

Chapter 2

ADMINISTRATION

ARTICLE I

In General ¹

SECTION 2-1. City Hall Established — Use. [Ord. No. 92-10 §§ 1-2, 6-8-1992; Ord. No. 2007-11 § 1, 4-10-2007]

That certain building located at 919 Franklin Avenue is hereby designated as the City Hall, and said building is to be used for such purposes deemed necessary by the City Council to carry out the functions of the City. Other buildings may be utilized as designated by the City Council.

SECTION 2-2. City Seal Described — Custody — Use. [Rev. Ord. No. 76, §§ 1 — 3, 10-21-1912; Ord. No. 76-14 §§ 1, 2, 6-1-1976]

- A. The common Seal of the City shall be circular in shape, two (2) inches in diameter, the center of which shall be engraved with the Lafayette County Court House, Pony Express Rider, hemp bales, covered wagon, and riverboat with a river scene and in a circle around said center there shall be inscribed the words, "Seal of the City of Lexington, Missouri," and the date 1822 with a Confederate Flag to the left of said date and an American Flag to the right of said date.
- B. The City Clerk shall be the keeper of the common Seal of the City and shall in all cases required by the ordinances of the City or the laws of the State affix the Seal, accompanied by his attestation and signature.
- C. All deeds and conveyances of land by the City, requiring authentication, except the published ordinances, all bonds issued by the City, all acts of the Mayor of the City, and all other matters which by other ordinance for the laws of the State are required to be under the Seal of the City, shall have the Seal affixed to them by the City Clerk and shall be attested and certified to by the City Clerk.

SECTION 2-3. Bench Mark Established. ² [Rev. Ord. No. 30, § 4, 10-21-1912]

The permanent bench mark for the grade evaluations of the City is a point on the top of the stone foundation of the City Hall in block 37 in first addition to the City of Lexington, Missouri, said point being at the outer corner of the brick wall at the north side of the main or west entrance of said City Hall, said permanent bench mark being one hundred eighty-seven and seventy-five

1. Cross References — The park board, §19-13 et seq.; The planning commission, § 20-1 et seq. State Law References — Cities of the third class generally, RSMo. § 77.010 et seq.; Provisions relative to all cities, RSMo. § 71.010 et seq.

2. Cross Reference — Streets and sidewalks, generally, § 23-1 et seq.

one-hundredths (187.75) feet above the low water mark in the Missouri River, which is the datum for all street, alley and avenue grades in the City.

SECTION 2-4. Smoking Prohibited. [Ord. No. 89-17 §§ 1-3, 2-8-1990; Ord. No. 92-12 § 1, 6-8-1992; Ord. No. 99-41 § 1, 11-9-1999]

- A. No person shall engage in the act of smoking cigarettes, cigars, pipes, or otherwise engage in any activity whatsoever that produces an incendiary flame or smoke of any kind or character within the confines of all City owned buildings in Lexington, Missouri.
- B. Any person violating this Section shall be deemed guilty of a misdemeanor, and shall be subject to all penal sanctions provided therefor under the general punishment provisions within the revised ordinances of the City of Lexington, Missouri.

SECTION 2-5. Conflicts of Interest. [Ord. No. 91-7 §§ 1 — 6, 8-13-1991; Ord. No. 93-13 §§ 1 — 5, 8-10-1993; Ord. No. 94-22 §§ 1 — 5, 8-23-1994; Ord. No. 95-20 §§ 1 — 5, 8-8-1995; Ord. No. 97-16 §§ 1 — 5, 7-22-1997; Ord. No. 99-32 §§ 1 — 5, 8-10-1999; Ord. No. 2001-39 §§ 1 — 5, 8-14-2001; Ord. No. 2002-28 §§ 1 — 5, 8-13-2002; Ord. No. 2004-25 §§ 1 — 5, 8-10-2004; Ord. No. 2006-34 §§ 1 — 5, 8-10-2006; Ord. No. 2007-30 §§ 1 — 5, 8-14-2007; Ord. No. 2009-30 §§ 1 — 5, 8-11-2009; Ord. No. 2011-32 §§ 1 — 5, 8-9-2011; Ord. No. 2013-27 §§ 1 — 5, 8-13-2013; Ord. No. 2015-18 §§ 1 — 5, 7-14-2015]

- A. *Declaration Of Policy.* The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.
- B. *Conflicts Of Interest.* The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the record of the City Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.
- C. *Disclosure Reports.* Each elected official, the Chief Administrative Officer, the Chief Purchasing Officer and the general counsel (if employed full-time) shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:
 - 1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and
 - 2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest had with the political

subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transaction involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

3. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose by May 1 for the previous calendar year the following information:

- a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
- b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
- c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

D. *Filing Of Reports.* The reports, in the attached format,³ shall be filed with the City Clerk and with the Secretary of State prior to January 1, 1993, and thereafter with the Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

E. *When Filed.* The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

1. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;
2. Every other person required to file a financial interest statement shall file the immediately preceding December 31; provided, that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

SECTION 2-6. Open Meetings and Records Law (Sunshine Law). [Ord. No. 2009-13 §§ 1 — 13, 3-24-2009]

3. Editor's Note: The format is available from the City offices.

- A. *Custodian Of Records Designated.* The City Clerk is hereby designated as the "custodian of records" for the City of Lexington. Such designation does not mean that the City Clerk will necessarily have all the records in his or her possession, but simply is an indication to which requests for copies of records and information regarding the City Government shall be directed. Requests for records made to persons other than the City Clerk shall not be considered to be requests that are made pursuant to the Missouri Sunshine Law, Chapter 610 of the State Statutes. Nonetheless, any official or employee of the City who receives a request is directed to inform the City Clerk of the request in a timely fashion, so that a response may be made to the request.
- B. *How Records Are Requested.* All requests for records, notices or information shall be in writing, and shall be accompanied by a deposit of the estimated cost of reproducing the requested information. Oral requests, if received by the City Clerk, shall be immediately recorded in written form to document the same. Any request received by the City Clerk shall be initialed by the Clerk, with the date and time of receipt noted.
- C. *Response Desired To Be Noted On Request.* The requesting party shall indicate on the request the manner in which a response is desired. In absence of instructions to the contrary, it will be assumed that the requesting party wants to receive a response in the same form as the original request. (Example, if someone stops by City Hall and requests copies of documents, it will be assumed that the requesting party will stop by City Hall later to pick up the documents. But if someone mails a request to the City Hall, it will be assumed that a mailed response is desired.)
- D. *Response Within Three (3) Business Days.* The custodian of records shall respond to the request within three (3) business days of its receipt. A "business day" is a day when the City Hall is open for the conduct of City business during its normal business hours. While it is desirable that the entire transaction be completed within three (3) business days, there may be circumstances where clarification or explanation of the request is necessary, or where it may be necessary to provide only part of the requested information while searches are made to find copies of other documents requested.
- E. *Documentation Of Response.* The custodian of records shall document the response provided either by:
1. Making an extra copy of the response and attaching it to the original request,
 2. Noting on the request what documents were provided, or
 3. Keeping a copy of any letter or note requesting additional information in order to process the request.
- F. *Request For Searches.* A request for copies of "all documents" or "every document" of a particular sort involves a request to search through every record of the City in order for the City to certify that it has provided "all" or "every" document. Such searches are expensive. Similarly, a request for records compiled in a format differing from the format in which the records are customarily retained is a request for a search and compilation and can be expensive. As a general rule, the custodian of records is not expected to engage in extensive searches or compilations. Any search request that will require more than fifteen (15) minutes of the custodian's time will be refused without a substantial advance deposit

for the estimated time required to search for the records.

- G. *Fees For Retrieval And Copies.* Fees for search, retrieval, accompanying and returning to their proper storage all City documents shall be:
1. For a search of 15 minutes or less no retrieval fee
 2. For a search, retrieval, \$4.00 for each period of 15 minutes or less, including
accompanying and return of the first 15 minute period.
documents requiring more than 15
minutes
 3. Fees for copies of documents shall
be:
 - a. For copies that can be made on \$.10 per side of a page
the City's copy machine or other
equipment available at the City
Hall
 - b. For copies that must be made the actual charges imposed for making the copies
elsewhere (including any taxes imposed) as well as the fee
provided above for search, retrieval, accompanying
and returning to proper storage.
- H. *Inspection Of Records.* To reduce the cost to both the requesting party and the City, the custodian of records may permit a physical inspection of the records by the requesting party to help specify what documents are needed. The custodian may impose such security as is deemed appropriate to guarantee that no record is removed from the City files.
- I. *Waiver Of Fees.* The custodian of records is empowered to waive the collection of any of the fees totaling less than one dollar (\$1.00) provided in Subsection (G) above to any citizen of the City requesting documents from the City or to any representative of news media that routinely sends a reporter to cover meetings of the City Council. No person or organization shall receive more than three (3) such waivers in any twelve (12) month period.
- J. *Closed Records And Votes.* All records of the City which are permitted to be closed records by reason of the Sunshine Law or by any other Statute of Missouri or by any Statute or regulation of the United States Government shall be maintained as closed records. No such closed record shall be released to any person who is not a part of the City Government, except that the City's auditor may see such records as are reasonably necessary to prepare an audit report as requested by the City and the City's Attorney may see such records as are reasonably necessary to represent the City. Requests that closed records be opened to public inspection will be considered on a case-by-case basis by the City's Councilmen.
- K. *Subpoenas For Closed Records.* No subpoena for a closed record shall be honored. All such subpoenas shall be referred to the City Attorney for a response and for a motion to quash the subpoena. The only exception to this requirement that will be recognized is a

subpoena from a grand jury.

- L. *Public Notice Board.* The custodian of records shall establish a fixed place where all public notices and agenda will be posted. This notice board should be in a place that is accessible to members of the public at times when the City Hall is open and (if possible) should be lighted and available for public inspection even at times when the City Hall is closed. A window or glass door at the entrance to the City Hall may be used as the notice board, provided such notices are placed in such a fashion that they can be read by persons on the outside of the City Hall.
- M. *Penalty For Disclosure Of Closed Records.* Any person employed or working for the City, or who has been entrusted with a record that is marked to indicate that it is "confidential" or a "closed record", or who has been invited to participate in a closed meeting who nonetheless discloses any closed record or any information about the contents of any closed meeting to any person shall be guilty of an offense under the ordinances of the City and, upon conviction therefore, may be punished as provided by law. Any such person who is employed or working for the City may also be subject to the termination of their employment as a result of such disclosure. Any such person who is an elected official may also be subject to impeachment from their office as a result of such disclosure.

SECTION 2-7. through SECTION 2-14. (Reserved)

ARTICLE II
Ordinances ⁴

SECTION 2-15. Enacting Clause. [Rev. Ord. No. 53, § 1, 10-21-1912]

The enacting clause of ordinances of the City shall be as follows: "Be it ordained by the City Council of the City of Lexington, as follows."

SECTION 2-16. Passage Generally. [Rev. Ord. No. 53, § 2, 10-21-1912]

No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the City Council shall vote therefor and the "ayes" and "nays" shall be entered on the journal.

SECTION 2-17. Number of Readings Required — Amendments. [RSMo. § 77.080]

All bills proposing to become ordinances shall be presented in writing and enacted as follows:

1. Bills shall be read in full two (2) times prior to passage, or bills shall be read by title two (2) times prior to passage, both of which may occur at a single meeting.
2. Bills which are read by title only shall have been made available for public inspection prior to their presentation to the Council.
3. Amendments may be offered at any time before the final reading.

4. Cross References — Effect of repeal of ordinances, § 1-4; Amendments to this code of ordinances, § 1-6; Ordinance committee established, § 2-249. State Law Reference — Style of ordinances and how enacted, RSMo. § 77.080.

4. After the second reading in full or by title, the question shall be: "Shall the Bill pass?"

SECTION 2-18. Title of Bills to Indicate Purpose. [Rev. Ord. No. 6, § 20, 10-21-1912]

The title of every bill proposing to become an ordinance shall indicate the purposes or objects sought to be accomplished thereby.

SECTION 2-19. Bill to Become Ordinance when Signed by Presiding Officer. [Rev. Ord. No. 53, § 3, 10-21-1912]

No bill shall become an ordinance until it has been signed by the officer presiding at the meeting of the City Council at which the same was passed. When so signed it shall be delivered when returned to the Council with the approval of the Mayor endorsed thereon, such bill shall become an ordinance.

SECTION 2-20. Failure of Mayor to Sign Bill — Veto Power — Overriding Veto. [Rev. Ord. No. 53, §§ 4,5, 10-21-1912]

- A. Whenever the Mayor shall refuse to sign any bill, and shall return the same to the City Council with his objections thereto, such bill, so returned, shall stand reconsidered, and the Council shall cause the objections of the Mayor to be entered at large upon the journal and shall proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The votes on this question shall be taken by "ayes and nays," and the names of the Councilmen voting shall be entered upon the journal. If two-thirds (2/3) of all the members elected to the Council shall vote in the affirmative, the President of the Council shall certify that fact on the roll, and the bill thus certified shall be deposited with the City Clerk and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor.
- B. Should the Mayor neglect or refuse to sign any ordinance and return the same with his objections in writing, at the next regular meeting of the City Council the same shall become a law without his signature. Said ordinance shall be authenticated and having become a law, by having endorsed thereon or attached thereto a certificate form as follows:
 - B. This ordinance having been delivered to the Mayor for his approval on the _____ of _____ and not having been returned by him to the City Council at its next regular meeting after it was delivered to him for his approval, the same become a law on the _____ day of _____.

Mayor Pro Tempore _____

SECTION 2-21. Duty of Mayor to Act on Bill. [Rev. Ord. No. 16, § 13, 10-21-1912]

Every bill presented to the Mayor for his approval shall be returned by him to the City Council, with his approval endorsed thereon, or with his objections thereto, in writing, on or before the next regular meeting of the Council.

SECTION 2-22. Revival. [Rev. Ord. No. 53, § 7, 10-21-1912]

- A. No ordinance shall be revived or reordained by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance.
- B. When an ordinance repealing a former ordinance, clause or provision is itself repealed, it shall not be construed to revive such former ordinance, clause or provision.

