commissions. The budgets for advisory boards and commissions operating on behalf of the city of Sikeston shall be submitted by the city manager and approved or modified by the city council in the same manner as any other part of the budget of the City, except that:
  - 1. Because the budget procedure for these boards and commissions is more cumbersome than that for other units within the city government, the city manager may require earlier submission of budget requests from these departments.
  - 2. Before the budget request is submitted to the city manager it shall be reviewed and approved or modified by the individual board or commission having advisory authority.
  - 3. If the budget request for the board or commission is not submitted in a timely basis and thus it is not adopted with the rest of the city budget, the particular department shall not authorize any expenditure of any money until after the budget has been approved by the city council, Section 6.5 (c) notwithstanding.
- c. Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or

incurring of obligation in violation of the provisions of this charter shall be void and payment so made illegal; such action may be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he also may be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

### **Section 6.10 – Tax Rates and Tax Rolls**

After the budget is finally adopted, the council shall by ordinance set the tax rates and levy on the various classes of property, and the levy so established shall be certified by the city clerk to the appropriate official, who shall compute the taxes and extend them upon the tax rolls.

- a. Public Hearing Before Ad Valorem Tax Rates Set. After the budget is finally adopted, the council shall by ordinance set the ad valorem tax rate. Before adopting said ordinance, the city council shall hold a public hearing on the proposed tax rates, at which citizens shall have the opportunity to speak and be heard. Notice of this hearing (stating the hour, date, and place of the hearing) shall be published in at least one (1) newspaper of general circulation in the city at least seven (7) days prior to the date of the hearing. Upon adoption of the tax rate ordinance, the city clerk shall certify the rate to the appropriate official, who shall compute the taxes and extend them upon the tax rolls.
- b. Election for Increased Taxes. In compliance with the Missouri Hancock Amendment to the state constitution, the city is hereby prohibited from levying any tax not currently authorized, or from increasing the current levy of an existing tax, above the levy authorized by law without the approval of a majority of the qualified voters voting hereon.

### **Section 6.11 – Custody of City Money.**

- a. Definitions and Scope. The City treasurer shall be responsible for all city funds except those funds designated by ordinance to be the responsibility of an autonomous board. Each autonomous board shall appoint a treasurer that will be the responsible city official for those funds. The city treasurer and the treasurer of an autonomous board, for the purposes of this section, will be referred to collectively as the “treasurer.” The city and its autonomous boards, for the purpose of this section, will be referred to collectively as the “city.”
- b. Daily deposit of receipts. All moneys paid to the city shall be deposited with a city depository on a daily basis. Until the funds are deposited, the individual who received the money is personally responsible for its safety. Under no circumstances shall any money be forwarded to the treasurer.
- c. Treasurer to Supervise all Bank Accounts. All city bank accounts shall be held in the name of the “City of Sikeston” and shall be supervised by the treasurer. All deposit receipts, all bank statements, and all other records regarding these accounts shall be sent by the banking institution directly to the treasurer. The

treasurer shall reconcile all bank statements with the city's accounting records on at least a monthly basis.

- d. Disbursements by Check only. Disbursements from the city funds shall be by check or draft only, except as provided herein. Electronic disbursement by check card or other device will be acceptable, provided the device leaves an audit trail sufficient to satisfy generally accepted governmental accounting standards. This subsection does not forbid the city from using a check or draft to obtain cash to keep on hand to give change to persons who pay the city with cash, or for use in one (1) or more "petty cash funds" for minor purchases of less than one hundred dollars (\$100.00), provided that these cash transactions are recorded in sufficient detail to leave an audit trail sufficient to satisfy generally accepted governmental accounting standards. Under no circumstances may the treasurer be a signatory to any disbursement of city funds.
- e. Collateral pledge. All city depositories shall maintain collateral pledges for the benefit of the city, under the supervision of the treasurer, equal in amount to at least one hundred one percent (101%) of the amount of city funds in excess of available FDIC insurance held by that depository. For collateral to be acceptable, it must be suitable for city ownership as an investment vehicle.
- f. Investments. It shall be the responsibility of the treasurer to estimate how quickly funds will be needed for municipal purposes, and to invest those funds in the interim. The treasurer shall prepare a written investment policy within one hundred eighty (180) days following the adoption of this Charter, which may be amended from time to time. A copy of this policy shall be provided to the city's auditor and to the city council upon adoption, amendment, or once every five (5) years. The city may not invest in any instrument or security that is not approved for investment by the Missouri State Treasurer.
- g. Selection of depository. Within one hundred eighty (180) days following the adoption of this Charter, and at least once every five (5) years thereafter, the treasurer shall solicit proposals for a depository agreement with suitable financial institutions. Thereafter, by ordinance, the city council shall select and designate one (1) or more financial institutions as city depository. At least one (1) of the depositories must have an office physically located within the corporate limits of the City of Sikeston.

