

## Chapter 115

### CITY OFFICIALS

#### ARTICLE I

#### General Provisions

##### **Section 115.010. Elective Officers, Terms.**

The elective officers of the City shall be those set out in Section 105.020 of this Code.

##### **Section 115.020. Appointive 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 Municipal Judge, Chief of Police, City Sexton, City Treasurer, City Attorney, City Assessor, 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 115.030. Removal of Officers.**

- A. 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.
- B. Nothing in this Section shall be construed to authorize the Mayor, with the consent of the majority of all the members elected to the Board of Aldermen, or the Board of Aldermen by a two-thirds vote of all its members, to remove or discharge any "chief," as that term is defined in Section 106.273, RSMo.

##### **Section 115.040. Officers To Be Voters and Residents — Exceptions.**

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

**Section 115.050. Officers' Oath — Bond.**

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

**Section 115.060. Salaries Fixed By Ordinance.**

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

**Section 115.070. Vacancies in Certain Offices — How Filled.** [Ord. No. 00-1 §1, 5-8-2000]

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

**Section 115.080. Powers and Duties of Officers To Be Prescribed By Ordinance.**

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

ARTICLE II  
City Clerk

**Section 115.090. City Clerk, Election — Duties.**

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk", whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

**Section 115.091. Duties.** [CC 1964 §8.815]

- A. The City Clerk shall attend the meetings of the Board of Aldermen and shall keep regular minutes of the meetings and shall reasonably record the same in a journal. He/she shall take safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care. He/she shall be the general accountant of the City. He/she shall charge the Marshal with all fines reported by the Mayor, for which executions have been issued, in a book kept for that purpose. He/she shall affix the Seal of the City to all public documents, keep all papers in his/her office required for individual use or by any official of the City. He/she shall from time to time issue and deliver to the City Collector as many licenses as may be required in the business of the City, which licenses shall run in the name of the City and be signed by the Mayor and have the Seal of the City affixed, and shall set forth the particular privilege and place licensed. He/she shall procure books and other necessary articles for the Board of Aldermen, and necessary in the City Government, including postage on official documents, and shall monthly render his/her account to the Board of Aldermen who shall settle and adjust same.
- B. He/she shall record all City ordinances and official bonds of City Officers, and bonds of persons having obtained licenses where bonds are required by the Board of Aldermen.
- C. The City Clerk shall be the keeper of the public account books of the City, the keeper of all accounts, vouchers, documents, bonds or coupons paid or redeemed and all papers relating to accounts and contracts of the City, and its financial affairs not required by law or ordinance to be kept in some other place or by some other person. He/she shall keep, in a set of books provided by the Board of Aldermen for that purpose, accurate accounts between the City and all officers of the City charged with the collection, custody or disbursement of public monies and shall enter therein all receipts and payments, from what source derived and on what account paid out. He/she shall keep a register of all warrants drawn upon the City Treasury, specifying the number, date, to whom payable, on what fund drawn, and the amount of each one. He/she shall draw all warrants upon the City Treasurer, and express in

the body of each and every warrant which he/she may draw upon the Treasurer, the particular fund out of which such warrant is to be paid.

- D. The City Clerk shall prepare all certificates of election, commissions, appointments and other official documents required by ordinance to be issued.
- E. In all cases of accounts or claims ordered and allowed against the City and for the payment of which the Mayor and the Board of Aldermen shall have made the necessary appropriations, it shall be the duty of the City Clerk to draw a warrant upon the Treasurer for the amount due. All warrants so drawn upon the City Treasurer shall be signed by the Mayor, and the City Clerk shall attest the same and affix thereto the Seal of the City.
- F. The City Clerk shall perform any and all other duties required of him/her by the laws of Missouri and the ordinances of the City.

**Section 115.092. To Act As Treasurer.** [CC 1964 §3.825]

The City Clerk shall also act as Treasurer in connection with his/her duties as City Clerk and to do and perform and be under the same obligations and duties as in this Article set forth as duties of the City Treasurer.

**Section 115.093. Combining The Office of City Clerk and Treasurer.** [CC 1964 §3.835]

It shall be the duty of the City Clerk to do and perform the usual and normal duties ordinarily and usually performed by the City Treasurer and it shall be his/her duty to sign all checks in payment of all warrants properly drawn on him/her as Treasurer, such checks in payment of all warrants properly drawn on him/her as Treasurer, such warrants and checks also to be countersigned by the Mayor and that he/she shall keep accurate account and record of all such warrants and checks and also all deposits made by him/her of City funds in the City depository and make a monthly report to the Board of Aldermen at their regular meeting and that they shall also publish semi-annual reports as required by Statutes, such reports to be first submitted to the Board of Aldermen for approval and be countersigned by the City Mayor before being published.