SECTION 2-23. Reconsideration of Defeated Bill. [Rev. Ord. No. 6, § 22, 10-21-1912]

When a bill is put upon its final passage, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the City Council proceeds to other business.

SECTION 2-24. Effective Date. [Rev. Ord. No. 53, § 8, 10-21-1912]

Every ordinance passed by the City Council and approved by the Mayor shall take effect and be in force immediately after such approval, unless it is otherwise expressly provided. Ordinances passed over the Mayor's veto, or otherwise becoming laws without his approval, shall take effect and be in force from and after the proper certificate of the Mayor Pro Tempore of the Council shall have been made and signed as provided in Section 2-20.

SECTION 2-25. Filing — Publication. [Rev. Ord. No. 53, § 9, 10-21-1912]

The original rolls of ordinances and resolutions passed by the City Council shall be filed in the office of the City Clerk, and when the Council shall order the publication of an ordinance, due proof of such publication, by the affidavit of the printer or publisher, shall be procured by the City Clerk and attached thereto, or written and attested upon the face of the record of such ordinances.

SECTION 2-26. (Repealed) [Repealed by Ord. No. 92-15, 6-8-1992]

SECTION 2-27. through SECTION 2-37. (Reserved)

ARTICLE III
Elections ⁵

SECTION 2-38. General Elections to Comply with State Law. ⁶ [Rev. Ord. No. 19, § 3, 10-21-1912]

General elections of the City shall be held and controlled in all things by the provisions of the general State election laws, applicable to Cities of the Third Class.

SECTION 2-39. Wards Established, Described. ⁷ [Ord. No. 72-4, §§ 1 — 5, 3-7-1972; Ord. No. 2001-50 §§ 1 — 2, 8-27-2001]

The City shall be divided into the following four (4) wards:

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- 5. State Law Reference — Elections in cities of the third class generally, RSMo § 77.040 et seq.
 - 6. State Law References — Conduct of elections generally, RSMo. Ch. 115.
 - 7. State Law Reference — Division of city into wards, RSMo § 77.030.

First Ward. All of that part of the City lying west of the centerline of Missouri Highway 13 from the southern City limits line on Route O to a line extended northerly to the intersection of Missouri Highway 13 and South Street, then eastward on the centerline of South Street to the intersection of South Street and 20th Street, then northward on the centerline side of 20th Street to the intersection of 20th Street and Main Street, then westward on the centerline of Main Street to the intersection of Main Street and Missouri Highway 13, then northerly to a line extended north to the City limits line is hereby declared to be the First Ward.

Second Ward. All of that part of the City lying north of the center line of Main Street from the intersection of Missouri Highway 13 and Main Street easterly to the east City limits of the City and lying east of a line extended northerly from the intersection of Missouri Highway 13 and Main Street to the north City limits line is hereby declared to be the Second Ward.

Third Ward. All of that part of the City lying south of the centerline of Main Street from the intersection of 20th Street and Main Street and extending eastward to the east City limits line on Missouri Highway 24, then southward to the centerline of the Missouri Pacific Railroad, then westward on the centerline of the Missouri Pacific Railroad to the intersection of Missouri Pacific Railroad and Missouri Highway 13, then northward on the centerline of Missouri Highway 13 to the intersection of Missouri Highway 13 and South Street, then eastward on the centerline of South Street to the intersection of South Street and 20th Street, then northward on the centerline of 20th Street to the intersection of 20th Street and Main Street is hereby declared to be the Third Ward.

Fourth Ward. All of that part of the City lying south of the Missouri Pacific Railroad right-of-way from a point where said right-of-way intersects the center line of the right-of-way of Missouri Highway 13 and extending eastwardly to the City limits line and lying east of the center line of Missouri Highway 13 from a point where said center line intersects said center line of Missouri Pacific Railroad right-of-way and extending in a southerly direction along said center line of Missouri Highway 13 to the south City limits is hereby declared to be the Fourth Ward.

SECTION 2-40. When Statement of Candidacy is To Be Filed — Form of Statement. [Ord. of 9-15-1970, §§ 1,3; Ord. No. 2014-27 § I, 11-25-2014]

- A. Any person desiring to become a candidate for Mayor, Councilman or any other elective office of the City shall, not less than nine (9) weeks nor more than thirteen (13) weeks prior to the municipal general election, file with the City Clerk a statement of his candidacy.
- B. The statement of candidacy provided for in Subsection (A) shall be in substantially the following form:

State of Missouri)
) SS
County of Lafayette)

I, _____ herewith state and declare that I reside at _____, City of Lexington, County of Lafayette, State of Missouri; and reside within Ward No. _____ as said ward is established; that I am a qualified voter therein and within the City of Lexington; that I am a candidate for the office of _____ to be voted upon at the next municipal general election

to be held on the _____ of _____, 20____, and I hereby state that I am qualified to hold the office for which I desire to become a candidate; and I hereby request that my name be printed upon the official ballot as a candidate for such office.

Signed _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__.

Commission expires: _____

Notary

SECTION 2-41. Filing Fee for Candidates. [Ord. of 9-15-1970, § 2]

Any person filing a statement of candidacy with the City Clerk shall pay to the City Clerk a filing fee in the amount of twenty-five dollars (\$25.00) which amount shall be retained by the City and shall become a part of its General Revenue Fund.

SECTION 2-41.1. Payment of Taxes by Candidates. [Ord. No. 2014-27 § II, 11-25-2014]

No person shall be a candidate for municipal office unless such person complies with the provisions of Section 115.342, RSMo., regarding payment of any State income taxes, personal property taxes, municipal taxes, or real property taxes on the place of residence, as stated on the declaration of candidacy, or that he/she is not a past or present corporate officer of any fee office that owes any taxes to the State, other than those taxes which may be in dispute. No person shall qualify as a candidate for elective public office in the State of Missouri who has been convicted of or found guilty of or plead to a felony or misdemeanor under the Federal laws of the United States of America as stated in Section 115.348, RSMo.

SECTION 2-42. When General Elections are to be Held — Officers Elected — Terms — Vacancies. [Rev. Ord. No. 19, § 2, 10-21-1912; Ord. of 2-7-1938, § 1; Ord. No. 78-15-A §§ 3-4, 12-5-1978; Ord. No. 92-20 § 1, 7-13-1992; Ord. No. 93-07 § 1, 6-22-1993; Ord. No. 93-27 §§ 1-4, 12-14-1993; Ord. No. 93-06, 6-22-1993; Ord. No. 93-37 § 2-42, 2-22-1994]

- A. On the first Tuesday in April of each year there shall be held a general election by the qualified voters of the City of Lexington for the election of a Councilman from each ward of the City, who shall hold his office for the term of two (2) years and until his successor is elected and qualified.
- B. On the first Tuesday of April of the year 1938 and every four (4) years thereafter, on the same day, there shall be held an election for the election of the Mayor who shall hold office for a term of four (4) years and until the Mayor's successor is elected and qualified.
- C. In case it shall become necessary to fill a vacancy in any elective office at a regular election the Mayor shall so state in his proclamation, giving notice of the election.

SECTION 2-43. Polling Places to be Established Prior to Election. [Rev. Ord. No. 19, § 1, 10-21-1912; Ord. No. 2014-27 § I, 11-25-2014]

In all elections for City purposes, there shall be one (1) polling place, and the location of the

polling place shall be fixed by ordinance or resolution by the City Council not less than ten (10) days prior to the election.

SECTION 2-44. Notice of Election. [Ord. No. 78-1, §§ 1,2, 2-7-1978]

The Mayor, or Acting Mayor, shall by notice and proclamation give at least ten (10) days notice of the time, places and purpose of holding an election, and shall deliver same to the County Clerk of Lafayette County, Missouri, or his deputy for publication.

SECTION 2-45. Opening and Closing Hours of Polls. [Rev. Ord. No. 19, § 5, 10-21-1912]

The judges of the election shall open the polls at 6:00 A.M. on the day of the election and keep them open until 7:00 P.M.

SECTION 2-46. through SECTION 2-47. (Reserved)

SECTION 2-48. Election Results — Issuance of Certificates of Election — When Terms of Office Begin. [Rev. Ord. No. 19, § 7, 10-21-1912; Ord. No. 2014-27 § I, 11-25-2014]

The Council shall determine the result of the election, and in case of election of officers determine who has been elected to the various offices, and shall instruct the Mayor and City Clerk to issue certificates of election, attested by the City Seal, and deliver the same to the parties entitled thereto. All officers so elected shall be qualified and take charge of their respective offices at the first meeting of the Council after their election.

SECTION 2-49. Applicability of Article to Special Elections. [Rev. Ord. No. 19, § 9, 10-21-1912]

All of the provisions of this Article in regard to general elections shall so far as applicable, govern in the case of special elections.

SECTION 2-50. through SECTION 2-59. (Reserved)

ARTICLE IV

City Officers and Employees ⁸

Division 1

Generally

SECTION 2-60. Employment. [Ord. No. 96-28 § I, 11-26-1996]

- A. All non-exempt employees shall not be required to live within the City limits. However, exempt employees in the police, fire and emergency medical services departments, because they are subject to emergency call to active duty at any time, must reside within five (5) miles of the City limits. While employees of the City of Lexington are not required to live within the City limits, they are encouraged to do so. This suggestion is intended to foster a greater interest in and concern for the welfare of the community on the part of the City employees. At the time of appointment, promotion, demotion, etc., if all factors are equal,

8. Cross Reference — Impersonating and interfering with officers, § 18-7.

City residents shall be given favorable preference. [Ord. No. 2015-06 §1, 3-10-2015]

- B. The City Administrator, in conjunction with the appropriate department heads, shall establish appropriate response times for use by Emergency Medical Services, Fire and Police personnel.

SECTION 2-61. Compensation. [Rev. Ord. No. 6, 10-21-1912; Ord. No. 88-22 §§ 1-3, 11-22-1988; Ord. No. 93-19 § 1, 9-28-1993]

- A. The compensation of all officers and employees of the City shall be established by the City Council. Volunteer firefighters shall be paid a nominal fee, as established by the City Council, for their services without losing their status as volunteers.
- B. City employees engaged in fire protection, emergency medical services, and law enforcement activities shall be paid for hours worked in a twenty-eight (28) consecutive day work period. All other employees shall be paid for hours worked during a forty (40) hour workweek.
- C. When it is necessary for a City employee to work in excess of the applicable maximum hours standards, each employee shall be entitled to receive overtime compensation at one and one-half (1 1/2) times their regular rate of pay for each hour of overtime work. The applicable maximum hours shall be:
 - 1. *For fire protection and emergency medical employees.* Two hundred twelve (212) hours during the twenty-eight (28) day work period.
 - 2. *For law enforcement employees.* One hundred seventy-one (171) hours during the twenty-eight (28) day work period.
 - 3. *For all other employees.* Forty (40) hours in a workweek.
- D. Employees shall be compensated for "actual hours of work" during a work period. Holidays, vacations, or any type of leave of absence shall be considered as non-working time, payable at the regular rate of pay, and not as overtime compensation.
- E. At their option, employees may receive compensatory time off in lieu of monetary overtime compensation. Compensatory time off in lieu of cash shall be at the rate of not less than one and one-half (1 1/2) hours of compensatory time for each hour of overtime work.
- F. Employees may be allowed to accumulate hours of compensatory time as regulated by the Fair Labor Standards Act, as amended.
- G. Non-covered or exempt employees, as described by the Fair Labor Standards Act, are excluded from these compensatory time provisions.

SECTION 2-62. When Oaths and Affirmations May be Issued by City Officers. [Rev. Ord. No. 55, § 1, 10-21-1912]

The Mayor or President of the City Council, Municipal Judge, and City Clerk are hereby authorized and empowered to administer oaths and affirmations in the following cases:

1. The Mayor or President of the City Council, to witnesses or other persons touching any subject under consideration by the Council in which the interest of the City is involved, or in the conduct of any condemnation proceeding.
2. The Municipal Judge, to witnesses, jurors or other persons relating to any trial or other proceedings within the jurisdiction of his court or to any elective or appointive officer to his official oath.
3. The City Clerk, to any person certifying to any demand or claim against the City, touching the correctness of the same, or to any witness or juror in any condemnation proceeding or any elective or appointive officer, to his official oath, or to any person filing a statement accompanying an application for a license to sell alcoholic beverages.
4. The City Clerk, to any person giving a list or statement of property for taxation.

SECTION 2-63. Office Hours.

The office hours of the various offices of the City shall be established by resolution of the City Council.

SECTION 2-64. Holidays. [Ord. No. 73-21, §§ 1-6, 11-6-1973; Ord. No. 2007-11 § 1, 4-10-2007]

- A. All regular employees of the City of Lexington, Missouri, shall receive normal compensation for the ten (10) legal holidays listed below and any other day or part of a day during which the public offices of the City shall be closed by special proclamation of the Mayor, with the approval of the City Council. Regular part-time employees shall receive compensation for the number of hours normally scheduled to work. Legal holidays to be observed are:

New Year's Day
Presidents' Day
Martin Luther King Day
Memorial Day
Independence Day
Columbus Day
Veterans Day
Labor Day
Thanksgiving Day
Christmas Day

- B. It shall be the policy of the City to insure that all regular employees, observe the same number of holidays each year. The standard shall be the number of holidays in a particular year, which will be celebrated by regular employees working Monday through Friday. For this group, when a holiday falls on Sunday, the following Monday shall be observed as the holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.
- C. For the regular employees, whose work week is other than Monday through Friday, the department head shall designate the work day that shall be observed.

- D. Any employee absent without authorized leave on the day preceding and/or the day following a holiday shall not receive compensation for the holiday.
- E. Any regular employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall receive a day off at his regular pay rate, in lieu of the holiday missed.

SECTION 2-65. Sick Leave. [Ord. No. 73-22, § 1, 11-6-1973]

- A. Beginning October 1, 1973, and continuing thereafter, each regularly appointed full-time City employee shall earn sick leave with full pay at the rate of three-fourths (3/4) work day for each calendar month of service. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the six (6) month probationary period except with permission of the City Council. Sick leave may never be taken in advance of earning time. Sick leave may be accumulated up to thirty (30) days.
- B. An employee may be eligible for sick leave for the following reasons:
 - 1. Personal illness or physical incapacity.
 - 2. Quarantine of an employee by a physician.
 - 3. Illness in the immediate family requiring the employee to remain at home.
- C. An employee who is unable to report for work because of the above reasons shall report the reason for his absence to his supervisor within four (4) hours from the time he is expected to report for work. Sick leave with pay in excess of two (2) working days shall be allowed only after presenting a written statement by a physician certifying that the employee's condition prevented him or her from appearing for work.
- D. An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee.

