

# CHARTER OF THE CITY OF BELTON, MISSOURI

## PREAMBLE

We, the People of Belton, Missouri, in order to build on a proud heritage, promote the well-being of our community, and 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 AND BOUNDARIES

#### Section 1.1. **Incorporation, Name and Boundaries.**

The inhabitants of the City of Belton, 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 Belton, Missouri.

## 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 Missouri Constitution and are not limited or denied either by this Charter or by statute. In addition to its home rule powers, the city shall 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.

## ARTICLE III

### CITY COUNCIL

#### Section 3.1. **Where Powers Vested.**

Except as this Charter provides otherwise, all powers of the city shall be vested in the City Council. The City 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; Qualifications; Election and Terms.**

(a) **Composition.** The City Council shall consist of nine members, one of whom shall be the Mayor. The Mayor shall be elected by qualified voters, as provided in Section 10.1(d),

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## **CHARTER OF THE CITY OF BELTON, MISSOURI**

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Definition of Qualified Voter, of the city at large. The remaining eight members shall be elected as follows. Two City Council members shall be elected by qualified voters from each of the four respective wards of the city, as provided by Section 10.4, City Council Wards. Wherever used in this Charter, the term "entire City Council" shall mean a City Council of nine members, regardless of vacancies.

- (b) **Qualifications.** A City Council member shall have been a resident of the city for two years next preceding election and a qualified voter and shall remain a resident of his or her ward and a qualified voter. A City Council member shall have been a resident of his or her respective ward for six months next preceding election.
- (c) **Election and Terms.** City Council members shall be elected to serve staggered three-year terms as provided by Section 17.2(b), Election of City Officials; City Council. At each regular municipal election, City Council members shall be elected to fill the offices of those whose terms expire.

### **Section 3.3. Compensation.**

The City Council may determine the annual compensation of City Council members by ordinance, but no ordinance changing such compensation shall become effective for a Council member until the commencement of a new term of office.

### **Section 3.4. Mayor Pro Tempore.**

The City Council shall elect annually from among its members a Mayor Pro Tempore. The Mayor Pro Tempore shall assume the powers and duties of the Mayor during the absence or disability of the Mayor, or if a vacancy occurs. While assuming the powers and duties of the Mayor, the Mayor Pro Tempore shall retain his or her vote as a City Council member, but shall not possess the additional mayoral voting power provided by Section 4.3, General Powers and Duties, and shall not possess the mayoral veto power provided by Section 4.4, Veto.

### **Section 3.5. Administrative Policy Matters.**

Except for the purpose of inquiries, information and investigations under Section 3.11, Investigations, the City Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately. Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or the City Manager's subordinates are empowered to appoint, but the City Council as a group may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

### **Section 3.6. Prohibition.**

**Holding Other Office.** Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no City Council member shall hold any other city office or city employment during the term for which the City Council member was elected to the City Council, and no former City Council member shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the City Council member was elected to the City Council.

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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### Section 3.7. **Vacancies; Forfeiture of Office; Filling of Vacancies.**

- (a) **Vacancies.** The office of a City Council member shall become vacant upon the City Councilmember's death, resignation, recall or removal from office in any manner authorized by this Charter or by law, or upon forfeiture of the office.
- (b) **Forfeiture of Office.** A City Council member shall forfeit office: (1) if at any time during the term of office a City Council member becomes ineligible for the office as provided under this Charter or by operation of law, or (2) if a City Council member violates any prohibition as provided in Section 3.6, Prohibition, or (3) if a City Council member willfully violates the requirements of Section 15.1, Personal Financial Interest.
- (c) **Filling of Vacancies.** The City Council by a majority vote of all its remaining members shall appoint a qualified person to fill a City Councilmember vacancy until the next regular municipal election as established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term.

### Section 3.8. **Judge of Qualifications.**

The City Council shall (a) be the judge of the qualifications of its members, and the Chief of Police and of the grounds for forfeiture of their offices, (b) determine disputes as to whether a forfeiture or vacancy has occurred; and (c) for these purposes proscribe the proceedings thereon including having the power to subpoena witnesses, administer oaths and require the production of evidence. An elected official charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand.

### Section 3.9. **City Clerk.**

The City Manager shall appoint a City Clerk with the advice and consent of a majority of the City Council. The City Clerk shall keep the journal of City Council proceedings, authenticate by signature all ordinances and resolutions, and record them in full in a book kept for that purpose. The City Clerk shall perform such other duties as may be required by law, by this Charter, by ordinance, or by the City Manager.

### Section 3.10. **Law Department.**

There shall be a Law Department of the city directed and supervised by the City Attorney.

- (a) **City Attorney.** There shall be a City Attorney appointed by a majority of the entire City Council. The City Attorney shall serve as the chief legal advisor to the Mayor, the City Council, administrative staff and all the city departments, offices and agencies, shall represent the city in all legal proceedings and shall perform any other duties prescribed by law, by this Charter, by ordinance or as may be required of the City Attorney by the Mayor, City Council or City Manager. The person appointed shall serve for an indefinite term. The City Attorney may be removed on recommendation of the Mayor or the City Manager with the consent of a majority of the entire City Council, or by a two-thirds vote of the entire City Council on its own initiative.
- (b) **Accountability.** In all respects except in their capacity as legal advisor to the City Council, the City Attorney shall report to and be accountable to the City Manager, and the City Manager shall render an annual performance review of the City Attorney to the City Council.