## **ARTICLE VII**

### **NOMINATION AND ELECTIONS**

#### **Section 7.1 – City Elections**

- a. Regular Elections. The regular city election shall be held on the Municipal election day in April in each year.
- b. Special Elections. The council may by ordinance order special elections, fix the time for such elections, and provide for holding such elections.

- c. Conduct of Elections. All city elections shall be governed by the provisions of this charter and of applicable state law. The council, by ordinance, may further regulate elections, subject to the provisions of the charter and applicable state law.

### **Section 7.2 – Nominations**

- a. Declaration of Candidacy. Nomination of candidates for election to elective city offices shall be made by declaration of candidacy filed with the clerk in the form and manner prescribed by ordinance.
- b. Primary Elections. A nonpartisan primary election shall be held if there are more than two (2) candidates for nomination to a city office.
- c. Regulation by Council. Nothing contained in this charter shall prevent the council from further regulating the conduct of nominations and elections consistent with the provisions of this charter and applicable state laws.

### **Section 7.3 – Number of Votes**

Every voter shall be entitled to vote for as many candidates for council members at-large as there are members at-large to be elected to the council and to vote for one (1) candidate for ward council member to represent the ward in which the voter resides.

## **ARTICLE VIII**

### **INITIATIVE, REFERENDUM, AND RECALL**

#### **Section 8.1 – General Authority**

- a. Initiative. The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, zoning, administrative matters, sale of land, or salaries of city officers or employees. No proposed initiative ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title.
- b. Referendum. The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, it shall be submitted to the voters to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program, any emergency ordinance, any ordinance levying a special assessment or providing for the issuance of special tax bills, or any ordinance relating to zoning, administrative matters, sale of land, appropriation of money, or levy of taxes, or salaries of city officers or employees.
- c. Recall. The qualified voters of the city shall have the power to recall any elected city official, provided:
  - 1. That the officer has held office for at least six (6) months before the date of the recall election, and

2. The date of the recall election is at least six (6) months after voter disapproval of the last recall petition involving the same official. A recalled officer may not be a candidate to succeed himself at a special election held to fill the vacancy created by the recall, nor may the recalled official be appointed to fill the vacancy created by the recall.

### **Section 8.2 – Commencement of Proceedings; Petitioners' Committee; Affidavit**

Any five (5) qualified voters may commence initiative, referendum, or recall proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the addresses to which all notices to the committee are to be sent. In addition, the affidavit shall:

- a. Set out in full the proposed initiative ordinance, or
- b. Citing the ordinance sought to be reconsidered, or
- c. Specify the officer who is proposed to be recalled.

Not more than three (3) business days after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

### **Section 8.3 – Petitions**

- a. Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifteen percent (15%) of the total number of qualified voters registered to vote at the last regular city election. Recall petitions must be signed by qualified voters of the district from which the officer (either ward or at-large position) was elected equal to the lesser of:

1. Fifteen percent (15%) of the total number of qualified voters registered to vote in that district at the last city election, or
2. One hundred percent (100%) of the total number of qualified voters who actually voted in favor of the officer sought to be recalled at the last city election where the officer was a candidate.

- b. Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address and printed name of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

- c. Affidavit of Circulator. When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

- d. Time for Filing Petitions. Petitions must be filed within sixty (60) days of the issuance of the appropriate petition forms to the petitioner's committee.
- e. Withdrawal of names. Once a petition has been presented to the city, no person may withdraw his or her signature from the petition, and no supplementary petitions may be filed to add additional names to the petition.