SECTION 2-66. Military Leave. [Ord. No. 73-22, § 2, 11-6-1973]

- A. Employees may receive a leave of absence not to exceed ten (10) working days annually, for participation in annual training in the National Guard or Reserve Armed Forces. Requests for such leave must be accompanied by a copy of official orders requiring such training. Compensation for this period of military leave shall be limited to the difference between military pay received and normal City pay. A copy of the military pay voucher shall be submitted to authorization for payment to the employees for the period of leave. Such military training leaves shall not be deducted from annual leave.
- B. Any permanent employee who is drafted into the military service shall, upon termination of his active service, be entitled to return to the City service at a level equivalent to the position held on his departure. This leave of absence shall not exceed the period of time necessary to complete the period of active duty that he has been involuntarily ordered to perform.

SECTION 2-67. Education Leave. [Ord. No. 73-22, § 3, 11-6-1973]

The City Council may authorize special leaves of absence, with or without pay, for any period not to exceed six (6) calendar months in any one (1) calendar year for attendance at a school or university for the purpose of training in subjects relating to the work of the employee and which will benefit the employee and the City service. The City Council may authorize time off duty with pay for education at a school for the purpose of training in subjects relating to work of employee and which will benefit the City. Such time off will not exceed eight (8) hours a week and shall not require the employee's department to have to hire extra help.

SECTION 2-68. Funeral Leave. [Ord. No. 73-22, § 4, 11-6-1973]

An employee may be granted leave, authorized by department heads, as needed in the event of death of spouse, child, mother, father, sister, brother, mother-in-law, father-in-law, grandmother, grandfather or any other close relative or friend. Such leave shall not be deducted from either sick leave or vacation leave.

SECTION 2-69. Jury Leave. [Ord. No. 73-22, § 5, 11-6-1973]

An employee may be granted leave with pay when required to be absent from work for jury duty or as trial witness. Compensation for such leave shall be limited to the difference between pay received for this service and normal City pay.

SECTION 2-70. Application of Sections 2-65 — 2-69. [Ord. No. 73-22, §§ 6-8, 11-6-1973]

- A. It is further understood the provisions of Section 2-65 through 2-69, shall apply only to duly appointed full-time City employees and the benefits hereunder are not available to any temporary, day-to-day, or part-time employee of said City.
- B. It is further understood sick leave payments hereunder shall only be made for the regular working days of said employee and no employee shall be entitled to any payment hereunder because of sickness, or other physical disability, during any Sunday or other holiday.
- C. It is further understood that no City employee whatever shall be entitled to any sick leave benefit of any character whatsoever, except in Sections 2-65 through 2-69 provided for. And, other than provided for in Sections 2-65 through 2-69, no City employee shall be entitled to any pay for any day he fails to perform his normal regular duties.

SECTION 2-70.1. Leaving Employment; Notice Required. [Ord. No. 82-19A, §§ 1,2, 6-7-1982]

- A. Every employee, agent, servant or official of the City shall give at least two (2) weeks written notice, in advance, of his desire to end, terminate, cancel, cease or quit his employment.
- B. Any such person violating the mandatory terms of Subsection (A) above or failing or refusing to comply shall forfeit any claim to any accrued vacation pay as set out in Ordinances numbered 2-64.1 and 2-92.

SECTION 2-70.2. Vacations Generally. [Res. of 9-7-1965, §§ A-C]

- A. After an appointed employee of the City has been employed for a consecutive period of one (1) year, the employee shall be entitled to a vacation of two (2) weeks with pay.
- B. In the second year of employment, the employee must work twenty-six (26) weeks of the second year before he is entitled to a vacation of two (2) weeks with pay for said second year.
- C. If a salaried employee wishes to take vacation pay in lieu of a vacation, said employee shall receive such pay in December of the year in which the employee is entitled to a vacation.

SECTION 2-70.3. Performance of Employees Duties Due to Absence of Employees While on Vacation or Leave of Absence. ⁹ [Ord. No. 92-30 § 1, 2-9-1993; Ord. No. 93-06, 6-22-1993; Ord. No. 2009-46 § 1, 11-24-2009]

- A. Department heads are required to notify and receive approval from the City Administrator or Mayor of all requested vacations and leaves of absences for employees at least thirty (30) days prior to scheduling such time off for employee.
- B. The duties of the following employees when such employees are absent due to vacation or leave of absence, shall be carried out in the following manner:
 - 1. In the City Clerk's office, the duties shall be performed by the other employees in the office of the City Clerk.
 - 2. In the City Collector's office, the duties shall be performed by the other employees in the office of the City Collector/City Clerk.
 - 3. In the Police Department, the work load shall be arranged and delegated to the other officers within the department.
 - 4. In the Wastewater Treatment Department, the duties of the absent Wastewater Treatment Plant Superintendent shall be delegated by the City Administrator or Mayor to another employee within said department. The work load of absent employees shall be arranged, delegated and performed by the other employees within said department.
 - 5. In the Street Department, the duties of the absent Street Commissioner shall be delegated by the City Administrator or Mayor to another employee within said department. The work load of absent employees shall be arranged, delegated, and performed by the other employees within the department.
 - 6. In the department regulating Animal Control, the duties and responsibilities of the absent Animal Control Officer shall be performed by the Police Department.
 - 7. In the Fire Department, the duties of the absent Fire Chief shall be performed by one of the other full-time Fire Department officers so delegated by the City Administrator or Mayor and shall not conflict with departmental standard operating procedures. For other full-time employees, the work load shall be performed by such relief personnel

⁹. Editor's Note — As to number 3 of this section, the 2nd sentence was deleted since passage of ord. no. 93-06 setting up a merit system police department.

approved by the City Council.

8. In the Emergency Medical Services Department, the duties of the absent EMS Director shall be performed by one of the other full-time EMS employees so delegated by the City Administrator or Mayor and shall not conflict with departmental standard operating procedures. For other full-time employees, the work load shall be performed by other employees within said department or by any relief personnel so approved by the City Council.
9. In the City Administrator's office all such duties and responsibilities shall be performed by the Mayor.
10. In the office of the Planning and Zoning, the duties of the absent Zoning Administrator shall be performed by a qualified person so designated by the Mayor and approved by the City Council.
11. In the City Treasurer's office, the duties shall be performed by the other employees in the office of the City Clerk.

Division 2

Suspension and Removal from Office

SECTION 2-71. Power of Mayor to Suspend Officers — Grounds. [Rev. Ord. No. 49, § 1, 10-21-1912]

The Mayor is hereby empowered to suspend from office any elective officer of the City for any of the following causes:

1. Willful violation of any official obligations.
2. Any culpable official negligence or dereliction of duty.
3. Any conduct inconsistent with his official character and duty.
4. Official incompetency.

SECTION 2-72. Order of Suspension — Statement of Charges. [Rev. Ord. No. 49, § 2, 10-21-1912]

Suspension of an officer of the City shall be effected by an order filed by the Mayor in the office of the City Clerk, accompanied by a statement of the charges upon which the suspension is founded, a copy of which shall be forthwith made by the City Clerk and delivered to the Chief of Police, who shall forthwith deliver the same to the suspended officer.

SECTION 2-73. Performance of Official Duties During Suspension. [Rev. Ord. No. 49, § 2, 10-21-1912]

If any City Officer shall, during suspension from office, attempt to perform any official duty he shall be deemed guilty of a misdemeanor.

SECTION 2-74. Laying Charges Before City Council — Investigation. [Rev. Ord. No. 49, § 3, 10-21-1912]

Whenever any officer of the City shall have been suspended the Mayor, or any member of the City Council, may lay the charges before the Council at its first meeting thereafter, and the Council shall, without unnecessary delay proceed to investigate such charges upon a date to be fixed by the Council.

SECTION 2-75. Charges may be Brought by any Member of City Council. [Rev. Ord. No. 49, § 4, 10-21-1912]

Any member of the City Council may likewise prefer charges against the Mayor or any other officer of the City, a statement of which charges shall be filed by the member of the Council making the same, in the office of the City Clerk, and a copy thereof shall be made by the City Clerk and served by the Chief of Police upon the officer charged as provided in this Division and said charges shall be laid before the Council by the City Clerk at its next meeting and shall be proceeded with as provided in Section 2-74.

SECTION 2-76. Notice of Hearing — Service. [Rev. Ord. No. 49, § 5, 10-21-1912]

Before proceeding with the hearing on the suspension of an officer of the City, the City Council shall first cause a notice to be prepared by the City Clerk and served by the Chief of Police or Deputy Chief of Police, upon the accused, at least five (5) days before the time fixed for the hearing, notifying him to appear and answer such charges, and specifying the time and place of the hearing. The notice may be served in the same manner as an ordinary summons in a civil action as provided by the laws of the State; however, if, for any reason such notice cannot be served within the City, it may be served by posting three (3) copies thereof in as many public places in said City.

SECTION 2-77. Power of City Council to Compel Attendance of Witnesses and Production of Papers — Oaths of Witnesses May Be Administered. [Rev. Ord. No. 49, § 10, 10-21-1912]

The City Council shall have the power to compel the attendance of witnesses, and the production of papers relating to any subject under consideration, in which the interest of the City is involved, and shall have a right to issue an attachment, and call on the proper officer of the City or the Sheriff or any constable in the County to execute such process. The President of the Council shall have the power to administer oaths to witnesses in all proceedings before the Council under this Division.

SECTION 2-78. Witness Subpoenas. [Rev. Ord. No. 49, § 9, 10-21-1912]

Subpoenas for witnesses to testify on any trial may be issued by the Mayor, or any person acting as such, and shall be served and returned by any proper officer of the City, or of the County, in the same manner as if issued by the Municipal Judge.

SECTION 2-79. Depositions of Witnesses. [Rev. Ord. No. 49, § 11, 10-21-1912]

Depositions of witnesses beyond the jurisdiction of the City Council, or prevented by sickness or other sufficient cause from attendance, may be read on the trial and investigation, if taken in conformity to the laws of this State. The notice of the taking thereof, when taken on behalf of the accused, shall be served on the City Attorney.

SECTION 2-80. Right of Accused to be Heard; Representation by Counsel. [Rev. Ord. No. 49, § 12, 10-21-1912]

Upon any hearing held pursuant to this Division, the accused shall be entitled to be heard by himself and have his counsel in his defense, and the City Attorney, or person acting as such, shall attend the trial and prosecute on behalf of the City.

SECTION 2-81. Decision of City Council on Hearing; Removal of Accused From Office. [Rev. Ord. No. 49, § 7, 10-21-1912]

As soon as all the evidence has been taken and the case submitted, the City Council shall vote upon the charges and specifications. If the council by a majority vote of all the members elected find the accused guilty of the charges, he may by resolution be removed from office. If the council by a two-thirds (2/3) vote of all its members adopt such a resolution, the office shall thereupon be declared vacant; however, if the charges preferred be that the accused is or has been directly or indirectly interested in any contract under the City or in any work done by the City, or any of its institutions, the accused shall be dismissed from office, and his office shall become vacant if the City Council by a majority of all the members find the accused guilty.

SECTION 2-82. President Pro Tem of City Council to Preside Over Charges Brought Against Mayor. [Rev. Ord. No. 49, § 7, 10-21-1912]

During the hearing on charges against the Mayor under this Division, the President Pro Tem of the City Council shall preside.

SECTION 2-83. Conduct of Hearing. [Rev. Ord. No. 49, § 6, 10-21-1912]

At the time set for the hearing held pursuant to this Division, the City Council shall meet and proceed according to such rules as it may adopt, to hear the evidence against and in favor of the accused, and may adjourn from time to time, if necessary, until all the evidence is heard.

SECTION 2-84. Proceedings of City Council to be Entered on Journal. [Rev. Ord. No. 49, § 8, 10-21-1912]

The proceedings of the City Council in all such cases heard pursuant to this Division shall be entered at large upon the journal of the proceedings of the Council.

SECTION 2-85. Employees at Will.

All appointive employees of the City are declared to be at will employees and may be terminated by the City Council at its discretion.

SECTION 2-86. through SECTION 2-90. (Reserved)

Division 3
(Repealed)

[Repealed by Ord. No. 93-18, 12-28-1993]

SECTION 2-91. (Repealed) [Repealed by Ord. No. 93-17, 9-28-1993]

SECTION 2-92. through SECTION 2-99. (Reserved)

Division 4
The Mayor ¹⁰

SECTION 2-100. Qualifications. [Rev. Ord. No. 16, § 2, 10-21-1912]

No person shall be elected to the office of Mayor who is not at least thirty (30) years of age, a citizen of the United States, a qualified voter of the City and a resident thereof for two (2) years next preceding his election; nor shall any person be elected to said office who shall at the time of his election be in arrears for any tax lien, any City fees, forfeiture or defalcation in office.

SECTION 2-101. Oath of Office. [Rev. Ord. No. 16, § 3, 10-21-1912]

Before entering upon the duties of his office, the Mayor shall take and subscribe an oath or affirmation before the City Clerk or the Municipal Judge, that he possesses all the qualifications prescribed for his office by law; that he will support the Constitution of the United States and of the State; the provisions of all the laws of this State affecting Cities of the Third Class and the ordinances of the City; and faithfully demean himself in office, which official oath or affirmation shall be filed with the City Clerk.

SECTION 2-102. President of City Council; Not to Have Voting Power. [RSMo. 77.250]

The Mayor shall preside over the City Council, but shall not have the power to vote, unless there is a tie vote in which case the Mayor shall cast the deciding vote. If the Mayor fails to vote, the measure shall fail.

SECTION 2-103. Superintending Control of Officers and Affairs of City. [Rev. Ord. No. 16, § 4, 10-21-1912]

The Mayor shall have the superintending control of all the officers and affairs of the City.