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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- (c) **Attend City Council Meetings.** An attorney of the Law Department shall attend all City Council meetings if required by the City Council or City Manager. The City Attorney shall receive notice of all meetings.
- (d) **Staff Attorneys.** The City Attorney may appoint and remove staff attorneys, who shall be responsible to the City Attorney for the fulfillment of their duties. The City Council may further provide for the appointment of temporary or special counsel to assist the City Attorney in matters requiring specialized knowledge, including but not limited to the issuance of bonds, or in litigation.
- (e) **Prosecuting Attorneys.** The City Council shall appoint Prosecuting Attorneys for the prosecution of violations of city ordinances before the Municipal Court. Any Prosecuting Attorney may be removed on recommendation of the Mayor with the consent of a majority of the entire City Council, or by a two-thirds vote of the entire City Council on its own initiative. It shall be the duty of the prosecuting attorney to prosecute the violations of the city's ordinances before the municipal judge or before any circuit judge hearing violations of the city's ordinances. The salary or fees of the prosecuting attorney and actual, reasonable and necessary expenses incurred in such prosecutions shall be paid by the city. The compensation of such attorney shall not be contingent upon the result in any case.
- (f) **Qualifications.** The City Attorney and Prosecuting Attorneys shall be licensed members of the Missouri Bar and shall have been in active practice of law in the State of Missouri for at least three years immediately preceding their appointment. The requirement that such prior active law practice be in the State of Missouri may be waived by a two-thirds vote of the entire City Council.
- (g) **Compensation.** The City Council shall provide for the compensation of the City Attorney and Prosecuting Attorneys. The Law Department shall be subject to the administrative policies and procedures of the city. At the option of the City Attorney, with the concurrence of the City Council, attorney compensation may be provided by fees and may be paid directly to such officers or to the law firm or firms of which they are members or employees.

### Section 3.11. **Investigations.**

The City 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 City Council shall be subject to punishment as prescribed by law.

### Section 3.12. **Independent Audit.**

The City Council shall provide for an independent audit of all city accounts and a management report at least once a year. Such audits shall be made in accordance with generally accepted accounting principles 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 audit report and management 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 3.13. **Legislative Proceedings.**

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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- (a) **Meetings.** The City Council shall meet regularly at least once each month at such times and places as the City Council may prescribe. The Mayor, upon the Mayor's own motion, may, or at the request of four members of the City Council, shall call a special meeting of the City Council for a time not earlier than twenty-four hours after notice is given to all members of the City Council then in or near the City of Belton, or who can otherwise be contacted with reasonable effort.
- (b) **Rules and Journals.** The City 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.
- (c) **Voting.** Voting shall be by voice vote, except on the adoption of any ordinance which shall be by roll call and the ayes and nays shall be recorded in the journal. In all roll call votes the names of the members of the City Council shall be called randomly. A majority of the members of the City Council shall constitute a quorum for its business, but a smaller number may meet to 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 City Council shall be necessary to adopt any ordinance.
- (d) **Form of Ordinances.** Proposed ordinances and resolutions shall be introduced in the City Council only in written or printed form.

The enacting clause of all ordinances shall be:

Be It Ordained By the City Council of the City of Belton, Missouri.

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

Be It Ordained By the People of the City of Belton, Missouri.

- (e) **Procedure.** Every proposed ordinance shall be read by title, except emergency ordinances, in an open City Council Meeting two times before final passage. A copy of each proposed ordinance shall be provided for each City Council member at the time of its introduction, and at least three copies shall be provided for public inspection in the office of the City Clerk until it is finally adopted or fails adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the City Council in accordance with such rules and regulations as the City Council may adopt. If the City Council adopts an amendment to a proposed ordinance that constitutes a change in substance, a majority of the members of the City Council, in attendance, may require that the proposed ordinance as amended be placed on file for public inspection in the office of City Clerk for one additional week before final passage. In the absence of such a request, the City Council may consider the amended ordinance at the same meeting.
- (f) **Emergency Ordinances.** All emergency ordinances shall be read in full one time in open City Council meetings before final passage. 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 affirmative vote of two-thirds of the entire City Council. An ordinance granting, reviewing or extending a franchise shall not be passed as an emergency ordinance.

## **CHARTER OF THE CITY OF BELTON, MISSOURI**

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- (g) **Effective Date.** Every adopted ordinance shall become effective immediately upon passage, adoption and approval by the Mayor, including deemed approval by the Mayor failing to either sign or disapprove the same within ten days of receipt, as provided in Section 4.4, Veto, or any later date specified therein.
- (h) **Authentication and Recording.** All ordinances and resolutions adopted by the City Council shall be authenticated by the signature of the Mayor and City Clerk. The City Clerk shall record, in a properly indexed book kept for such purpose, all ordinances and resolutions adopted by the City Council.

### **Section 3.14. Revision of Ordinances.**

Within three 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.

## **ARTICLE IV**

### **MAYOR**

#### **Section 4.1. Qualifications; Election and Term.**

- (a) **Qualifications.** The Mayor shall have been a resident of the city for two years next preceding election and a qualified voter and shall remain a resident and qualified voter of the city.
- (b) **Election and Term.** At the regular municipal election, the Mayor shall be elected by the qualified voters of the city at large to serve a four-year term as provided by Section 17.2(c), Election of City Officials; Mayor.

#### **Section 4.2. Compensation.**

The City Council shall determine the annual compensation of the Mayor by ordinance, but no ordinance changing such compensation shall become effective for the Mayor until the commencement of a new term of office.

#### **Section 4.3. General Powers and Duties.**

The Mayor shall be a voting member of the City Council and shall attend and preside at meetings of the City Council, represent the City in intergovernmental relationships, appoint with the advice and consent of the City Council the members of citizen advisory boards and commissions, present an annual state of the City message, appoint the members and officers of council committees, assign subject to the consent of City Council agenda items to committees, and perform other duties specified by City Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

#### **Section 4.4. Veto.**

An ordinance adopted by the City Council shall be presented to the Mayor for the Mayor's approval. The Mayor shall either sign the same or, within ten days of receipt of the ordinance, return it with a written statement of the Mayor's reasons for disapproval. Ordinances vetoed by the Mayor shall be considered at the next regular meeting of the City Council, and the City Council

## **CHARTER OF THE CITY OF BELTON, MISSOURI**

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may pass the ordinance over the veto by an affirmative vote of two-thirds of the entire City Council. An ordinance passed by the City Council over the veto of the Mayor may not be vetoed a second time. If any ordinance be neither signed nor returned by the Mayor within ten days of receipt by the Mayor, the same shall be deemed approved by the Mayor as if the Mayor had signed it.