ARTICLE III  
**City Treasurer**

**Section 115.100. Treasurer, Duties — Bond.** [CC 1964 §3.840]

The City Clerk, as Treasurer, shall 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 ordinance. Within fifteen (15) days after being appointed and before entering upon the duties of his/her office he/she shall give bond in the amount of one thousand dollars (\$1,000.00).

**Section 115.101. Records, How Kept.** [CC 1964 §3.845]

The City Treasurer shall procure and keep a well bound book in which he/she shall make entry of all City warrants presented to him/her for payment when there are not funds to pay the same which have been legally drawn for money according to the ordinances of the City, stating correctly the date, amount, number, in whose favor drawn, and the date the same was presented, and endorse the same on the back of said warrant and all warrants so presented shall be paid out of the funds of the City not otherwise appropriated, in the order in which they shall be presented.

**Section 115.102. Reports, Semi-Annual.** [CC 1964 §3.850]

The City Treasurer shall report to the Board of Aldermen on or before the first (1st) day of July in each year the receipts and expenditures of the Treasurer, amount of money on hand, and amount of bonds and interest falling for which provision must be made.

ARTICLE IV  
**City Collector**

**Section 115.110. Election.**

The Collector shall be elected as set out in Section 105.020.

**Section 115.115. Collector — Qualifications.** [Ord. No. 2012-02, 2-13-2012]

No person shall be Collector 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 preceding his/her election.

**Section 115.120. Duties Generally.**

- A. The Collector shall perform all the duties specified in this Code and shall perform such other duties as may be directed by the City Clerk and/or Mayor.
- B. *Compensation.* The City Collector shall receive as compensation for his/her services a fee or percentage, as may be fixed by ordinance.

**Section 115.121. Collector To Settle Monthly With Treasury.** [CC 1964 §3.660]

It shall be the duty of the City Collector to pay into the 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, before entering upon the discharge of the duties of his/her office, give a surety company bond to the City of Wellington in the sum of two thousand dollars (\$2,000.00), conditioned upon the faithful performance of his/her duties and that he/she will pay over all monies belonging to the City as provided by law, as may come into his/her hands. His/her failure to take and subscribe to a qualifying oath or to give bond as herein required shall constitute a forfeiture of his/her office and his/her office shall be deemed vacant.

**Section 115.122. Collector To Make Delinquent Lists — Board To Approve Collection of Delinquent Taxes.** [CC 1964 §3.670]

- A. The Board of Aldermen shall require the Collector, at the first (1st) meeting of the Board in April of each year, or as soon thereafter as may be, to make out, under

oath, lists of delinquent taxes remaining due and uncollected for each year, to be known as "the land and lot delinquent list" and "the personal delinquent list".

- B. The Board of Aldermen, at the meeting in which the delinquent lists are returned or as soon as may be thereafter, shall examine the lists carefully, and if it appears that all property and taxes contained in the lists are properly returned as delinquent, the Board shall approve the lists, enter a record thereof in the journal and credit the amount thereof to the account of the City Collector.
- C. The Board shall return the delinquent lists to the Collector, charging him/her therewith, and he/she shall proceed to collect the same in the same manner as provided by law for State and County taxes.

**Section 115.123. Collector To Report Monthly To Board.** [CC 1964 §3.680]

The City Collector shall report to the Board of Aldermen, at the regular meetings 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 turn over to his/her successor in office all uncollected delinquent lists, receiving credit therefor, and his/her successor shall be charged therewith; provided that the Board of Aldermen may declare worthless any and all personal delinquent taxes which they may deem uncollectible.

**Section 115.130. Collector To Make Annual Report.**

The Collector shall, annually, at such times as may be designated by ordinance, make a detailed report to the Board of Aldermen, stating the various monies collected by him/her during the year, and the amounts uncollected and the names of the persons from which he/she failed to collect and the causes therefor.

**Section 115.140. Deputy Collector.**

The Mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector shall have taken and subscribed to the oath provided by this Code, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector.