SECTION 2-104. Duty to Enforce Laws and Ordinances. [Rev. Ord. No. 16, § 7, 10-21-1912]

The Mayor shall be active and vigilant in enforcing all laws and ordinances of the City.

SECTION 2-105. Duty to Sign Commissions and Warrants. [Rev. Ord. No. 16, § 5, 10-21-1912]

The Mayor shall sign the commissions and appointments of all the elected and appointed officers of the City.

SECTION 2-106. Duty to Approve Official Bonds; Examine Security on Bonds; Removal of Officer From Office for Insufficient Bond. [Rev. Ord. No. 16, § 12, 10-21-1912]

It shall be the duty of the Mayor to carefully examine the official bonds of all officers submitted to him for approval, and when satisfied that the security in any bond is sufficient, and that the bond is properly and legally executed, he shall endorse his approval thereon in writing. He shall

10. Cross References — Veto power of mayor, § 2-20; Duty of mayor to act on bills, § 2-21; Election of mayor, § 2-42; When mayor may administer oaths and affirmations, § 2-62; Power of mayor to suspend city officers, § 2-71.

from time to time inquire into and examine the securities on any bond, and if he has reason to believe that the securities on the bond of any officer have become impaired, he shall notify such officer to give additional security without delay; and thereupon if such officer shall neglect or refuse to give such additional security for the period of ten (10) days after such notice shall have been served upon him, in writing, he may, with the advice of the City Council, remove such officer from his office.

SECTION 2-107. Duty to Sign Licenses and Warrants and See that They are Properly Sealed and Recorded. [Rev. Ord. No. 16, § 5, 10-21-1912]

The Mayor shall sign all licenses issued by the City and warrants drawn upon the City Treasury for money and cause the City Clerk to attest the same and affix thereto the Seal of the City and to keep a proper record thereof in books to be provided for that purpose.

SECTION 2-108. Power to Remit Fines and Forfeitures and Grant Reprieves and Pardons. [Rev. Ord. No. 16, § 6, 10-21-1912]

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

SECTION 2-109. Power to Call Upon Male Inhabitants of City During Disturbances. ¹¹ [Rev. Ord. No. 16, § 6, 10-21-1912]

Whenever the Police Force of the City shall be insufficient for the suppression of any mob, insurrection, affray or other disturbance of the peace, the Mayor shall have the power to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) years of age to aid in the suppression of such mob, insurrection, affray or other disturbance, and to enforce the laws and ordinances of the City.

SECTION 2-110. Power to Issue Orders to Marshal and Policemen of City. [Rev. Ord. No. 16, § 8, 10-21-1912]

The Mayor shall have the authority to give such reasonable and lawful orders to the Marshal and Policemen of this City as in his judgement the public good may require, and it shall be the duty of the Marshal and police to obey such orders.

SECTION 2-111. Appointment Power. [Rev. Ord. No. 16, § 8, 10-21-1912]

The Mayor, with the consent and approval of the City Council shall have the power to appoint all non-elected officers of the City.

SECTION 2-112. Manner of Making Appointments. [Rev. Ord. No. 16, § 12, 10-21-1912]

All appointments by the Mayor shall be submitted to the City Council in writing, and when approved by the Council, the certificate of the City Clerk on any appointment so made shall be

11. Cross Reference — Civil defense generally, § 8-1 et seq.

conclusive as to the ratification thereof by the Council.

SECTION 2-113. Power to Require City Officers to Exhibit Accounts and Records. [Rev. Ord. No. 16, § 9, 10-21-1912]

The Mayor is hereby authorized to require, as often as he may deem it necessary, any officer of the City to exhibit his accounts, records or other papers.

SECTION 2-114. Reports to City Council. [Rev. Ord. No. 16, § 10, 10-21-1912]

On or before July first (1st) of each year the Mayor shall report to the City Council the actual financial condition of the City, and his estimate of the necessary appropriations, the amount thereof, required for the current year, and the estimated receipts from all sources for said year. He shall, from time to time, communicate to the Council such measures as in his opinion may tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City.

SECTION 2-115. Filling Vacancies in Office of Mayor; Temporary Absence of Mayor. ¹² [Rev. Ord. No. 16, § 15, 10-21-1912]

When any vacancy shall occur in the office of Mayor, by death, resignation, removal from the City, removal from office, refusal to qualify or otherwise, the President Pro Tem of the City Council shall, for the time being, perform the duties of the Mayor until such vacancy is filled. In case of the temporary absence of the Mayor or disability to perform the duties of his office, the President Pro Tem of the Council shall perform the duties of the Mayor until the Mayor shall return or such disability is removed. During the time that the President Pro Tem of the Council shall act as Mayor, he shall receive the same compensation that the Mayor would be entitled to. In case of vacancy other than temporary absence or disability, the person exercising the office of Mayor shall cause a new election to be held, giving ten (10) days' notice thereof by proclamation published in some newspaper published in this City; however, when a vacancy occurs within six (6) months of the general municipal election, no election shall be called to fill such vacancy.

SECTION 2-116. through SECTION 2-121. (Reserved)

Division 5
The City Clerk ¹³

SECTION 2-122. Office Created. [Rev. Ord. No. 14, § 1, 10-21-1912]

The office of the City Clerk is hereby created.

SECTION 2-123. Appointment. [Rev. Ord. No. 14, § 2, 10-21-1912]

It shall be the duty of the Mayor with the consent and approval of the City Council, every two (2)

12. State Law Reference — Filling vacancies, RSMo. § 77.240

13. Cross References — City clerk to be keeper of the city seal, § 2-2; When the city clerk may issue oaths and affirmations, § 2-62; Performance of duties in city clerk's office while employees on vacation, § 2-93. State Law Reference — City clerk generally, RSMo § 77.410.

years, at the first regular meeting thereof held after each general election for the election of City Officers, to appoint some suitable and competent person to the office of the City Clerk.

SECTION 2-124. Term of Office. [Rev. Ord. No. 14 § 3, 10-21-1912]

The City Clerk shall hold his office for two (2) years from the date of his appointment and until his successor is appointed and qualified.

SECTION 2-125. Qualifications. [Rev. Ord. No. 14 § 3, 10-21-1912]

The person elected to the office of the City Clerk shall be a competent accountant and a qualified voter of the City.

SECTION 2-126. Oath of Office. [Rev. Ord. No. 14, § 3, 10-21-1912]

Before entering upon the duties of his office, the City Clerk shall take and subscribe an oath or affirmation before the Mayor or the Municipal Judge, that he possesses all the qualifications prescribed for his office by law; that he will support the Constitution of the United States and of the State; the provisions of all laws of this State affecting Cities of the Third Class and the ordinances of the City; and that he will faithfully demand himself in office.

SECTION 2-127. Bond Required. [Rev. Ord. No. 14, § 3, 10-21-1912]

Within fifteen (15) days after his appointment, and before entering upon the discharge of the duties of his office, the City Clerk shall execute to the City a bond in the sum of one thousand dollars (\$1,000.00) with good and sufficient sureties, conditioned that he will faithfully discharge all the duties of his office as required by the laws of the State governing Cities of the Third Class and the ordinances of the City and that he will promptly pay over all monies coming into his possession that belong to the City, at the time and in the manner provided by law. Said bond with the Mayor's approval endorsed thereon, shall be filed in the office of the City Treasurer, who shall preserve and safely keep the same.

SECTION 2-128. Duties in Regard to Finances of City. [Rev. Ord. No. 14, § 5, 10-21-1912]

The City Clerk shall be the general accountant of the City and the keeper of all public account books, accounts, vouchers, documents, bonds and coupons paid or redeemed, and all papers relating to accounts and contracts of the City, and its revenue, debt and fiscal affairs, not required by law or ordinance to be placed in some other office or kept by some other person. He shall keep in a set of books provided for that purpose accurate accounts between the City and all officers charged with the collection, custody or disbursement of public money, and shall enter thereupon all receipts and payments, from what sources derived and on what account paid. He shall keep a complete record of all branches of the City revenue, opening an account with every appropriation or fund which by law or ordinance, is made a separate fund, crediting the same with all monies paid into the City Treasury on account thereof, and charging said appropriation or fund with all warrants drawn thereon. He shall keep a register of all warrants drawn upon the City Treasurer, specifying the number, date, to whom payable, on what fund or appropriation drawn, and the amount of each warrant. He shall keep a record of all bonds and obligations of the City, date of issue, for what purpose issued, rate of interest, time when principal and interest

become due, amount of principal, to whom payable and the registered number of each bond and coupon. He shall draw all warrants upon the City Treasurer, and shall express in the body of every warrant, which he may draw upon the City Treasurer, the particular fund out of which the same is to be paid.

SECTION 2-129. Duty to Give Information to Mayor and City Council Relating to Fiscal Affairs and Duties of Office. [Rev. Ord. No. 14, § 5, 10-21-1912]

The City Clerk shall give information in writing to the Mayor and City Council, whenever required, upon any subject relating to the fiscal affairs of the City, or touching and duties of his office.

SECTION 2-130. Custody of Public Records. ¹⁴ [Rev. Ord. No. 14, § 5, 10-21-1912]

The City Clerk shall have the custody of the public records, the original rolls of ordinances and resolutions of the City Council, and such other records, documents and papers of a public nature as may be delivered into his custody. He shall affix the common Seal of the City to all public instruments and official acts of the Mayor which by law or ordinance, are required to be so attested, and countersign the same, and affix the common Seal to and certify and record, document, copies or papers or ordinances that may be required for evidence in any court of this State or of the United States by any individual, or that may be required for the use of any officers of the City, and shall furnish to the City Attorney, any record or document in his office necessary to be used in any proceeding in court to which the City is a party.

SECTION 2-131. Duty to Attend City Council Meetings and Keep Journal of Proceedings. [Rev. Ord. No. 14 § 5, 10-21-1912]

The City Clerk shall attend all meetings of the City Council and keep a correct journal of its proceedings.

SECTION 2-132. Duty to Prepare Official Documents and Seal and Countersign the Same. [Rev. Ord. No. 14, § 5, 10-21-1912]

The City Clerk shall prepare all certificates of elections, commissions, appointments and other official documents required by ordinance to be issued or which the Mayor in the discharge of his duty is required to issue, and shall countersign and affix the common Seal thereto.

SECTION 2-133. Record Keeping Duties. [Rev. Ord. No. 14, § 5, 10-21-1912]

The City Clerk shall keep a record of all certificates of election, commissions, appointments and documents. He shall record the official bonds of all City Officers and the bonds of all persons executed to the City and placed in his custody. He shall record all City ordinances passed except such as are published in any revision, and he shall neatly label and file for safekeeping the original rolls of all ordinances and resolutions of the City Council, and such other vouchers, papers, records and documents as may be delivered into his custody. He shall properly index all records of ordinances, resolutions and other documents required by any law or ordinance to be

14. Cross Reference — As to open meetings and records (sunshine law), § 2-6.

recorded in his office.

SECTION 2-134. Duty to Prepare Blank Licenses — Issuance of Licenses; Accounting for License Taxes and Fees. [Rev. Ord. No. 14, § 5, 10-21-1912]

The City Clerk shall prepare blank licenses for all purposes for which licenses are required to be issued, and when required shall cause the same to be issued, signing his name and affixing the Seal of the City thereto, and shall keep an account with the collector for such licenses and the amount of license tax thereon.

SECTION 2-135. To Carry Out Duties Carefully and Promptly. [Rev. Ord. No. 14, § 5, 10-21-1912]

The City Clerk shall carefully and promptly execute every official duty that may be required of him by virtue of State law, this Division or other ordinances of the City.

SECTION 2-136. Vacancy in Office. [Rev. Ord. No. 14, § 11, 10-21-1912]

If, in case of death, resignation, absence from the City, or for any cause, a vacancy shall occur in the office of the City Clerk, the Mayor with the consent and approval of the City Council shall fill such vacancy by appointment, and for that purpose it shall be the duty of the Mayor to convene the Council in special session.

SECTION 2-137. Deputy City Clerk.

The Mayor, with the consent and approval of the City Council may appoint a Deputy City Clerk, who shall perform such duties as may be designated by the Council and the City Clerk.

SECTION 2-138. Appointment of Temporary Clerk. [Rev. Ord. No. 14, § 12, 10-21-1912]

Whenever the City Clerk is unable to perform the duties of his office, the City Council may, by resolution, appoint a temporary Clerk, who shall have all the powers and perform all the duties of the regular Clerk, and shall receive the same salary for the time he so acts, but in no event shall both the regular Clerk and temporary Clerk receive pay at the same time, nor shall the regular Clerk receive any pay for the time he fails to perform the duties of his office as herein provided.

SECTION 2-139. Removal of Papers from City Clerk's Office. [Rev. Ord. No. 6, § 24, 10-21-1912]

No member of the City Council or other person shall take any paper or document from the City Clerk's office without permission, and all papers and documents withdrawn therefrom with permission shall be returned by the person withdrawing the same uninjured and undefaced. All papers and documents delivered to any committee or officer by the City Clerk, for the purpose of reporting thereon, shall be returned by the committee or officer at the time of making the report.

SECTION 2-140. through SECTION 2-144. (Reserved)

The City Treasurer 15

SECTION 2-145. Appointment — Term of Office. [Ord. No. 93-38 § I(2-146), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

- A. The City Treasurer shall be appointed by the Mayor with the consent and approval of a majority of the members of the City Council in the form and manner prescribed under Section 77.370, RSMo.
- B. The term of office for any individual appointed to fill the aforesaid position within the City of Lexington shall be two (2) years.

SECTION 2-146. Qualifications. [Ord. No. 93-38 § I(2-147), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

No person shall be eligible for City Treasurer who is not at least twenty-one (21) years of age, citizen of the United States, a qualified voter of the City of Lexington and an inhabitant thereof for at least one (1) year next preceding the appointment. No person shall be appointed to the office of City Treasurer who shall at the time be in arrears for any unpaid City taxes, City fees, forfeiture or defalcation in office. The appointee shall have a comprehensive knowledge of generally accepted accounting principles and financial management skills.