#### **Section 8.4 – Procedure After Filing**

- a. Certificate of Clerk; Amendment. Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 8.3, and within five (5) days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the council, and the certificate then shall be a final determination as to the sufficiency of the petition.
- b. Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination then shall be a final determination as to the sufficiency of the petition.
- c. Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### **Section 8.5 – Referendum Petitions; Suspension of Effect of Ordinance**

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- a. There is a final determination of insufficiency of the petition, or
- b. The petitioners' committee withdraws the petition, or
- c. The council repeals the ordinance, or

- d. Thirty (30) days have elapsed after a vote of the city on the ordinance.

### **Section 8.6 – Action on Petitions**

- a. Action by Council. When an initiative, referendum, or recall petition has been finally determined sufficient the council shall promptly act upon the same.
  - 1. A proposed initiative ordinance shall within sixty (60) days be voted upon by the council, and if adopted by the council without any change in substance no initiative election shall be scheduled. If the council fails to adopt a proposed initiative ordinance within that time, an intuitive election shall be scheduled.
  - 2. A proposed referendum of an existing ordinance shall within thirty (30) days be voted upon by the council, and if the existing ordinance is repealed, no referendum election shall be scheduled. If the council fails to repeal the existing ordinance within that time, a referendum election shall be scheduled.
  - 3. A recall election shall be scheduled to be held at the next available election day following final determination of its sufficiency.
  - 4. If the council fails to act within the time limits provided herein, the petitioners' committee may order the county election authority to conduct the election, at the city's expense.
- b. Submission to Voters. The vote of the city on a proposed or referred ordinance shall be held not less than sixty (60) days and not later than one (1) year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls. (As noted above, a recall election must be scheduled at the next available election day following final determination of sufficiency; this subpart does not apply to recall elections.)
- c. Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30<sup>th</sup>) day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated. The withdrawal of a recall petition shall not be permitted.

### **Section 8.7 – Results of Election**

- a. Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

- b. Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.
- c. Recall. The question presented to voters at the recall election will be in substantially the following form: “Should (TITLE OF OFFICER)(NAME OF OFFICER) be removed from office?” If a majority of the qualified electors voting on this question in favor of removal, the officer shall be considered removed from office and the office now vacant.

### **Section 8.8 – Reverse Referendum; Advisory Election**

- a. City Council May Initiate Election. In addition to the initiative and referendum provisions of this charter, the city council may on its own initiative schedule an election upon any question that properly could be considered by initiative or referendum, either as a binding or as an advisory matter as the council determines.
- b. Additional Authority to Refer Management Questions to Voters. If the Council desires to do so, it may also refer to the voters questions regarding the budget or capital program of the city, and questions regarding the organization, operation, or management of the city.
- c. Matters of Public Concern. Similarly, the council may refer to the voters questions of public concern, upon which the council wishes to know the sentiment of the voters, even in instances where the City is without power or authority to implement the wishes of the voters. The expenditure of public funds to determine the sense of the voters on such a question is hereby declared to be a public purpose.
- d. Election Notice. Notice of any election ordered pursuant to this section must be given at least twelve (12) weeks prior to the date on which the election will be held.
- e. Binding Election, Procedure. If the city council desires to adopt a “binding” election procedure, it shall propose an ordinance to be presented to the voters. If the majority of the qualified electors voting on the proposed ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinance of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. A reverse referendum binding election may not be held on the same date as a citizen initiated initiative or referendum.
- f. Non-binding or Advisory Election, Procedure. If the city council desires to adopt a non-binding election procedure, it shall note that nature of the election in the notice, and in the question presented to the voters.

## ARTICLE IX

### FRANCHISES

#### **Section 9.1 – Granting of Franchises**

All public utility franchises and all renewals, extensions, and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty (30) days after application therefore has been filed with the council, nor until a full public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a longer term than twenty (20) years. No such franchise shall be transferable directly or indirectly, except with the approval of the council expressed by ordinance after a full public hearing.