### **Section 4.5 Prohibition.**

**Holding Other Office.** Except where authorized by law, or pursuant to an agreement between the city and another entity of government, the Mayor shall not hold any other city office or city employment during the term for which the Mayor was elected, and no former Mayor shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the Mayor was elected.

### **Section 4.6. Vacancy; Forfeiture of Office; Filling of Vacancy.**

- (a) **Vacancy.** The office of the Mayor shall become vacant upon the Mayor's death, resignation, recall or removal from office in any manner authorized by this Charter or by law, or upon forfeiture of the office.
- (b) **Forfeiture of Office.** The Mayor shall forfeit office: (1) if at any time during the term of office the Mayor becomes ineligible for the office as provided under this Charter or by operation of law, or (2) if the Mayor violates any prohibition as provided in Section 4.5, Prohibition, or (3) if the Mayor willfully violates the requirements of Section 15.1, Personal Financial Interest.
- (c) **Filling of Vacancy.** A vacancy in the office of Mayor shall be filled by the City Council appointing a qualified person to serve until the next regular municipal election established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term.

## **ARTICLE V**

### **CITY MANAGER**

#### **Section 5.1. Appointment and Term.**

There shall be a City Manager appointed by a majority of the entire City Council. The City Manager and the Assistant City Manager shall be appointed solely on the basis of such person's executive and administrative qualifications. The person appointed shall serve for an indefinite term. The City Manager may be removed on recommendation of the Mayor with the consent of a majority of the entire City Council, or by a two-thirds vote of the entire City Council on its own initiative. The City Manager shall be compensated as established by the City Council. The person appointed to the office of City Manager shall become a resident of and reside within the city limits within six months of appointment and possess qualifications provided by ordinance. The residency requirement may be waived by a two-thirds vote of the entire City Council.

#### **Section 5.2. Powers and Duties of the City Manager.**

The City Manager shall be the chief executive officer of the City, responsible to the City Council for the management of all city affairs placed in the manager's charge by or under this charter. The City Manager shall:

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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- (a) Appoint and suspend or remove all city employees and appointive administrative officers provide for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The City Manager may authorize any administrative officer subject to the manager's 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, officers and agencies of the city, except as otherwise provided by this charter or by law;
- (c) Attend all city council meetings. The City Manager shall have the right to take part in discussion but shall not vote;
- (d) See that all laws, provisions of this charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (e) Prepare and submit the annual budget and capital program to the City Council, and implement the final budget approved by City Council to achieve the goals of the City;
- (f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (g) Make such other reports as the City Council may require concerning operations;
- (h) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (i) Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy;
- (j) Provide staff support services for the Mayor and City Council members;
- (k) Assist the City Council to develop long term goals for the City and strategies to implement these goals;
- (l) Encourage and provide staff support for regional and intergovernmental cooperation;
- (m) Promote partnerships among City Council, staff and citizens in developing public policy and building a sense of community; and
- (n) Perform such other duties as are specified in this charter or may be required by the City Council.

### Section 5.3. **Acting City Manager.**

By letter filed with the City Clerk, the City Manager shall designate a qualified person to exercise the powers and perform the duties of the City Manager during the temporary absence or disability of the City Manager. During such absence or disability, the Mayor with the consent of the City Council may revoke such designation at any time and appoint another qualified person to serve.

### Section 5.4. **Performance Review.**

The City Manager shall receive a performance review from the City Council at least once each year. Each performance review shall be made part of the confidential personnel file of the City Manager.

## ARTICLE VI

### ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM

#### Section 6.1. **Administrative Organization.**



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## CHARTER OF THE CITY OF BELTON, MISSOURI

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- (a) **Departments, Authorities and Offices.** Existing departments, agencies, authorities and offices shall be continued as constituted on the effective date of this Charter until thereafter changed pursuant to this Charter or by ordinance.
- (b) **Committees, Boards and Commissions.** Existing committees, boards and commissions shall be continued as constituted on the effective date of this Charter until thereafter changed pursuant to this Charter or by ordinance.

### Section 6.2. **Personnel System.**

The City 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 promotion 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 to promulgate regulations dealing with personnel matters. The personnel code and any regulations promulgated pursuant thereto shall be consistent with this Charter.

## ARTICLE VII

### MUNICIPAL COURT

#### Section 7.1. **Jurisdiction.**

There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases involving alleged violations of ordinances of the city, and to assess punishment, by fine or incarceration, as therein provided. This court is a continuation of the municipal court of the city as previously established under the Seventeenth Judicial Circuit Court of the State of Missouri. Additional divisions of the Belton Municipal Court may be added when necessary, as provided by law. The Municipal Court shall be subject to the rules of the Missouri Supreme Court and the Circuit Court of which it is part.

#### Section 7.2. **Judges.**

The Municipal Court shall initially be composed of one division, having its own judge.

- (a) **Municipal Judge – Selection.** The judge of the city’s municipal court shall be known as a municipal judge of the Seventeenth Judicial Circuit Court, and shall be appointed by the mayor, with advice and consent of a majority of the entire City Council for a term of four years.
- (b) **Powers and Duties.** The Municipal Judges shall have such powers and duties as are conferred upon such officers by law or by ordinance and shall establish a traffic violations bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and section 479.050 of the Revised Statues of Missouri, as amended.
- (c) **Qualifications for office; outside employment.**  
The municipal judge shall possess and maintain the following qualifications before and after taking office:
  - (1) Must be a licensed attorney, qualified to practice law within the State of Missouri
  - (2) Need not reside within the city.

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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- (3) Must be a resident of the State of Missouri and have resided in the state for one year next preceding the appointment.
- (4) Must be at least twenty-one (21) years of age and less than seventy-five (75) years of age.
- (5) May serve as municipal judge for any other municipality.
- (6) May not hold any other office within the city government.