SECTION 2-147. Oath of Office. [Ord. No. 93-38 § I(2-148), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

Before entering upon the discharge of the City Treasurer's duties, the appointee shall take and subscribe an oath or affirmation before the City Clerk or the Municipal Judge, that he possesses all the qualifications prescribed for that office by law; that he will support the Constitution of the United States and the States of Missouri; the provision of the laws of the State affecting Cities of the Third Class and the ordinances of the City, and faithfully demean himself in office.

SECTION 2-148. Bond Required. [Ord. No. 93-38 § I(2-149), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

Within fifteen (15) days after the appointment and before entering upon the discharge of the duties of City Treasurer, the appointee shall execute a bond in the sum of fifty thousand dollars (\$50,000.00) with good and sufficient sureties and said bond shall be filed and recorded in the office of the City Clerk.

SECTION 2-149. Failure to Give Bond. [Ord. No. 93-38 § I(2-150), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

If any person appointed to the office of City Treasurer shall neglect or refuse to give bond as required by this Division, and within the time specified, the City Treasurer's office shall be deemed vacant immediately upon such neglect or refusal.

SECTION 2-150. Compensation. [Ord. No. 93-38 § I(2-151), 2-22-1994; Ord. No. 2003-17 § 1,

15. Cross References — Endorsement of treasurer required on bills appropriating money, § 2-26; § 2-42; Fiscal affairs generally, § 2-273 et seq.

6-10-2003]

The City Treasurer of the City of Lexington shall receive as compensation for services such sum as may be fixed by ordinance.

SECTION 2-151. Duties Generally. [Ord. No. 93-33 § I(2-152), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

- A. The City Treasurer shall perform all duties specified in the Code and such other duties as may be directed by the Mayor or City Administrator. Additionally, the City Treasurer shall:
1. Submit a written statement to the City Council at its first (1st) regular monthly meeting, said statement shall detail the activity of the Treasury for the preceding month to include receipts, disbursements of all accounts and the balance remaining to the credit of each fund, certificate of deposit balances and the general balance in the Treasury at the close of the last business day of the preceding month.
 2. Report to the City Council at its first (1st) regular meeting of the months of October and April each year the amount of receipts and disbursements of the Treasury during the preceding six (6) months and said report shall include the balance remaining to the credit of each fund and the general balance in the Treasury as of said reporting date, the amount outstanding on all loans and leases, the balance of the certificate of deposits, the outstanding balance on all bond issues.
 3. Prepare necessary quarterly tax reports for the Federal authorities.
 4. Sign all payroll checks and sign checks drawn on all other funds of the Treasury. Mail checks drawn on all funds of the Treasury.

SECTION 2-152. Mingling Funds. [Ord. No. 93-38 § I(2-153), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

The City Treasurer is hereby expressly prohibited from using, either directly or indirectly, for his own benefit or that of any other person, any money, warrants or other obligations of the City in his custody and keeping. Any violation of this Section shall be deemed a misdemeanor and in addition thereto shall subject him to removal from office.

SECTION 2-153. Access to Books of City Clerk and Other Offices — City Clerk to Have Access to City Treasurer's Books. [Ord. No. 93-38 § I(2-154), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

The City Treasurer and City Clerk shall have access to each other's books, accounts and papers which they respectively contain and as they concern their duties.

SECTION 2-154. Vacancy in Office. [Ord. No. 93-38 § I(2-155), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

Whenever by reason of death, resignation or for other cause, a vacancy shall occur in the office of the City Treasurer, the Mayor shall appoint a person to fill said vacancy with the consent and approval of the City Council.

SECTION 2-155. Treasurer's Temporary Absence. [Ord. No. 93-38 § I(2-156), 2-22-1994; Ord. No. 2003-17 § 1, 6-10-2003]

In case of temporary absences of the City Treasurer or disability to perform the duties of his office, the City Clerk shall perform the duties of the Treasurer until the Treasurer shall return or until said disability is removed.

SECTION 2-156. through SECTION 2-166. (Reserved)

Division 7
The City Assessor ¹⁶

SECTION 2-167. (Repealed) [Repealed by Ord. No. 93-07, 6-22-1993]

SECTION 2-168. (Repealed) [Repealed by Ord. No. 93-07, 6-22-1993.]

SECTION 2-169. (Repealed) [Repealed by Ord. No. 93-07, 6-22-1993]

SECTION 2-170. through SECTION 2-174. (Reserved)

Division 8
The City Collector ¹⁷

SECTION 2-175. Appointment — Term of Office. [Ord. No. 93-40 § I(2-176), 2-22-1994]

- A. The City Collector shall be appointed by the Mayor with the consent and approval of a majority of the members of the City Council in the form and manner prescribed under Section 77.370, RSMo.
- B. The term of office for any and all individuals appointed to fill the aforesaid position within the City of Lexington shall be two (2) years.

SECTION 2-176. Qualifications. [Ord. No. 93-40 § I(2-177), 2-22-1994]

No person shall be eligible for City Collector who is not at least twenty-one (21) years of age, a citizen of the United States, a qualified voter of the City of Lexington and an inhabitant thereof for at least one (1) year next preceding the appointment. No person shall be appointed to the office of City Collector who shall at the time be in arrears for any unpaid City taxes, City fees, forfeiture or defalcation in office. The appointee shall have a comprehensive knowledge of generally accepted accounting principals and financial management skills.

SECTION 2-177. Oath of Office. [Ord. No. 93-40 § I(2-178), 2-22-1994]

Before entering upon the discharge of the City Collector's duties, the appointee shall take and subscribe an oath or affirmation before the City Clerk or the Municipal Judge, that he possesses

16. Cross Reference — The office of assessor was removed by ord. no. 93-07 enacted June 22, 1993.

17. Cross Reference — Performance of duties in city collector's office while employees on vacation, § 2-93; Fiscal affairs generally, § 2-273 et seq.

all the qualifications prescribed for that office by law; that he will support the Constitution of the United States and the State of Missouri; the provisions of all laws of this State affecting Cities of the Third Class, the ordinances of the City; and faithfully demean himself in office.

SECTION 2-178. Bond Required. [Ord. No. 93-40 § I(2-179), 2-22-1994]

Within fifteen (15) days after the appointment and before entering upon the discharge of the duties of City Collector, the appointee shall execute to the City of Lexington, a bond in the sum of one hundred thousand dollars (\$100,000.00), with good and sufficient sureties, and said bond shall be approved by the Mayor and filed and recorded in the office of the City Clerk. Said bond shall be conditioned that the City Collector will faithfully and punctually pay over all City revenue at the time, and in the manner, provided by the laws and ordinances governing the City Collector.

SECTION 2-179. Failure to Give Bond. [Ord. No. 93-40 § I(2-180), 2-22-1994]

If any person appointed to the office of City Collector shall neglect or refuse to give bond as required by this Division, and within the time specified, the City Collector's office shall be deemed vacant immediately upon such neglect or refusal.

SECTION 2-180. Compensation. [Ord. No. 93-40 § I(2-181), 2-22-1994]

The City Collector shall receive as compensation for services, such sum as may from time to time be fixed by ordinance.

SECTION 2-181. Duties Generally. [Ord. No. 93-40 § I(2-182), 2-22-1994]

The City Collector shall perform all the duties specified in the Code and such other duties as may be directed by the Mayor or City Administrator. Additionally, the City Collector shall:

1. Verify collections, receive, prepare and make a daily deposit to Treasurer's bank account.
2. Promptly pay over to the Treasurer, weekly, or as deemed necessary by Treasurer, all monies collected by him or received by him from all sources which may be levied by law or ordinance to be collected.
3. Have primary responsibility to serve customers at cashier window.
4. Maintain records of deposits to Treasurer's bank account.
5. Maintain records of, but not limited to real estate tax, personal property tax, merchants tax, cigarette tax, occupation license, intangible tax, excess fees, railroad and utilities tax, ad valorem tax, franchise tax, sewer use charge, utility use or service charges, ambulance billings and collections and any other accounts which may be specifically allowed by ordinance.
6. Maintain files of collection reports and deposit slips. He shall submit a written report to the City Clerk by the third (3rd) business day of each and every month, reflecting all collections made during the preceding calendar month. This report shall be submitted for approval to the City Council at the first (1st) regularly scheduled meeting of the month.

7. Review the property tax bills prepared by the County and handle transmittals of all City tax bills furnished by the City Clerk in accordance with the City Tax rates established by the City Council each year.
8. Prepare and mail delinquent property tax notices semi-annually.
9. Review and submit a list of delinquent real estate property tax accounts for filing with the County no later than August first (1st).
10. At least ten (10) days before the first (1st) meeting of the City Council in April of each year, post a copy of the personal delinquent list, at the building occupied as City Hall, and also publish a legal notice in the local newspaper.
11. Develop plans and processes to improve efficiency and effectiveness of the office of Collector.
12. Perform those duties prescribed in Chapter 25 of the Municipal Code of Lexington, Missouri.

SECTION 2-182. Surrender of Delinquent Lists, Etc., Upon Departure of Office. [Ord. No. 93-40 § I(2-183), 2-22-1994]

Upon final departure of office, the City Collector shall return to the City Clerk, all delinquent lists and a list of all judgments and decrees rendered on tax bills upon which suit has been brought and which remain unpaid, and the amount thereof, to the end that final settlement may be made and such list may be delivered to the successor, and so on until the whole such list shall have been collected or otherwise disposed of.

SECTION 2-183. Conduct of Office. [Ord. No. 93-40 § I(2-184), 2-22-1994]

The City Collector shall devote full time and attention to the duties and responsibilities of said office, performing such services during normal working hours for each week day, exclusive of Saturdays, Sundays and legal holidays, subject to exceptions resulting from illness and incapacity, and to such other exceptions as may be approved by the Mayor or City Administrator.

SECTION 2-184. Vacancy in Office. [Ord. No. 93-40 § I(2-185), 2-22-1994]

Whenever by reason of death, resignation or for other cause, a vacancy shall occur in the office of the City Collector, the Mayor shall appoint a person to fill such vacancy with the consent and approval of the Council.

SECTION 2-185. through SECTION 2-192. (Reserved)

Division 9
The City Attorney 18

SECTION 2-193. Appointment — Term of Office. [Ord. No. 92-20 §§ 2-3, 7-13-1992]

18. Editors note — Ord. No. 92-20 converted the elective office of city attorney to an appointed office as set out below.

- A. The City Attorney shall be appointed by the Mayor with the consent and approval of a majority of the members of the City Council in the form and manner prescribed under Section 77.370, RSMo. The City Attorney may also be appointed to act as the City Prosecutor with duties as provided in Section 2-198.
- B. The term of office for any and all individuals appointed to fill the aforesaid position within the City of Lexington shall be two (2) years.

SECTION 2-194. Qualifications. [Rev. Ord. No. 2, § 2, 10-21-1912; Ord. No. 92-20 § 4, 7-13-1992]

The City Attorney shall be a person licensed to practice law in Missouri and shall represent the City of Lexington in all matters of general litigation and counsel as provided under Section 2-196, et seq.

SECTION 2-195. Oath of Office. [Rev. Ord. No. 2, § 3, 10-21-1912]

Before entering upon the discharge of his duties, the City Attorney shall take and subscribe an oath or affirmation before the City Clerk or the Municipal Judge, that he possesses all the qualifications prescribed for his office by law; that he will support the Constitution of the United States and of the State; the provisions of all laws of the State affecting Cities of the Third Class and the ordinances of the City; and faithfully demean himself in office, which official oath or affirmation shall be filed with the City Clerk.

SECTION 2-196. Attendance at City Council Meetings. [Rev. Ord. No. 2, § 4, 10-21-1912; Ord. No. 2001-30 § 1, 6-12-2001]

At the discretion of the Mayor or the President of the Council, the City Attorney shall attend City Council meetings.

SECTION 2-197. General Duties. [Rev. Ord. No. 2, § 4, 10-21-1912]

The City Attorney shall represent the City in all matters of law, investigate all claims against the City, draw all contracts relating to the business of the City, and see that the bonds of all City Officers are in legal form and properly executed.

SECTION 2-198. Duties in Regard to Litigation. [Ord. No. 4-84, § 2, 4-10-1984; Ord. No. 92-20 § 4, 7-13-1992]

- A. The City Attorney when acting as City Prosecutor shall participate and represent the City in the prosecution of any municipal ordinance violations under the municipal codes of the City of Lexington, and to that end, he shall attend the Municipal Division of the Circuit Court of Lafayette County, Missouri, on a regular basis monthly, or as set by the Judge of said Court, and shall prosecute all complaints, suits or proceedings that may be brought by the City therein or in which the City is interested.
- B. The City Attorney shall prosecute or defend, as the case may require, all civil suits in which the City is interested.
- C. The City Attorney shall attend to and prosecute on behalf of the City all suits instituted for the collection of delinquent taxes and all suits or proceedings brought to enforce payment

of any other tax, license fee or revenue whatsoever due the City.

- D. In all cases, except as may be otherwise ordered by the Mayor and City Council, the City Attorney shall prosecute appeals in suits in which the City is concerned.

SECTION 2-199. Duty to Render Opinion to City Officers. [Ord. No. 4-84, § 3, 4-10-1984]

The City Attorney shall give his opinion to any officer(s) of the City respecting their duties or respecting questions of law in which the City is interested; and such opinion shall be in writing when so demanded, either by the City Council or by such City official with the approval of the City Council.

SECTION 2-200. Duties in Regard to Condemnation of Private Property for Public Use. [Rev. Ord. No. 2, § 6, 10-21-1912]

In all proceedings for the condemnation of private property for public use, it shall be the duty of the City Attorney to exercise a supervision over the same, prepare all legal papers connected therewith, and see that all notices, returns of service thereon, verdicts of juries and all other proceedings are in proper form, and in accordance with the laws of the State governing Cities of the Third Class and the ordinance of the City.

SECTION 2-201. Report on Pending Suits. [Ord. No. 4-84, § 4, 4-10-1984]

The City Attorney shall report to the City Council the condition of any and all suits or matters pending in litigation in any court, at each meeting of the Council while said suit or litigation is so pending.