#### **Section 9.2 – Right of Regulation**

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

- a. Repeal the same for misuse or nonuse, or for failure to comply therewith; or shorten the term thereof for failure to comply with the provisions of this section (and regulations adopted in accordance with this section) or with the provisions of the franchise ordinance.
- b. Require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standards of efficiency.
- c. Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- d. Make an independent audit and examination of accounts at any time and require reports annually.
- e. Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- f. Control and regulate the use of the city streets, alleys, bridges, and public places, and the space above and beneath them.
- g. Regulate rates, fares, and charges and make readjustments thereof from time to time if the same are not regulated by the state.
- h. Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare, and accommodation of the public.

**Section 9.3 – Revocable Permits**

Temporary permits for the operation of public utilities or like permits for a period not to exceed two (2) years but subject to being renewed for a period not to exceed one (1) year and subject to amendment, alteration, or revocation at any time at the will of the council may be granted only by ordinance on such terms and conditions as the council shall determine. Such permits shall in no event be construed to be franchises or extensions or amendments of franchises.

**Section 9.4 – Operation Beyond Franchise Period**

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

**ARTICLE X**

**LICENSING, TAXATION, AND REGULATION OF BUSINESSES, OCCUPATION, PROFESSIONS, VOCATION, AND OTHER ACTIVITIES OR THINGS**

**Section 10.1 – Objects of Licensing, Taxation, and Regulation**

The council shall have power by ordinance to license, tax, and regulate all businesses, occupations, professions, vocations, activities, or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, or cities of the third (3rd) or fourth (4th) class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax, and regulate.

**ARTICLE XI**

**GENERAL PROVISIONS**

**Section 11.1 – Prohibitions**

a. Activities Prohibited.

1. As specified in city ordinances and state or federal law, no person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, national origin, age, sex, disability, religion, or political affiliations.
2. No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

3. No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion.

b. Penalties. Any person who by himself or with others willfully violates any of the provisions of paragraphs (1) through (3) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine or by imprisonment or both as established by law or ordinance.

### **Section 11.2 – Notice of Suits**

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the city manager within ninety days of the occurrence for which said damage is claimed, stating the place, time, character, and circumstances of the injury, and that the person so injured will claim damages therefore from the city.

### **Section 11.3 – Official Bonds**

All officers and employees of the city who receive, disburse, or are responsible for city funds and such other officers and employees as the council by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the council, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all moneys belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

### **Section 11.4 – Charter Amendment**

Amendments to this charter may be framed and submitted to the electors by a commission in the manner provided by law and the Constitution for framing and submitting a complete charter. Amendments also may be proposed by the council or by petition of not less than twenty percent (20%) of the registered qualified electors of the city, filed with the city clerk, setting forth the proposed amendment. The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty (60) days after its passage, or at a special election held as provided by law and the Constitution for a charter. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of the charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the Constitution for a complete charter. All petitions will follow the form and procedure for petitions detailed in Section 8.3 except for the percent of the registered qualified electors specified in this section on amending the charter.

### **Section 11.5 – Public Improvements and Special Assessments**

a. Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance, consistent with applicable state law.

- b. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or special tax bills evidencing such assessments shall be governed by general ordinance, consistent with applicable state law.

**Section 11.6 – Proof of Ordinance**

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

**Section 11.7 – Separability**

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

**Section 11.8 – Gender**

Any use of a masculine pronoun in this charter shall not be a reference to the masculine, but shall be a gender-neutral reference to either male or female.

**ARTICLE XII**

**TRANSITIONAL PROVISIONS**

**Section 12.1 – Personnel System**

An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established in Section 5.2.

**Section 12.2 – Elected and Appointed Officials**

All persons in elective and appointive positions in the City of Sikeston at the time of the adoption of this Charter shall continue to hold their offices according to the schedule in Article XIII.

**Section 12.3 – Ordinances to Remain in Force**

All ordinances, regulations, and resolutions in force at the time this charter takes effect, which are not inconsistent with the provisions of this charter, shall remain and be in force until altered, modified, or repealed by or under authority of this charter or ordinance. The City Council shall revise ordinances according to Article 3, Section 13.