The municipal judge shall be considered holding a part-time position, and as such may accept other employment within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2.

- (d) **Prohibition.** No Municipal Judge shall hold any other city office or city employment during the term for which the judge was appointed, and no former Municipal Judge shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the judge was appointed.
- (e) **Vacancies.** An office of Municipal Judge shall become vacant upon the judge's death, resignation, recall or removal from office in any manner authorized by this Charter or by law, or upon forfeiture of the office.
- (f) **Forfeiture of Office.** A Municipal Judge shall forfeit office: (1) if at any time during the term of office he or she lacks any qualification for the office prescribed by this Charter or by law, or (2) if the judge violates any prohibition as provided in Section 7.2(d), Prohibition, or (3) if a judge willfully violates the requirements of Section 15.1, Personal Financial Interest.
- (g) **Removal from Office.** Municipal judges may be removed from office in any manner provided by law or the Rules of the Missouri Supreme Court.
- (h) **Incumbent Term of office.**

The incumbent municipal judge shall continue in office for the duration of the incumbent appointed term.

- (i) **Compensation.** Compensation of Municipal Judges shall be determined by ordinance, and shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected. No change in compensation of an incumbent Municipal Judge shall become effective during that judge's term of office. Municipal Judges shall be entitled to receive reimbursement for actual, reasonable and necessary expenses provided that such expenses are supported by appropriate documentation or are authorized by city policy.

### Section 7.3. Court Administration.

The City Council shall provide personnel for the Municipal Court, with management assistance from the department which administers the financial affairs of the city. All personnel of the Municipal Court shall be subject to the administrative policies and procedures of the city, except as otherwise provided by law. All Municipal Court personnel who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting or recording of funds which come into their hands shall enter such surety

## **CHARTER OF THE CITY OF BELTON, MISSOURI**

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bonds, payable to the city and such other governmental unit in whose behalf such funds have been collected, as may be required by the judges or by ordinance. The cost of the premium for such surety bonds shall be paid by the city.

### **Section 7.4. Traffic Violations Bureau.**

The city shall have a Traffic Violations Bureau which shall be supervised by the Presiding Municipal Judge. The Traffic Violations Bureau shall have authority to collect fines for violations of traffic and other municipal ordinances not deemed by the Municipal Judges to require a personal appearance before the Municipal Court by an accused desiring to plead guilty.

## **ARTICLE VIII**

### **CHIEF OF POLICE**

#### **Section 8.1. Police Department and General Responsibility of Chief of Police**

There shall be a Police Department directed and supervised by the Chief of Police. The Chief of Police shall direct the police work of the city and be responsible for the enforcement and maintenance of law and order as prescribed by ordinances.

#### **Section 8.2. Qualifications; election and term**

a) **Qualifications.** The Chief of Police shall possess the following minimum qualifications:

- (1) The Chief of Police shall have been a resident of the city for 2 years next preceding election and a qualified voter and shall remain a resident and qualified voter of the city for the term of the office.
- (2) Possess a bachelors, or higher, degree from an accredited college or University in the field of public administration, criminal justice or other related fields; or equivalent combination of training and experience which provides comparable knowledge, abilities and skills.
- (3) Considerable knowledge of the principles and practices of modern police Administration and police methods.
- (4) Considerable knowledge of the principles and accepted good practices and procedures as applied to patrol, traffic control, criminal investigation and crime prevention.
- (5) Knowledge of the standards by which the quality of police service is evaluated and of the use of police records and their application to police administration.
- (6) Knowledge of the types and uses of firearms, communications and automotive equipment in modern police work.
- (7) Knowledge of the functions of federal, state and local jurisdictions and authorities as they relate to police work.
- (8) Ability to establish and maintain effective working relationships with other city officials, state, county and federal authorities, civic leaders and the general public.

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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- b) **Election term at each regular municipal election.** The Chief of Police shall be elected by the qualified voters of the city at large to serve a four year term as provided by Section 17.2 (d).

Section 8.3. **Police Department Administration.** The City Council shall provide the Chief of Police with an annual police department budget and capital program pursuant to the requirements of law, this Charter or ordinance. All personnel of the Police Department shall be subject to the administrative policies and procedures of the city, including the personnel code.

Section 8.4. **General Powers and duties of the Chief of Police.**

- a) The Chief of Police shall formulate and prescribe work methods and procedures to be followed by members of the department; appraise conditions of work in the department and take necessary steps to improve police operations; plan and supervise the enforcement of traffic and safety regulations and crime prevention and detection activities; supervise the guidance and control of juvenile offenders; prepare a complete report each year of the financial requirements of the department, attend meetings and conferences; and perform related work as required.
- b) On an annual basis prior to budget consideration, the Chief of Police shall present to the City Council the police department budget, including recommendations of personnel positions to efficiently perform the duties and responsibilities of the department. The City Council shall make final City budget decisions.
- c) The Chief of Police shall organize the department in such a manner as to efficiently and properly conduct the duties and responsibilities of the department as prescribed by law.
- d) The Chief of Police shall assign officers to each division of the department. Reassignment from one division to another shall only be made by the Chief of Police.
- e) The Chief of Police is authorized to establish a police reserve unit.
- f) The animal control function shall work under the supervision of the police chief.
- g) The Chief of Police shall at all times be subject to and operate within the approved budget, personnel code and administrative procedures of the city.

Section 8.5. **Compensation.** The City Council shall determine the annual compensation of the Chief of Police by ordinance, but no ordinances changing such compensation shall become effective for the Chief of Police until the commencement of a new term of office.

Section 8.6. **Prohibition. Holding Other Office.** Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no Chief of Police shall hold any other city office or city employment during the term for which the Chief of Police was elected, and no former Chief of Police shall hold any compensated appointive city office or city employment until one year after the expiration of the term for which the Chief of Police was elected.

Section 8.7. **Vacancies, Forfeiture of Office; Filling of Vacancies.**

- (a) **Vacancies.** The office of a Chief of Police shall become vacant upon the Chief of Police's death, resignation, recall or removal from office in any manner authorized by this Charter or by law, or upon forfeiture of the office.