SECTION 2-202. When City Attorney is Unable to Represent City in any Specific Matter. [Ord. No. 4-84, § 5, 4-10-1984]

If the City Attorney shall be interested in, or a party to, any suit or proceeding against the City, or shall have been employed as counsel in any case against the City, in which it shall be his duty to prosecute or defend, or shall have any conflict of interest as set out in the disciplinary rules and ethical consideration of the Missouri Bar Association, or as determined by the Missouri Bar Advisory Committee, he shall inform the Mayor and City Council thereof, who shall appoint some competent attorney, as special City Attorney, to represent the City in such suit or proceeding.

Such special City Attorney shall meet the same qualifications as the duly elected or appointed City Attorney and his commission shall specify the matter upon which he is appointed and the duration of his commission.

SECTION 2-203. Temporary Absence or Disability. [Ord. No. 4-84, § 6, 4-10-1984]

In case of sickness, absence from the City, or other temporary inability of the City Attorney to discharge the duties of his office he may, with the approbation of the Mayor, appoint some competent attorney to act in his stead during such sickness, absence from the City, or other inability of the City Attorney.

If such appointment is not made as aforesaid, then it shall be the duty of the Judge of the

Municipal Division of the Circuit Court to appoint some competent attorney to represent the City in all cases before such Municipal Division, pending such temporary inability of the City Attorney to perform the duties of his office and the person so appointed shall possess the same power and receive the same fees as the proper officer would if he were present. Such person shall meet the regular qualification of the City Attorney and his commission shall specify the matters and duration of his commission.

SECTION 2-204. Employment of Additional Counsel. [Ord. No. 4-84, § 7, 4-10-1984]

Upon the recommendation of the City Attorney, or whenever in the judgment of the City Council the same may be necessary, the City Council may, by resolution employ additional counsel to assist the City Attorney in the prosecution or defense of any suit or action at law or in equity, brought by or against the City; and the counsel so employed shall be entitled to receive a reasonable fee for his or their services; however, nothing in his Section shall be so construed as to authorize the employment of additional counsel in prosecutions begun before the Municipal Judge.

SECTION 2-205. Vacancy in Office. [Rev. Ord. No. 2, § 11, 10-21-1912; Ord. No. 92-20 § 1, 7-13-1992]

Whenever, from any cause, the office of City Attorney shall become vacant, the Mayor, or the person exercising the office of Mayor, shall appoint a person to fill the vacancy with the approval and consent of a majority of the Council.

SECTION 2-206. Persons not Employed by City not to Receive Legal Fees. [Rev. Ord. No. 2, § 12, 10-21-1912]

No person, not engaged by the City, shall receive any fee or other compensation from the City for any legal services rendered by him in any suit to which the City is a party.

SECTION 2-207. Compensation and Reimbursement. [Ord. No. 4-84, § 8, 4-10-1984]

The City Attorney shall be compensated in the amount, method and manner as set and established by the City Council. Further, said attorney shall be reimbursed for any out of pocket expenses in the performance of his duties.

SECTION 2-208. Assistant City Attorney or Prosecutor. [Ord. No. 88-5, 4-12-1988; Ord. No. 92-20 § 4, 7-13-1992]

The Assistant City Attorney or Assistant City Prosecutor of the City shall be appointed in the same manner as the City Attorney as set out in Section 2-193. The qualifications for said office shall be the same as set out in Section 2-194. The compensation for said office shall be the same as set out in Section 2-207.

Division 10
Building Inspector/Code Enforcement Officer

SECTION 2-209. Duties. [Ord. No. 2012-37 § 1, 12-11-2012]

The Building Inspector/Code Enforcement Officer is hereby authorized to enforce or assist in the enforcement of, and issue citations for violations of, Chapter 6, 13, 18, 20, 23, 24, 26, 28 and 29 of the Municipal Code of the City of Lexington.

SECTION 2-210. through SECTION 2-221. (Reserved)

Division 11
The City Engineer

SECTION 2-222. Office Created. [Rev. Ord. No. 11, § 1, 10-21-1912]

The office of City Engineer is hereby created.

SECTION 2-223. When Engineer is to be Appointed. [Rev. Ord. No. 11, § 2, 10-21-1912]

Whenever the Mayor and City Council shall undertake the construction of any building, bridge, sewer, culvert or the opening, widening, grading or other improvement of any street or thoroughfare, or the laying off and improvement of any park, public square or cemetery, or other improvement requiring the services of a Civil Engineer, the Mayor, by and with the consent and approval of the Council, is hereby authorized to appoint some suitable and competent person to the office City Engineer.

SECTION 2-224. Qualifications — Term — Oath — Compensation. [Rev. Ord. No. 11, § 3, 10-21-1912]

The person appointed to the office of City Engineer shall possess a thorough and practical knowledge of surveying and civil engineering. He shall, in addition to the oath prescribed for City Officers, take an oath that he is not and will not be, during his continuance in office, be directly or indirectly interested in any contract with the City for any public work or material furnished. He shall hold his office at the pleasure of the Mayor and City Council and shall receive such compensation for his services rendered in pursuance of an ordinance or resolution authorizing his employment as the Mayor and Council deem just and reasonable.

SECTION 2-225. Bond Required. [Rev. Ord. No. 11, § 4, 10-21-1912]

Before entering upon the duties of his office, the City Engineer shall execute to the City a bond in the sum of five hundred dollars (\$500.00) with good and sufficient sureties, conditioned on the faithful performance of all the duties required or which may be required of him by the ordinances of this City, or by any resolution of the City Council. Said bond shall be approved by the Mayor and filed in the office of the City Clerk.

SECTION 2-226. General Duties. [Rev. Ord. No. 11 § 5, 10-21-1912]

It shall be the duty of the City Engineer to make all such surveys, plats, drawings, plans, specifications and estimates that may, from time to time, be required of him by ordinance or resolution of the City Council. He shall have a superintending control of the construction of any building, bridge or culvert, and or the opening, widening, grading or other improvement of any street, alley or thoroughfare. He shall make all such surveys as are necessary for the laying off or improvement of any public park, square or cemetery. He shall prepare plans, specifications and

estimates of the costs of all public or district sewers ordered by the City Council to be built, and shall have control of their construction. He shall establish the grade of any street, alley or thoroughfare whenever required. He shall keep a complete and correct record of all his surveys and official acts, in proper books kept for that purpose, and when vacating his office, such records, together with all field notes, profiles, drawings and other data relating to surveys of the City or public work, and all disbursements and other property in his possession and which belong to the City, shall be turned over to his successor in office or to the Mayor, if his successor shall not have been appointed and qualified.

SECTION 2-227. (Reserved)

Division 12
The City Administrator 19

SECTION 2-228. Establishment of Office. [Ord. No. 97-27 § 1, 9-24-1997]

There is hereby created the office of City Administrator for the City of Lexington, Missouri.

SECTION 2-229. City Administrator — Appointment. [Ord. No. 97-27 § 1, 9-24-1997; Ord. No. 2009-14 § 1, 4-28-2009]

The Administrative Support Team Group shall review applicants for the City Administrator position and recommend to the Mayor and City Council three (3) qualified applicants, in rank order, for final selection.

SECTION 2-230. Qualifications for Office. [Ord. No. 97-27 § 1, 9-24-1997; Ord. No. 2009-14 § 2, 4-28-2009]

The person appointed to the office of City Administrator shall be a U.S. citizen, at least twenty-one (21) years of age. The City Administrator shall be a graduate of an accredited university or college with emphasis in public/municipal administration, community/urban planning, public relations, finance, written and spoken communications or possess equal qualifications and experience.

SECTION 2-231. Bond. [Ord. No. 97-27 § 1, 9-24-1997; Ord. No. 2009-14 § 3, 4-28-2009]

The City Administrator, before entering upon the duties of the office, must be bonded in the amount of one hundred thousand dollars (\$100,000.00); and such bond shall insure the City of Lexington for the faithful and honest performance of the duties for the City of Lexington and for rendering a full and proper account to the City of Lexington for funds and property which come into the possession or control of the City Administrator. The cost of such bond shall be paid by the City of Lexington.

SECTION 2-232. Duties. [Ord. No. 97-27 § 1, 9-24-1997; Ord. No. 2009-14 §§ 4-17, 4-28-2009]

The duties of the City Administrator shall include but not be limited to the following:

19. Editor's Note — Ord. no. 97-27 § 1, adopted September 24, 1997 amended Ch. 2 Division 12 by setting out the provisions set out herein thereby superseding former Ch. 2 Division 12 which derived from Ord. no. 84-0-1926 §§ 1 — 4, 12-4-1984.

1. *Administrative office.* The City Administrator shall be the Chief Administrative Assistant to the Mayor, and as such shall be the administrative officer of the City government. Except as otherwise specified by ordinance or by the State of Missouri, the City Administrator shall coordinate and generally supervise the operations, administration and management of government business and employees of the City, subject to the direction and supervision of the Mayor and City Council.
2. *Set administrative policies.* The City Administrator shall prescribe and promulgate, with the assistance of the City Attorney, reasonable rules and regulations as he/she shall deem necessary or expedient for the conduct of the City's functions and business.
3. *Recordkeeping.* The City Administrator shall insure full and accurate records of all actions taken, shall safely and properly keep all records and papers entrusted to the City Administrator, all records shall be and remain the property of the City and be open to inspection by the Mayor and City Council at all times.
4. *City property.* The City Administrator shall arrange and effectuate the purchase, acquisition, sale, lease or transfer of real and personal property as directed by the Mayor and City Council in resolutions and/or ordinances duly passed according to law. Supervise the maintenance of all real and personal property of the City and records pertaining thereto. Shall maintain accurate inventories on the supplies, property, equipment and real and personal property of the City.
5. *Personnel system.* The City Administrator shall function as personnel officer of the City, present the Mayor and Council a position classification system and wage scale plan for all departments and implement the plan upon adoption. Conduct employment and/or discharge interviews/conferences; and inform the Mayor and Council on the hiring, disciplinary, suspension or firing of any City employee. The City Administrator is vested with discretionary authority in the application, interpretation and consideration of personnel matters.
6. *Coordinate departments.* The City Administrator will have the authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government after consulting with department heads.
7. *Investigate and report.* Upon written request of the Mayor or a majority of Council members, investigate, examine or inquire into the affairs and operations of the departments of City Government as reasonably necessary to report on the affairs and overall operations of the department. The City Administrator shall report in writing to the Mayor and Council within sixty (60) days his/her findings on these matters.
8. *Purchasing agent.* The City Administrator shall function as purchasing agent for the City. Supervise all purchases according to procedures established by the Mayor and City Council, prepare bid specifications for services and goods, and then present a summary of the bids to the City Council for approval. The City Administrator is authorized to approve purchases up to two thousand five hundred dollars (\$2,500.00).
9. *Budget.* The City Administrator will perform as Budget Officer for the City by preparing a five (5) year budget plan reflecting the resources and requirements of the City. Provides the Mayor and City Council documentation, analysis and supporting schedules for approval.

10. *Financial reports.* The City Administrator will furnish the Mayor and City Council a monthly report to reflect a summary of income and expenditures to date and a chart depicting actual income and expenditures. A quarterly report will be presented to depict anticipated income and expenditures.
11. *Annual reports.* The City Administrator will present to the Mayor and City Council an annual report reflecting financial status summary of accomplishments, lists of grants, unmet needs, anticipated changes/updates to the five (5) year plan and status of the City Government.
12. *City Council agenda.* The City Administrator will prepare a written agenda for each Council meeting at least four (4) days prior to the regularly scheduled Council meeting. Ensure the location is published in the local newspaper, the Internet and any other means two (2) weeks prior to the meeting date.
13. *Council meetings.* The City Administrator shall attend all regularly scheduled Council meetings and Council committee meetings.
14. *Boards and committees.* The City Administrator shall cooperate in working with the City boards and committees and assist in coordinating the activities of the various committees and boards.
15. *State and Federal-aid programs.* The City Administrator will coordinate with the Federal and State Governments in procuring financial and community improvement programs for participation by the City. Cooperate with civic organizations to further community support, economic development and industrial growth.
16. *Professional conferences.* The City Administrator may, as authorized by the Mayor and City Council, participate in professional conferences, programs and/or training pertinent to business of the City.
17. *Policy formulation.* The City Administrator shall recommend to the Mayor and Council any appropriate measures to improve the health, safety or welfare of the City.
18. *Press releases.* The City Administrator shall inform the public of the purposes and activities of City Government through available news media monthly.
19. *Miscellaneous.* The City Administrator shall perform any and all other duties as prescribed by the Mayor and City Council.

SECTION 2-233. Compensation. [Ord. No. 97-27 § 1, 9-24-1997; Ord. No. 2009-14 § 18, 4-28-2009]

The City Administrator shall be a salaried exempt employee who shall receive compensation as may be determined from time to time by the Mayor and City Council. Such compensation shall be payable biweekly. The City Administrator will receive the same fringe benefits as all other employees as established by ordinance, the personnel policy manual or as approved by City Council.

SECTION 2-234. Suspension. [Ord. No. 97-27 § 1, 9-24-1997]

The City Administrator may be suspended for cause with full pay and benefits at any time by the

Mayor with the approval of a majority of the whole City Council. The City Administrator may appeal said suspension, in writing, stating the reason for the appeal. The appeal must be within ten (10) calendar days of the effective date of the suspension and must be delivered to the City Clerk. The City Council shall review the appeal and the records of the action at the next regularly scheduled City Council meeting after receipt of the appeal. The decision of the City Council concerning suspension shall be final. The City Administrator shall be notified in writing of the decision.

SECTION 2-235. Dismissal. [Ord. No. 97-27 § 1, 9-24-1997; Ord. No. 2009-14 § 19, 4-28-2009; Ord. No. 2013-21 § 1, 6-25-2013]

The City Administrator may be terminated at any time without cause upon a three-fourths vote of the full City Council elected to serve, independently of the Mayor's approval or disapproval. The City Administrator may appeal a dismissal, in writing, to the City Council within ten (10) days of the effective date of dismissal. The appeal shall be delivered to the City Clerk who shall deliver the appeal to the City Council on or before the next regularly scheduled City Council meeting. The City Council shall review said appeal and the records of the action. The City Administrator shall be notified in writing of the decision of the City Council, and said decision concerning dismissal shall be final. The City Administrator shall receive his/her salary for two (2) calendar months unless contractually stated otherwise plus all other benefits due to the City Administrator pursuant to personnel policies enumerated in the City Code, following the final dismissal date; provided, however, that if the City Administrator shall be terminated for acts of dishonesty or acts of moral turpitude, such salary shall not be allowed.