ARTICLE V  
**City Attorney**

**Section 115.150. Appointment — Term.** [CC 1964 §3.870]

- A. The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.
- B. *Qualifications.* No person shall be appointed to the office of City Attorney unless he/she be a resident of the County; an attorney at law in good standing and be a licensed and practicing attorney at law in this State.

**Section 115.155. Duties.** [CC 1964 §3.875]

It shall be the duty of the City Attorney to prosecute or defend all actions, civil or criminal, in which the City is a party in interest, and to appear for the City in all courts of record in this State. He/she shall in all cases be the legal advisor of the City, and when requested by the Board of Aldermen or any City Officer shall without fee, render his/her opinion in writing upon any legal question, upon which they or he/she may require information pertaining to the business of the City. He/she shall draw up and prepare any contract, ordinance, or other instrument in writing, in the subject matter of which the City may be interested, and do all other things of a legal nature in behalf of the City, when required by the Board of Aldermen, and shall, without fee, advise and counsel any officer of the City in relation to his/her official duties, when required by such officer. In all cases in which the office of the City Attorney shall be vacant, or when the City Attorney is interested in any cause adversely to the City, the Mayor shall appoint some competent person to act as City Attorney, who shall perform the same duties and receive the same fees as the City Attorney.

ARTICLE VI  
**Miscellaneous Provisions**

**Section 115.160. Officers To Report Receipts and Expenditures.**

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective offices, and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise.

**Section 115.170. Mayor or Board May Inspect Books and Records of Officers.**

The Mayor or Board of Aldermen shall have power, as often as he/she or they may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers or records, and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office.

ARTICLE VII  
**City Assessor**

**Section 115.180. How Appointed.** [CC 1964 §3.861]

The Mayor with the consent and approval of the majority of the Board of Aldermen shall during the month of December in each year appoint a City Assessor, who shall hold his/her office for a term of one (1) year and until his/her successor shall be appointed and qualified.

**Section 115.190. Bond.** [CC 1964 §3.862]

The City Assessor shall, before entering upon the duties of his/her office, enter into a bond to the City in a sum not less than three hundred dollars (\$300.00), with at least two (2) good and sufficient securities, conditioned upon the faithful performance of the duties of his/her office, said bond to be approved by the Mayor.

**Section 115.200. Tax Liability.** [CC 1964 §3.863]

Every person owning or holding real property or tangible personal property on the first (1st) day of January, including all such property purchased on that day, shall be liable for taxes thereon during the same calendar year.

**Section 115.210. Clerk To Furnish Supplies.** [CC 1964 §3.864]

The City Clerk shall furnish the City Assessor the necessary books and forms he/she may require, and lists from the City records that may be necessary to make a proper assessment.

**Section 115.220. Duties.** [CC 1964 §3.865]

The City Assessor, jointly with the County Assessor, shall assess all real and personal property in the City. The City Assessor's lists shall conform to the assessments made by the County Assessor, and when the lists are completed and entered into the tax book, such lists shall be delivered to the City Clerk. All provisions and requirements of the State law applicable to the County Assessor shall apply to the City Assessor, and he/she shall have power to take oaths to tax lists and do all other acts that are, or may be conferred upon the County Assessor by the State laws in making his/her assessments as provided in Chapter 137, RSMo., 1949, and amendments thereto. After the assessments are made, and are passed upon by the Board of Equalization, the City Assessor's books shall be immediately corrected in red ink in accordance with the changes made by the Board of Equalization, and so certified by the said Board of Equalization; shall be delivered to the Board of Aldermen, and said book shall be designated "Assessor's Book for year 19\_\_\_\_", and the assessments so made and corrected by the Board of Equalization shall be the basis upon which the Board of Aldermen shall make the levy for City purposes.

**Section 115.230. Refusal To Make Oath.** [CC 1964 §3.866]

Any person who shall refuse to make an oath to his/her list shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), to be recovered by suit in the name of the State of Missouri, or by indictment, and no property shall be exempt from execution issued on judgments by suit or indictment under the provisions of this Article.

**Section 115.240. Liable To A Fine.** [CC 1964 §3.867]

The Assessor shall be liable to a fine or forfeiture of not less than ten dollars (\$10.00), to be recovered by suit on his/her official bond, for each list he/she shall receive without the same being duly sworn to as provided by Statutes; provided, he/she shall not be subject to a fine or forfeiture in any case where he/she has made such statement on his/her own knowledge or information, in the absence of the person whose property is listed or where he/she has made it out on the refusal of the taxpayer to make it out and swear to it.