**Section 12.4 – Pending Actions and Proceedings**

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

**Section 12.5 – Continuance of Contracts, Public Improvements and Taxes**

All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative

steps have been taken under laws existing at the time this charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the city that are uncollected at the time this charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

## **ARTICLE XIII**

### **SCHEDULE**

#### **Section 13.1 – Purpose of Schedule**

The purpose of the following provisions is to provide a transition from the present government of the City of Sikeston, Missouri, to the new government provided for in this charter and to inaugurate a new government under the provisions of this charter. They shall constitute a part of this charter only to the extent and for the time required to accomplish that aim.

#### **Section 13.2 – Election to Adopt Charter**

This charter shall be submitted to a vote of the electors of the City of Sikeston at a regular election to be held on the second (2nd) Day of April 2002. The election shall be administered by the officials now charged with the responsibility for the conduct of city elections. A simple majority of votes cast in favor of this charter shall constitute its adoption.

#### **Section 13.3 – Election of Council Members and Mayor - 2002**

Two (2) at-large council seats will be open for election on April 2, 2002 under then-existing requirements for candidacy. If this charter is adopted on the date above, the terms for these two (2) seats shall be set as follows: The candidate receiving the most votes shall have a three (3) year term, and the candidate receiving the next highest number of votes shall have a term of two (2) years. If this charter is not adopted, the terms for these two (2) seats shall remain at three (3) years.

In either case, the mayor and mayor pro tempore to serve until the April municipal election day in 2003 shall be elected by the new council from among its members at its first meeting.

#### **Section 13.4 – First Election After Adoption - 2003**

At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of members of the city council and the mayor may be conducted in accordance with the provisions of this charter. The first election shall be held on the April municipal election day in 2003 and will include the following offices:

- a. Two (2) council members shall be elected from wards for three (3) year terms. At this time, two (2) council members elected in 2001 should be on the council with one (1) year remaining in their term of office. If they reside in two (2) different wards, then the two (2) wards in which they do not reside will be the wards specified for this election. If this is not the case, then the two (2) highest

numbered wards not having one (1) of these council members as a resident will be the wards specified for this election.

b. A mayor shall be elected for a three (3) year term.

**Section 13.5 – Time for Taking Full Effect**

This charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected council in 2003.

**Section 13.6 – Incumbent Council Members; First Meeting of Newly Elected Council**

The mayor and council members in office at the date this charter is adopted shall continue in office until after the April municipal election day in 2003, and within one (1) week thereafter shall canvass the returns of said election, declare the results thereof, and induct into office the mayor and council members declared elected. Thereupon the newly elected mayor and council members shall forthwith become the official governing body of the city and shall conduct the first meeting of the newly elected council.

**Section 13.7 – Subsequent Council and Mayoral Elections - 2004 And Beyond**

- a. One (1) at-large council member and one (1) council member from each of the two (2) wards not having a council member elected in 2003 shall be elected for three (3) year terms in the April 2004 election.
- b. One (1) at-large council member shall be elected for a three (3) year term in the April 2005 election.
- c. Two (2) council members from the wards first conducting elections in 2003, and a mayor, shall be elected for three (3) year terms in the April 2006 election.

In every year thereafter, expiring three (3) year terms shall be filled at the April election. The following chart illustrates the transition:

“X” indicates the year the council member or mayor is elected.

<b>Existing</b>	At Large	At Large	At Large	At Large	At Large		
2001			X Harris at large	X Pullen at large			
2002	X with highest number of votes	X with 2 <sup>nd</sup> highest number of votes	Ward below represents ward in which Harris resides	Ward below represents ward in which Pullen resides			
<b>Charter</b>	At Large	At Large	Ward	Ward	Ward	Ward	Mayor
2003					X	X	X
2004		X	X	X			
2005	X						
2006					X	X	X

**Section 13.8 – Initial Salary of Council Members and Mayor**

Members of the council and the mayor shall receive an annual salary in the amount of one dollar (\$1.00) until such amount is changed by the council in accordance with the provisions of this charter in Article III.

**Section 13.9 – Temporary Ordinances**

At its first meeting or at any meeting held within sixty (60) days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure probably would cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first (91<sup>st</sup>) day following the date on which it was adopted, and it shall not be readopted, renewed, or otherwise continued except by adoption in the manner prescribed in Section 3.12 for ordinances of the kind concerned.