SECTION 2-236. Interference With City Administrator. [Ord. No. 2009-14 § 20, 4-28-2009]

The Mayor or City Council member will not interfere with the conduct of any department or duties of employees subordinate to the City Administrator.

SECTION 2-237. through SECTION 2-238. (Reserved)

ARTICLE V
The City Council ²⁰

Division 1
Generally

SECTION 2-239. Manner of Representation. [Ord. No. 72-4, § 6, 3-7-1972]

Each of the wards of the City shall be entitled to two (2) representatives in the City Council.

SECTION 2-240. Qualifications. [Rev. Ord. No. 6, § 2, 10-21-1912; Ord. No. 72-4, § 6, 3-7-1972; RSMo. 77.060]

No person shall be eligible to the office of Councilman who is not twenty-one (21) years of age, a citizen of the United States, a qualified voter and an inhabitant of the City for one (1) year, and a resident of the ward from which he is elected six (6) months preceding his election, nor shall

20. Cross References %'%entity-mdash'%% Election of councilmen, § 2-42; Mayor to be president of city council, § 2-102.

any person be elected a Councilman who is in arrears for any tax lien, any City fees, forfeiture or defalcation in office.

SECTION 2-241. Terms of Office. [Rev. Ord. No. 6, § 2, 10-21-1912]

Members of the City Council shall hold their office for two (2) years ensuing their election.

SECTION 2-242. Oath of Office. [Rev. Ord. No. 6, § 3, 10-21-1912]

Before entering upon the duties of their office, each Councilman shall take and subscribe an oath or affirmation before the City Clerk or the Municipal Judge, that he possesses all the qualifications prescribed for his office by law; that he will support the Constitution of the United States and of the State; the provisions of all laws of the State affecting Cities of the Third Class and the ordinances of the City; and faithfully demean himself in office.

SECTION 2-243. Manner of Tendering Resignations. [Rev. Ord. No. 6, § 12, 10-21-1912]

Resignations of Councilmen shall be in writing and addressed to the President of the City Council.

SECTION 2-244. Council to Publish Statement of Financial Condition of City — Contents. [Rev. Ord. No. 6, § 6, 10-21-1912]

The City Council shall, whenever required by law, publish a full and detailed statement of the condition of the City Treasury. Said statement shall show the balance in the Treasury at the beginning of each period, the receipts and disbursements during said period, and the balance in the Treasury on the day such statement is made, and if shall, in like manner, show the condition of each fund and the condition of bonded indebtedness of the City. Such statement shall be published in some newspaper of the City.

SECTION 2-245. Power to Compel Attendance of Witnesses, Production of Papers. [Rev. Ord. No. 6, § 7, 10-21-1912]

The City Council may compel the attendance of witnesses and the production of papers relating to any subject under consideration in which the interest of the City is involved, and to that end may authorize subpoenas to be issued by the City Clerk and require the City Marshal of Police or any Policemen to serve the same. The Presiding Officer of the Council is hereby authorized to administer oath or affirmation to such witnesses.

SECTION 2-246. City Marshal to be Ex Officio Sergeant-At-Arms of City Council — Duties. [Rev. Ord. No. 6, § 14, 10-21-1912]

The City Marshal shall be ex officio sergeant-at-arms of the City Council and shall attend its meetings and execute all of its orders. He shall keep the Council Chamber in order, and provide lights, fuel and other necessary articles therefor at the City's expense.

SECTION 2-247. Powers of Mayor Over City Council. [Rev. Ord. No. 6, § 17, 10-21-1912]

At the hour designated for City Council meeting the Mayor shall call the Council to order and

after roll call, if a quorum is present, he shall cause the minutes of the last preceding meeting to be read for correction and approval. He shall preserve order and decorum and decide all questions of order, subject to an appeal to the Council. He shall appoint all committees, the appointment or election of which is not otherwise provided by ordinance. He shall have the right to name any member to perform the duties of the President, but such substitution shall not extend beyond adjournment.

SECTION 2-248. Powers of Council Relative to Quarantine, Condemnation — Police Power Outside City. ²¹

The City Council may make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the City, and for the abatement of the same, and may make quarantine laws and enforce the same within five (5) miles of the City. The Council may purchase or condemn and hold for the City, within or without the City limits, within ten (10) miles therefrom, all necessary lands for hospital purposes, waterworks, sewer carriage and outfall, and erect, establish and regulate hospitals, workhouses, poorhouses, and provide for the government and support of the same, and make regulations to secure the general health of the City, and to prevent and remove nuisances; provided however, that the condemnation of any property outside of the City limits shall be regulated in all respects as the condemnation of property for railroad purposes is regulated by law; and provided further, that the Police jurisdiction of the City shall extend over such lands and property to the same extent as over public cemeteries, as provided by the State law.

SECTION 2-249. Appointment of Standing Committees — Committees Enumerated — Duties. [Ord. No. 92-13, 6-8-1992; Ord. No. 95-11 § 1, 6-27-1995]

- A. It shall be the duty of the Mayor to appoint the members of the following standing committees of the City Council:
 - 1. *Administration.* Ways and means, claims, budget, supplies, rules and regulations relating to personal matters.
 - 2. *Municipal Services.* Sewer, street and alley, airport, auditorium, all public buildings, fire, Police, ambulance, health services and trash.
- B. All rules and regulations and City ordinances shall be drafted by the committee implementing the task.
- C. The duties of the standing committees of the City Council shall be established by the Mayor.

SECTION 2-250. through SECTION 2-255. (Reserved)

Division 2
Meetings ²²

21. State Law References — For similar provisions, see RSMo § 77.530.

22. Cross References — Duty of city clerk to attend council meetings and keep journal, § 2-131; Duty of city attorney to attend council meetings, § 2-196; Open meetings and records (sunshine law), § 2-6.

SECTION 2-256. Time of Regular Meetings. [Ord. No. 92-25 § 1, 12-8-1992; Ord. No. 98-16 § 1, 5-12-1998; Ord. No. 2005-42 § 1, 11-8-2005; Ord. No. 2006-23 § 1, 4-25-2006; Ord. No. 2008-21 § 1, 5-27-2008]

The Lexington City Council shall meet in regular session on the second (2nd) and fourth (4th) Tuesdays of each month, commencing at 7:00 P.M.

SECTION 2-257. Special Meetings. [Rev. Ord. No. 6, § 5, 10-21-1912]

The Mayor, or person acting as Mayor, or any three (3) members of the City Council, shall have the power, and are hereby authorized to call a special meeting of the Council, by serving a notice in writing on each member of the Council and the Mayor, or person acting as Mayor, by delivering to each of them a copy of such notice, or by leaving such copy at his usual place of abode with some inhabitant thereof over the age of fifteen (15) years. Such notice shall state the object of the special meeting and the time for holding the same, and such notice shall be written out at length and copied upon the journal of the Council proceedings. No business other than that specified in the written notice shall be transacted at the special meeting.

SECTION 2-258. Members Disqualified to Vote on Matters in Which They are Interested. [Rev. Ord. No. 6, § 9, 10-21-1912]

No member of the City Council shall be permitted to vote for or against any ordinance appropriating money or the allowance of any account or claim, or for the award or approval of any contract in which such member is directly or indirectly interested; and any ordinance, resolution or motion having passed by the vote of such interested member shall be deemed illegal and of no effect.

SECTION 2-259. Duty to Attend Meetings.

No member of the City Council shall absent himself from any regular meeting thereof, nor from any adjourned or special meeting after due notice thereon, unless he has leave, or is sick and unable to attend, or is otherwise prevented by circumstances beyond his control.

SECTION 2-260. Quorum; Exceptions to Required Quorum. [Rev. Ord. No. 6, § 15, 10-21-1912]

A majority of the members elected to the City Council shall constitute a quorum to do business, but any two (2) members including the Mayor, may have a roll call of the Council, send for and compel the attendance of absent members and make an order for their censure.

SECTION 2-261. Order of Business at Regular Meetings.

The City Council shall prescribe by resolution its own rules or procedure for conducting its business at its regular meetings.

SECTION 2-262. through SECTION 2-272. (Reserved)

ARTICLE VI

Division 1
Generally

SECTION 2-273. Fiscal Year. [Rev. Ord. No. 14, § 7, 10-21-1912]

The fiscal year of the City shall commence on the April 1 and terminate on the last day of March in each year, and the books, accounts and reports of officers of the City shall be made to conform thereto.

SECTION 2-274. Mayor to Make Annual Appropriations Report to City Council. [Rev. Ord. No. 1, § 1, 10-21-1912]

The Mayor shall make written report to the City Council, on or before July 1 of each year, which report shall contain his estimate of the necessary appropriations to meet all the requirements of the current year, and the estimated receipts from licenses, taxes and other sources, and which shall also show the actual financial condition of the City.

SECTION 2-275. Manner of Making Payments. [Rev. Ord. No. 14, § 8, 10-21-1912]

In all cases of accounts audited and allowed against the City, and for the payment of which the Mayor and City Council by ordinance, shall make the necessary appropriation, it shall be the duty of the City Clerk to draw a check on the City Treasury for the amount due. All checks drawn upon the City Treasury shall be signed by the Mayor and the City Clerk or his designee.

SECTION 2-276. Sufficient Funds to be Available Prior to Drawing Warrant or Making Appropriation. [Rev. Ord. No. 14, § 9, 10-21-1912]

No appropriation of money shall be made by the Mayor and City Council, and no warrant shall be drawn by the City Clerk or paid by the City Treasurer, unless the amount of money remaining in the Treasury to the credit of the fund or appropriation upon which the warrant is to be drawn shall be sufficient to pay the same.

SECTION 2-277. Warrants in Favor of Persons Indebted to City. [Rev. Ord. No. 14, § 10, 10-21-1912]

No warrants shall be drawn on the City Treasury in favor of any officer who is in arrears to the City, nor in favor of any person indebted to the City, except for the amount due such officer or person in excess of such arrears or indebtedness.

SECTION 2-278. Manner of Presenting Claims Against the City. [Rev. Ord. No. 1, § 4, 10-21-1912]

All claims against the City must be presented in writing, and verified by the oath of the claimant, or his agent, that the claim is correct, reasonable and just. No claim shall be audited or allowed unless presented and verified, as provided in this Section. No cost shall be recovered against the City in any action brought against it for any unliquidated claim which has not been presented to

23. Cross Reference — Duties of city clerk in regard to the finances of city, § 2-128; City treasurer, § 2-146 et seq.; City collector, § 2-176 et seq.; Finance committee established, § 2-249; Taxation, § 25-1 et seq.

the City Council to be audited, nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed with interest due. No action shall be maintained against the City in exercising or failing to exercise any corporate power or authority, in cases where such action would not lie against a private individual under like circumstances.

SECTION 2-279. through SECTION 2-284. (Reserved)

Division 2
Purchases

SECTION 2-285. Purchases up to Two Thousand Five Hundred Dollars May Be Made by Mayor/City Administrator Without Prior Approval. [Ord. No. 86-123 § 1, 8-6-1986; Ord. No. 96-23, §§ 1 — 2, 9-10-1996; Ord. No. 2014-29 § I, 12-9-2014]

The Mayor and/or City Administrator is authorized and empowered to make purchases or contracts for the purchase of real estate, personal property, services and all other property or things of value, tangible or intangible, the cost of which does not exceed two thousand five hundred dollars (\$2,500.00), without submitting for prior approval of the City Council. This authority cannot be delegated, or combined, and shall be the sole responsibility of the Mayor and/or the City Administrator.

SECTION 2-286. Competitive Bids Required for Purchase from Five Hundred Dollars to One Thousand Dollars. [Ord. No. 86-123 § 2, 8-6-1986; Ord. No. 96-23, §§ 1 — 2, 9-10-1996]

No purchases or contracts for the purchase of real estate, personal property, services or any other property or things of value, tangible or intangible, for a sum of five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00) shall be made or contracted for without competitive bids being solicited therefor, by any official, elective or appointive, or any other employee of the City.

SECTION 2-287. Written Bids to be Submitted for Purchase Over One Thousand Dollars. [Ord. No. 86-123, § 3, 8-6-1986]

Written bids shall be submitted to the City Council by all persons desiring to sell or contract with the City for purchase of any real estate, personal property, services or any property or things of value, tangible or intangible, wherein the cost to the City shall be in excess of the sum of one thousand dollars (\$1,000.00). The Council shall have the sole authority to let contracts for the purchase of real estate or personal property, services, property and other things of value wherein the cost to the City shall exceed the sum of one thousand dollars (\$1,000.00).

SECTION 2-288. Dispensing of Section 2-287 Upon Declaration of Emergency by the City Council. [Ord. No. 88-8 § 2]

- A. When two thirds (2/3) of the City Council duly convened shall declare the existence of an emergency, the provisions of Section 2-287 shall be dispensed with, and a purchase of personal property or services of value not in excess of five thousand dollars (\$5,000.00) may be made upon oral bid communicated to any City official which shall be communicated in writing to the City Council by the person obtaining the oral bid. [Ord. No. 2014-29 § I, 12-9-2014]

- B. An emergency constitutes any event which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; or an unforeseen occurrence or condition, affecting the health, safety and welfare of the citizens.

SECTION 2-289. Request for Proposals. [Ord. No. 2011-07 § 1, 2-26-2011; Ord. No. 2011-24 § 1, 7-26-2011]

- A. Notwithstanding the provisions of Section 2-285 through Section 2-288 of the general ordinances of the City, in order to attain the advantages provided by Missouri law for modern public works procurement methods and delivery systems for the construction of specialized public use buildings such as water treatment and water production facilities, hospitals, nursing homes, community centers, public safety buildings and similar specialized public use facilities, the City Council for the City of Lexington, following applicable requirements for advertising for competitive bidding and/or requests for proposals, if any, may award contracts for construction management services pursuant to Section 8.675, RSMo., et seq.
- B. Such contracts are to be supported with performance and payment bonds covering the costs associated with the project.
- C. The City is to utilize as a guide for contract award the procurement procedures set forth in the State Regulations for the State of Missouri, Rules of the State Office of Administration, Division 30, Chapter 3, published in 1 CSR 300-3.010 et seq.