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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- (b) **Forfeiture of Office.** A Chief of Police shall forfeit office: (1) if at any time during the term of office a Chief of Police becomes ineligible for the office as provided under this Charter or by operation of law, or (2) if a Chief of Police violates any prohibition as provided in Section 8.6, Prohibition, or (3) if a Chief of Police willfully violates the requirements of Section 15.1, Personal Financial Interest.
- (c) **Filling of Vacancies.** The City Council by a majority vote of all its members shall appoint a qualified person to fill a Chief of Police vacancy until the next regular municipal election as established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term.

### ARTICLE IX

#### PARKS AND RECREATION BOARD

##### Section 9.1. **Composition.**

- (a) **Appointment and Terms.** There shall be a board of directors to be known as the Parks and Recreation Board. The Board shall consist of nine citizen members who shall reside in the city and who shall not be elected officers or employees of the city. The Mayor, with the advice and consent of a majority of the entire City Council, before the first day of June each year, shall appoint three directors of the Board who shall hold office for a term of three years and until successors are appointed. All vacancies on the Board shall be reported to the Mayor and City Council; thereafter the Mayor, with the advice and consent of a majority of the entire City Council, shall appoint a qualified citizen to fill the remainder of the unexpired term. All directors shall serve without compensation. The first appointees to the Board shall be the same persons who were duly appointed to the Board under the former government and they shall serve until the scheduled expiration of their terms unless sooner removed as provided by this Charter.
- (b) **City Council Liaison.** The Mayor, with the advice and consent of a majority of the entire City Council, shall appoint a City Councilmember as a non-voting liaison to the Parks and Recreation Board.
- (c) **Officers.** The Parks and Recreation Board shall elect from its members a president and such other officers it deems necessary. The organizational meeting for electing such officers shall take place in odd number years at the first meeting after the three annually appointed directors take office.
- (d) **Removal.** A director of the Parks and Recreation Board may be removed for cause upon the recommendation of the Mayor with the consent of a majority of the entire Council, or by a two-thirds affirmative vote of the entire City Council on its own initiative.

##### Section 9.2. **Powers and Duties.**

- (a) **General.** The Parks and Recreation Board shall make and adopt such bylaws, rules and regulations for its own guidance and for the governance of the parks and recreation activities as may be expedient. In so doing, the Board shall emulate city policies and procedures regarding finance, procurement and personnel; however, all decision making authority shall remain with the Board. The Board shall have control of the supervision, improvement, care

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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and custody of the parks and recreation activities. The Board shall appoint, suspend or remove, and render the annual performance review of the Parks and Recreation Director. The City Manager shall not direct or supervise the Parks and Recreation Director or the Parks and Recreation Department. The Parks and Recreation Director shall appoint, suspend or remove all employees of the Parks and Recreation department. The Board shall have control of the expenditures of all monies collected for and deposited to the credit of the parks and recreation fund.

- (b) **Property.** The Parks and Recreation Board shall have the power to acquire an interest in real property for parks and recreation purposes by purchase, gift, exchange or otherwise. The Board shall also have the power to dispose of real property by sale or otherwise, but only when this disposition is consistent with the original grant, or the public use has been abandoned, or the property has become unsuitable or inadequate for parks and recreation purposes. All real properties held by the Board shall be titled in the name of the City of Belton. In addition, the City Council may purchase or otherwise secure an interest in real property and designate the real property as parkland to be used as parkland under the subsequent supervision, improvement, care and custody of the Park and Recreation Board.

### Section 9.3. **Parks and Recreation Fund.**

- (a) **Tax Levy.** As provided by state law, the city is authorized and empowered to continue to levy taxes for the operation of public parks and recreation grounds and facilities, and such taxing authority and such taxes shall supersede the special tax heretofore levied for parks under authority of Section 90.500, R.S.Mo. 1986.
- (b) **Separate Fund.** Any tax for parks and recreation purposes shall be levied and collected in like manner with other general taxes of the city, but the funds received therefrom shall be kept separate and apart from all other funds of the city and shall be deposited in a fund designated "parks and recreation fund." All monies received for parks and recreation, including proceeds from the disposition of parks and recreation property, shall be deposited in the city treasury to the credit of the parks and recreation fund, shall be kept separate and apart from other monies of the city, and shall be drawn upon by the proper officers of the city upon the properly authenticated vouchers of the Parks and Recreation Board.

### Section 9.4. **Annual Report.**

The Parks and Recreation Board shall, not less than 30 days prior to annual city budget adoption, make a report to the City Council containing such information as the City Council shall require.

### Section 9.5. **Review of Board Decisions.**

Upon the written certification of three City Council members, the City Council may review any action or decision of the Parks and Recreation Board, except a personnel matter. This certification shall state with particularity the action(s) or decision(s) to be reviewed and shall establish a hearing date that is not less than thirty (30) days from delivery of the certification to the Board. The City Council shall hear testimony and rule on the appeal. It shall require a two-thirds affirmative vote of the entire City Council to set aside, reverse or modify a Board action or decision.

## ARTICLE X

### NOMINATIONS AND ELECTIONS

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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### Section 10.1. **Municipal Elections.**

- (a) **Regular Elections.** The regular municipal election shall be held on the first Tuesday in April, or such day as may be mandated by state law.
- (b) **Special Elections.** The City Council may by ordinance order special elections, fix the time for such elections, and provide for holding such elections.
- (c) **Conduct of Elections.** All municipal elections shall be non-partisan and governed by the provisions of this Charter and applicable state law. The City Council, by ordinance, may further regulate elections, subject to the provisions of this Charter and applicable state law.
- (d) **Definition of Qualified Voter.** Wherever used in this Charter, the term "qualified voter" means a registered voter who is eligible to vote in the city at large or in a City Council ward, whichever is applicable.

### Section 10.2. **Nominations.**

**Declaration of Candidacy.** Nomination of candidates for election to city office shall be made by declaration of candidacy filed with the City Clerk. No person shall file a declaration of candidacy for one city office and, without withdrawing, file for another city office to be filled at the same election. Any person violating this section shall be disqualified from running for any city office at the subject election.

### Section 10.3. **Determination of Election Results.**

The City Council shall canvass the election returns and declare the results of any municipal election, regular or special, at the next regularly scheduled City Council meeting following certification of the election returns by the respective verification board of the county. The candidate receiving the highest number of votes for each office shall be declared elected and inducted into office at that time.

### Section 10.4. **City Council Wards.**

There shall be four City Council wards, bounded and numbered the same as the wards that exist at the time of adoption of this Charter. Ward boundaries shall be established by ordinance following each decennial census. Wards shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants.

## ARTICLE XI

### INITIATIVE, REFERENDUM AND RECALL

#### Section 11.1. **General Authority.**

- (a) **Initiative.** The qualified voters of the city shall have the power to propose ordinances to the City Council and, if the City Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a municipal election, provided that such power shall not extend to the budget or capital program, any ordinance relating to the levy of taxes, zoning or salaries of city employees, or any ordinance relating to any appropriation of money unless such ordinance provides for additional revenues therefor. The term "city employees" in this section shall not include elected officials. A proposed initiative ordinance shall contain only

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**CHARTER OF THE CITY OF BELTON, MISSOURI**

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one subject, which shall be clearly expressed in its title. The election shall be held at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given.

- (b) **Referendum.** The qualified voters of the city shall have the power to require reconsideration by the City Council of any adopted ordinance and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a municipal election, provided that such power shall not extend to the budget or capital program, any emergency ordinance, any zoning or land use issues, or any ordinance levying a special assessment or providing for the issuance of special tax bills, appropriation of money, levy of taxes or salaries of city employees. The term "city employees" in this section shall not include elected officials. The election shall be held at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given.
  
- (c) **Recall.** Any elected official, whether popularly elected or appointed, may be removed by qualified voters. No elected official shall be subject to recall within six months after induction into office nor during the last six months of the official's term. If the elected official is retained in office upon any recall election, the official shall not be again subject to recall during the same term of office. The election shall be held at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given. The recall question shall be submitted to the voters in substantially the following form:

Shall \_\_\_\_\_ [Name] \_\_\_\_\_

\_\_\_\_\_ [Title of Office] \_\_\_\_\_

be removed from office?  
Yes \_\_\_\_\_ No \_\_\_\_\_

**Section 11.2. Commencement of Proceedings; Petitioners' Committee; Notarized Affidavit.**

Any five qualified voters may commence initiative, referendum or recall proceedings by filing with the City Clerk a notarized 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 street addresses and specifying the address to which all notices to the committee are to be sent, consenting that notice by United States certified mail return receipt requested to such address shall constitute valid notice to the committee, and setting out in full the proposed initiative ordinance, or citing the ordinance sought to be reconsidered, or specifying the name and title of office of the elected official to be recalled. Not more than three (3) business days after the notarized affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

**Section 11.3. Petitions.**

- (a) **Number of Signatures.**



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## CHARTER OF THE CITY OF BELTON, MISSOURI

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- (1) **Initiative.** An initiative petition shall be signed by qualified voters of the city equal in number to at least ten percent (10%) of the total number of qualified voters registered to vote at the last regular municipal election.
  - (2) **Referendum.** A referendum petition shall be signed by qualified voters of the city equal in number to at least ten percent (10%) of the total number of qualified voters registered to vote at the last regular municipal election.
  - (3) **Recall.** A recall petition shall be signed by qualified voters for that office in number equal to at least thirty percent (30%) of the total number of qualified voters registered to vote at the last regular municipal election.
- (b) **Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Initiative and referendum petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered. A recall petition shall state the name and title of office of the elected official sought to be recalled and a general statement of the reason(s) for the recall on the top and bottom of all pages of the petition. No petition shall seek the recall of more than one officer, but several propositions for recall may be separately submitted at the same election on the same ballot.
- (c) **Notarized Affidavit of Circulator.** When filed, each paper of a petition shall have attached to it a notarized affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator 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. A petition circulator need not be a member of the petitioners' committee, but shall be a qualified voter.
- (d) **Time for Filing Petitions.**
- (1) **Initiative.** An initiative petition shall be filed within ninety (90) calendar days of the issuance of the appropriate petition forms to the petitioners' committee.
  - (2) **Referendum.** A referendum petition shall be filed within forty-five (45) calendar days after adoption by the Council of the ordinance sought to be reconsidered.
  - (3) **Recall.** A recall petition shall be filed within sixty (60) calendar days of the issuance of the appropriate petition forms to the petitioners' committee.

### Section 11.4. Procedure After Filing.

- (a) **Certificate of City Clerk; Amendment.** Within thirty (30) calendar 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 United States certified mail return receipt requested. 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 City Clerk within two (2) business days after receiving the copy of the City Clerk's certificate and files a supplement to the petition within ten (10) business days after receiving the copy of such certificate. Such supplement to the petition shall comply with the requirements of subsections

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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(b) and (c) of Section 11.3, Petitions, and within five (5) business days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by United State certified mail return receipt requested as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not amend within the time required, the City Clerk shall promptly present the City Clerk's certificate to the City Council, and the certificate then shall be a final determination as to the sufficiency of the petition.

- (b) **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 11.5. 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 City Council repeals the ordinance; or
- (d) the election results sustaining the ordinance have been certified by the election authorities.

### Section 11.6. Action on Initiative, Referendum and Recall Petitions.

- (a) **Initiative and Referendum; City Council Action.** When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner provided in Section 3.13, Legislative Proceedings, or reconsider the referred ordinance by voting its repeal. If the City Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) calendar days, or fails to repeal the referred ordinance within thirty (30) calendar days after the date the petition was finally determined sufficient, it shall at the next meeting of the City Council thereafter fix a date for holding the election to submit the proposed or referred ordinance to the voters of the city.
- (b) **Initiative and Referendum; Submission to Voters.** The vote on a proposed or referred ordinance shall be held not less than ninety (90) calendar days from the date the petition was finally determined sufficient and not later than the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) **Recall.** When a recall petition has been certified to the City Council as sufficient by the City Clerk, the City Council shall, at its next meeting after receipt of such certification, fix a date for holding the election. The election shall be held at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given.
- (d) **Withdrawal of Petitions.** An initiative, referendum or recall petition may be withdrawn at any time prior to 5:00 p.m. on the final day for certification, as prescribed by state law, by filing with

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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the City Clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such requests, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

### Section 11.7. **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 City Council and approved by the Mayor. 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 to repeal it, it shall be considered repealed upon certification of the election results.
- (c) **Recall.** If a majority of the qualified electors voting at a recall election shall vote in favor of the proposition to remove an official, a vacancy shall exist in the office and such vacancy shall be filled as provided by this Charter. If a majority of the qualified electors voting at a recall election shall vote against the proposition to remove an official, the official shall remain in office. An official who has been removed from office by recall shall be ineligible to be appointed to serve as a city official in any capacity at any time during the remainder of the term for which the official was elected.

## ARTICLE XII

### FINANCIAL PROCEDURES

#### Section 12.1. **Fiscal Year.**

The City Council shall determine the fiscal year of the city.

#### Section 12.2. **Submission of Budget and Budget Message.**

Before the beginning of the fiscal year, the City Manager shall submit to the Mayor and City Council a budget for the ensuing fiscal year and an accompanying message.

#### Section 12.3. **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 City Manager deems desirable or the City Council may require. In no event shall the total proposed expenditures exceed the estimated revenues to be received plus any unencumbered cash reserves estimated to be on hand at the beginning of the budget year.

#### Section 12.4. **Capital Program.**

- (a) **Submission to City Council.** The City Manager shall prepare and submit to the Mayor and City Council a five-year capital program prior to the final date for submission of the budget. The City Council by resolution shall adopt the capital program with or without amendment on or before the last day of the month of the current fiscal year.

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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(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 fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) costs 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 12.5. **City Council Action on Budget.**

(a) **Notice and Hearing.** The City Council shall publish in one 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 budget are available for inspection by the public; and
- (2) the time and place, not less than two weeks after such publication, for a public hearing on the budget.

(b) **Amendment Before Adoption.** After the public hearing, the City 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 elimination of a projected cash deficit.

(c) **Adoption.** The City Council by ordinance shall adopt the budget on or before the last day of the 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 City 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 12.6. **Public Records.**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city. The City Council shall publish annually, in one or more newspapers of general circulation in the city, a summary accounting of the receipts and expenditures for the preceding year.

### Section 12.7. **Amendment After Adoption.**

(a) **Supplemental Appropriations.** If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City

## CHARTER OF THE CITY OF BELTON, MISSOURI

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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 City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the City Manager, and recommendations as to any other steps to be taken. The City 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 or more appropriations.
- (c) **Transfer of Appropriations.** At any time during the fiscal year, the City 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 City Manager, the City 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 3.13(f), Emergency Ordinances.

### Section 12.8. Tax Rates and Tax Rolls.

After the budget is finally adopted, the City 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 officials, who shall compute the taxes and extend them upon the tax rolls.

### Section 12.9. Sale of Bonds.

The city shall be authorized to sell any bonds as may now or hereafter be authorized by law. Except as otherwise required by law or this Charter, All bonds issued by the city shall be sold as prescribed by ordinance.

## ARTICLE XIII

### FRANCHISES

#### Section 13.1. Granting of Franchises.

All public franchises or privileges which the city is authorized to grant, 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 therefor has been filed with the City Council, nor until a full public hearing has been held thereon. Notice of all public hearings conducted hereunder shall be given at least fifteen (15) days prior to such hearing by publishing such notice at least once in a newspaper of general circulation within the city. No exclusive franchises shall ever be granted, and no franchise shall be granted for a term longer than twenty (20) years. No such franchise shall be transferable directly or indirectly, except with the approval of the City Council expressed by ordinance after a full public hearing.

#### Section 13.2. Right of Regulation.

## CHARTER OF THE CITY OF BELTON, MISSOURI

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All public franchises and privileges, whether or not provided for in the ordinance, shall be subject to the right of the City Council to:

- (a) **Misuse-Nonuse.** 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) **Efficiency.** Require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standards of efficiency.
- (c) **Non-discrimination.** Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (d) **Audit of Accounts.** Make an independent audit and examination of accounts at any time and require reports annually.
- (e) **Service to Public.** Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- (f) **Use of City Property.** Control and regulate the use of the city streets, alleys, bridges, easements, rights-of-way and public places, and the space above and beneath them.
- (g) **Rates and Charges.** Regulate rates, fares and charges and make readjustments thereof from time to time if the same are not regulated by an applicable local, state or federal agency.
- (h) **Other Regulations.** 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 13.3. Temporary Permits.

Temporary permits for the operation of public services utilizing public streets, alleys, bridges, easements, rights-of-way and public places for a period not to exceed two (2) years may be granted by the City Council by ordinance without public hearing. Such permit shall be subject to amendment, alteration or revocation at any time at the will of the City Council, whether so provided in the ordinance or not. Any permit granted hereunder shall in no event be construed to be a franchise, or an extension or amendment of a franchise.

### Section 13.4. Operation Beyond Franchise Period.

Any operation by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted shall under no circumstance 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 City Council.

## ARTICLE XIV

### LICENSING, TAXATION AND REGULATION OF BUSINESS, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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### Section 14.1. **Objects of Licensing, Taxation and Regulation.**

The City Council shall have the 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 any 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 XV

### GENERAL PROVISIONS

#### Section 15.1. **Personal Financial Interest.**

Any elected or appointed officer, employee, or member of any committee, authority, board or commission of the city who has any direct or indirect substantial financial interest (as defined by the conflict of interest statutes of Missouri) (a) in any party transacting business with the city, or (b) in the subject matter of any city transaction, shall make known that interest and shall refrain from voting upon or otherwise participating in his or her capacity as a city officer, employee or member in such transaction. Any city officer, employee or member who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the express or implied knowledge of the party transacting business with the city shall render the transaction voidable by the city.

#### Section 15.2. **Prohibitions.**

##### (a) **Activities Prohibited.**

- (1) **Discrimination.** 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, sex, age, disability, national origin, political or religious opinions or affiliations.
- (2) **False Reports.** 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) **Undue Influence.** 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 or her test, appointment, proposed appointment, promotion or proposed promotion.

(b) **Penalties.** Any person who willfully violates any of the provisions of Section 15.2(a), Activities Prohibited, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as may be provided by ordinance.

#### Section 15.3. **Political Activity.**

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## **CHARTER OF THE CITY OF BELTON, MISSOURI**

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All employees may exercise their rights as private citizens to express opinions and, if a qualified voter of the city, to vote in any municipal election. Political affiliation, participation or contribution shall not be considered in making any city employment decision. No city officer, committee, authority, board or commission member, or employee shall use official authority or official influence for the purpose of interfering with or affecting the result of an election to a Belton city office or any ballot proposition. No city officer, committee, authority, board or commission member, or employee shall directly or indirectly coerce or command a city employee to pay, lend or contribute anything of value to a committee, organization, agency or person for the political or electoral purposes of any candidate for Belton city office or any ballot proposition.

### **Section 15.4. All Ordinances Effective on Municipal Land.**

In addition to all other powers herein granted, the City of Belton shall have the right and authority to administer and enforce all its municipal ordinances within all areas owned or occupied by the city which are outside of the corporate city limits.

### **Section 15.5. 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 Mayor within ninety (90) 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 therefor from the city.

### **Section 15.6. 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 City 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 or law, and subject to approval by the City Council, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all monies belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

### **Section 15.7. 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 Missouri Constitution for framing and submitting a complete charter. Amendments may also be proposed by the City Council, by the Charter Review Commission, or by petition of not less than ten percent of the qualified electors of the city, filed with the City Clerk, in the manner prescribed for initiative petitions in Article X, setting forth the proposed amendment(s). The City Council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election held as provided by law and the Constitution for a charter. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of this 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.

### **Section 15.8. Charter Review Commission.**



## **CHARTER OF THE CITY OF BELTON, MISSOURI**

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From time to time, but no less often than every ten years, the City Council shall provide for a Charter Review Commission to review this Charter and to recommend to the voters of the city proposed amendments, if any, to this Charter. The members of the Charter Review Commission shall be selected as provided by the City Council. The Charter Review Commission shall consist of at least eight qualified voters of the city, none of whom shall be an elected official of the city. No more than thirty percent of the commission members shall reside in any one City Council ward. The Charter Review Commission shall, within twelve months of its first meeting, report to the voters as many amendments to the Charter as it shall deem advisable.

### **Section 15.9. 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 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 15.10. Proof of Ordinance.**

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

### **Section 15.11. 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.

## **ARTICLE XVI**

### **TRANSITIONAL PROVISIONS**

#### **Section 16.1. 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 pursuant to Section 6.2, Personnel System.

#### **Section 16.2. Continuance of Taxes, Assessments and Fees.**

Except as otherwise provided by this Charter, all existing taxing authorizations, assessments and fees adopted by the people of the city, or authorized by the city, are hereby continued in full force and effect until modified or discontinued in the manner provided by this Charter or law.

#### **Section 16.3. Ordinances to Remain in Force.**

All ordinances, resolutions and regulations in force at the time this Charter takes effect, or at the time this Charter is amended, which are not inconsistent with the provisions of this Charter, shall

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## CHARTER OF THE CITY OF BELTON, MISSOURI

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remain and be in force until altered, modified or repealed by or under authority of this Charter or ordinance.

### Section 16.4. **Pending Actions and Proceedings.**

No action or proceeding, civil or criminal, pending at the time this Charter or any amendment hereto 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 contained herein.

### Section 16.5. **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 or any amendment hereto 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 XVII

### SCHEDULE

#### Section 17.1. **Election to Adopt Charter.**

This Charter shall be submitted to a vote of the electors of the City of Belton at the regular municipal election to be held on November 4, 2008. The election shall be administered by the officials now charged with the responsibility for the conduct of municipal elections.

#### Section 17.2. **Election of City Officials.**

- (a) **Incumbents.** All officials elected prior to April 7, 2009 who would continue in office shall continue in office for the duration of the term to which they were elected.
- (b) **City Council.** At the municipal election in April of 2009, City Council members elected to fill offices with expiring terms from all wards shall serve three-year terms. At each regular municipal election thereafter, City Council members shall be elected to fill the offices of those whose terms expire and shall serve full three-year terms.
- (c) **Mayor.** At the municipal election in April of 2009, and every fourth year thereafter, the Mayor shall be elected to serve a full four-year term.
- (d) **Chief of Police.** At the municipal election in April of 2009 and every fourth year thereafter, the Chief of Police shall be elected to serve a full four-year term.

#### Section 17.3. **Time of Taking full Effect.**

After its adoption by the voters, this Charter shall be in effect at the first meeting after certification of those election results, with the Mayor and Aldermen in office at the date this Charter is adopted operating within the Charter as Mayor and City Council members.

## **CHARTER OF THE CITY OF BELTON, MISSOURI**

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### **Section 17.4. Temporary Ordinances.**

At its first meeting, or at any meeting held within sixty days thereafter, the City 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 likely 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 91st 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 3.13, Legislative Proceedings, for ordinances of the kind concerned.

### **Section 17.5. Purpose of Schedule.**

The purpose of the foregoing provisions is to provide a transition from the present government of the City of Belton, Missouri, to the new government provided for in this Charter, and to inaugurate the 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.