SECTION 2-290. through SECTION 2-298. (Reserved)

ARTICLE VII
Social Security ²⁴

SECTION 2-299. Extension of Benefits. [Ord. of 6-14-1954, § 1]

It is hereby declared to be the policy and purpose of the City to extend, at the earliest date, to all eligible employees and officials of said City who are not excluded by law or by this Article, and whether employed in connection with a governmental or proprietary function of the City, the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Social Security Act Amendment of 1950, and by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri and amendments thereof, as the same may be now and hereafter in effect.

SECTION 2-300. Execution of Agreements. [Ord. of 6-14-1954, § 2]

The Mayor and City Clerk are hereby authorized and directed on behalf of the City to prepare, execute and submit to the Office of Administration and Accounting of the State of Missouri, a State Agency, a plan and agreement for extending said benefits to said eligible employees and officials of the City in the form prepared by the State Agency and hereby approved and adopted by the City Council, which plan and agreement are to become effective upon approval thereof by the State Agency, and are further authorized and directed to execute agreements and

24. State Law Reference — Old-age and survivors insurance, RSMo. § 105.300.

modifications and amendments thereof with said State Agency, providing for the extension of said benefits to said employees and officials as set forth in said plan and agreement, as provided for in this Division, said plan and agreement to provide that said extension of benefits is to be effective on July 1, 1954.

SECTION 2-301. Employee's Contribution. [Ord. of 6-14-1954, § 3]

Commencing on the first (1st) day of the month following the date of the approval of the plan and agreement of the City by the State Agency, there shall be deducted from the wages of all employees and officials of the City to whom the benefits of said system of Federal Old-Age and Survivors Insurance are extended, by virtue of the plan and agreement hereinbefore provided for, the amount of each of said employee's and official's contributions, as determined by the applicable State and Federal laws and by said plan and agreement, the aggregate amount of said deductions to be paid into the Contributions Fund created by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri; provided however, that from the first (1st) payment of wages made to each of said employees and officials after the benefits of said system have been extended to such employees there shall be deducted a sum equal to the amount which would have been due and payable from each of said employees and officials had said extension of benefits been provided and effective on July 1, 1954.

SECTION 2-302. City's Contribution. [Ord. No. of 6-14-1954, § 4]

Commencing on the first day of the month following the date of the approval of the plan and agreement of the City by the State agency, there is hereby authorized to be appropriated from the General Fund of the City and there is, and shall be appropriated, the sum of money necessary to pay the contributions of the City, which shall be due and payable by virtue of the extension of the benefits of the Federal Old-Age and Survivors Insurance System to the eligible employees and officials of the City, said sum of money to be paid into the Contributions Fund created by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri; provided however, that in making the first payment to said Contributions Fund, after the benefits of said system have been extended to such employees and officials, said first payment shall include a sum equal to the amount which would have been due and payable had said extension of benefits been provided and effective on July 1, 1954.

The Fund from which said appropriation is made will, at all times, be sufficient to pay the contributions of the City by this Section directed to be paid to said Contributions fund.

SECTION 2-303. Administration of Plan. [Ord. of 6-14-1954, § 5]

The City, from and after the approval of the plan and agreement of the City by the State Agency, shall fully comply with, and shall keep such records, make such reports and provide such methods of administration of said plan and agreement as may be required by all applicable State and Federal laws, rules and regulations, now and hereafter in effect with respect to the extension of the benefits of the Federal Old-Age and Survivors Insurance System to the employees and officials of the City. For the purpose of administering said plan and agreement the City Clerk shall be the official who shall make all required reports, keep all records and be responsible for the administration of said plan and agreement on behalf of the City, and any and all notices and communication from the State Agency to the City with respect to said plan and agreement shall

be addressed to the City Clerk.

ARTICLE VIII
Disciplinary Action and Classification of Offenses

SECTION 2-304. Disciplinary Action. [Ord. No. 92-16 § I — II, 6-8-1992]

- A. *Definitions.* Employee as described by this Section shall be defined as any person employed by the City of Lexington or as a paid volunteer for the City of Lexington.
- B. *Initial Action.* Whenever the performance or conduct of any employee falls below a desirable level, supervisors shall inform the employee promptly. The action to be taken depends on the seriousness of the incident and the employee's past record. Typically, the first step will be an oral warning.
- C. *Written Reprimand.* When appropriate, a written reprimand may be issued any employee in question.
- D. *Suspension.* Any employee may be suspended with pay or without pay by a department head or appropriate supervisor with the City Administrator's approval. The department head or appropriate supervisor shall notify the employee, as soon as practicable, of the reasons for and the duration of the suspension.
- E. *Appeal of Suspension.* Any employee may appeal any suspension of four (4) or more working days, or two (2) or more shifts, to the City Administrator, in writing, stating the reasons for the appeal. The appeal must be within ten (10) calendar days of the effective date of the suspension and must be delivered to the City Clerk. The City Administrator will review the appeal and the records of the action. The decision of the City Administrator shall be final on matters involving suspension. The employee shall be notified in writing of the decision.
- F. *Demotion.* Any employee may be demoted by a department head or appropriate supervisor with the written concurrence of the City Administrator and upon Council approval. A written statement of the reasons for any such action must be furnished to the employee. The employee being demoted must possess the qualifications for the classification to which being demoted before such action can be affected.
- G. *Appeal of Demotion.* Any employee may appeal a demotion, in writing, to the City Administrator within ten (10) days of the effective date of the demotion. The appeal shall be delivered to the City Clerk. The City Administrator shall review the appeal and the records of the action. The employee shall be notified in writing of the decision within ten (10) days of receipt of approval by the City Administrator. Decisions of the City Administrator concerning demotions shall be final.
- H. *Dismissal.* Any employee may be dismissed by a department head, or appointed authority, with concurrence of City Administrator and upon approval of the City Council, by delivering a written statement to the employee. If the department head, because of the reasons for the discharge, desires to make an immediate separation from the service, a suspension with pay or without pay pending discharge shall be utilized. The department head, or a supervisor under the department is vested with the discretion to exercise such

suspension pending discharge without regard to prior practice or warning if in the judgment of the department head or supervisor such action is warranted due to aggravating circumstances, such as the offenses listed as "serious" in Section 2-305(C).

- I. *Pre-Termination Procedure.* Prior to the final decision to terminate a nonprobationary employee's employment, and when in the City's discretion it is determined to be appropriate, the employee will be given:
 1. Oral or written notice of the charges;
 2. An explanation of the basis of the City's charges; and
 3. An opportunity to present his/her explanation of the matter.
- J. *Appeal of Dismissal.* Any employee may appeal a dismissal, in writing, to the City Administrator within ten (10) calendar days of the effective date of dismissal. The appeal shall be delivered to the City Clerk. The City Administrator shall review the appeal and the records of the action. The employee shall be notified in writing of the decision. Decisions of the City Administrator concerning dismissal shall be final.

SECTION 2-305. Classification of Offenses as Grounds for Employee Disciplinary Action. [Ord. No. 92-18 §§ I — III, 6-8-1992]

- A. *Generally.* Any action which reflects discredit upon the municipal service or is a direct hindrance to the effective performance of the City Government shall be grounds for disciplinary action against any employee of the City. Whenever and wherever people work together, people must conform to standards of reasonable conduct to maintain an orderly efficient atmosphere. Accordingly, a City employee may be disciplined up to and including dismissal in order to protect the rights of others and to encourage correct conduct and cooperation.
- B. *Classifications of Offenses.* The offenses detailed in Subsections (C) and (D) are listed in two (2) main categories to provide City employees with an understanding of what can be expected if certain policies or procedures are violated. It is not possible to list every conceivable infraction; these lists are not all-inclusive. The two (2) areas listed below, however, should provide guidance as to what discipline may apply for situations not listed.
- C. *Serious Offenses.* The following offenses are extremely serious and, due to their severity, will usually subject an employee to immediate dismissal:
 1. Drinking, selling or possessing intoxicating liquor or non-intoxicating beer on duty or on City premises except where authorized; reporting for duty drunk or impaired by intoxicating liquor or non-intoxicating beer; being on duty so intoxicated as to be unable to properly perform assigned duties, or to be a hazard to self or others;
 2. Unauthorized use or possession of controlled substances, imitation controlled substance or drug paraphernalia on City premises or while on duty or while off duty; reporting for duty while under the influence of a controlled substance;
 3. Sale or unauthorized transfer of controlled substances, imitation controlled substances or drug paraphernalia on City premises or during duty hours or off-duty hours;

4. Insubordinate defiance of authority, refusal to comply with proper orders, wanton disrespect to authorities, wanton disregard of directives or insolence;
5. Sleeping while on duty, except where authorized;
6. Theft of City property or the property of another, actual or attempted;
7. Dishonesty, deliberate misrepresentation; falsification, exaggeration or concealment of a material fact in connection with any official document; or withholding of material facts in connection with matters under official investigation;
8. Loss of, damage to, unauthorized use or destruction of City property (including motor vehicles), records, or information;
9. Fighting, threatening, or inflicting bodily harm on another, physical resistance to lawful authority or indecent or immoral conduct while on the job;
10. Off-duty conduct of such major import that the employee is unable to fulfill his job responsibilities; off-duty misconduct of such significance that there is an adverse effect upon the City;
11. Misuse or unauthorized use of City monies or property;
12. Unauthorized possession or use of firearms, dangerous weapons or explosives while on duty;
13. Serious inefficiency or incompetency that severely hampers productivity, safety or health of others;
14. Absence from duty for two (2) consecutive working days without prior notice to and approval of the appropriate supervisor;
15. Falsification of records or the use of official position for personal advantage, or the attempt to use official position to influence the results of an official investigation;
16. Criminal convictions for acts or conduct occurring on or off the job that are plainly related to the job performance and are of such nature that to continue the individual as an employee would impair carrying out of the City's responsibility to the citizens or to other City employees or if not related to job performance would place the City's image in an unfavorable light;
17. Failure to comply with department policies, special rules or instructions established by a supervisor when such violation or a failure to obey amounts to an act of insubordination or a serious breach of proper discipline;
18. Compromising an examination through unauthorized possession, use, or furnishing to others examination information or materials;
19. Participating in an unlawful work slowdown, sitdown, or similar concerted interference with City operations;
20. Harassment of other employees or supervisory personnel, including sexual harassment of another employee, whether verbal or physical, when submission to

such conduct by an individual is used as the basis for employment decisions affecting such individual, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;

21. Abuse of City's sick leave policies;
22. Failure to report to work or to notify the appropriate supervisor of absence for two (2) consecutive working days after the expiration of an approved leave of absence;
23. Excessive absenteeism or tardiness;
24. Commission of acts or omission or other conduct prejudicial to the interests of the City, such conduct reflecting discredit upon the City or resulting in a direct hindrance to the effective performance of Municipal Government functions.

D. *Other Offenses.* The following list of offenses are of the nature that generally will be handled by forms of minor discipline, (such as verbal warnings or suspensions without pay). The failure to correct the violation of these "other serious offenses" may, however, result in disciplinary action up to and including discharge if warranted by the circumstances.

1. Delay or failure to carry out assigned work or instructions in a reasonable period of time;
2. Leaving job without permission;
3. Failure to request leave according to established procedures;
4. Loafing on duty while not on authorized rest periods;
5. Careless workmanship or neglect of duty.
6. Careless use of City property resulting in possible or actual damage and disruption or possible disruption of City services;
7. Failure to observe recognized or instructed safety practices, including failure to use safety equipment such as eye protective devices or safety shoes, and failure to follow established procedures;
8. Rude, boisterous play which adversely affects production, discipline or morale, use of abusive or offensive language, quarreling or inciting to quarrel;
9. Interfering with the production of others while on the job;
10. Accepting money or favors or gifts for personal gain for work done as a City employee;
11. Excessive time at breaks or lunch hour;
12. Failure to complete reports promptly and accurately;
13. Horseplay;

14. Failure to report work-related injury or accident or nonwork-related injury or illness that may affect work performance immediately;
15. Failure to report absence prior to beginning a shift;
16. Failure to be courteous to a citizen;
17. Switching schedules with another employee without prior approval of management.
18. Failure to follow department operating procedures or administrative policies;
19. Unauthorized use of City telephone;
20. Unauthorized use or abuse of City materials or equipment or allowing such use or abuse;
21. Showing disrespect or disregard for authority.

SECTION 2-306. through SECTION 2-314. (Reserved)

**ARTICLE IX
Administration — Grievance Policy**

SECTION 2-315. Policy. [Ord. No. 92-17 § I, 6-8-1992]

It shall be the policy of the City to give individual employees an opportunity to discuss their grievances with their supervisors in order to find mutually satisfactory solutions as rapidly as possible, free from restraint, interference, discrimination or reprisal.

SECTION 2-316. Reason for Grievance. [Ord. No. 92-17 § I, 6-8-1992]

Employees may present a grievance concerning the interpretation of the provisions of the City personnel ordinances, City policies, departmental rules and regulations, employee working conditions, and employee relationship with co-workers or supervisors. Employee service ratings and merit reviews are specifically excluded from the grievance procedure set forth in this Article.

SECTION 2-317. Appropriateness of Grievance. [Ord. No. 92-17 § I, 6-8-1992]

Any ambiguities about a particular matter subject to the grievance procedure will be determined by the City Administrator. A grievance claim will not be heard or processed if the grievance concerns: application of ordinance provisions or policies approved by the City Council; State Statutes; or when the City Administrator has good reason to believe that a grievance has been brought in bad faith or for inappropriate reasons.

SECTION 2-318. Grievance Procedure. [Ord. No. 92-17 § I, 6-8-1992; Ord. No. 2017-08 §§ 1 — 2, 2-28-2017]

- A. If the work problem has not been resolved to the satisfaction of the employee after an oral discussion with the immediate supervisor, the employee may initiate the formal grievance procedure by submitting to the immediate supervisor a written grievance review request stating the problem and corrective action desired (see Exhibit 15-2). Within five (5)

workdays, the immediate supervisor shall give the employee a written grievance review disposition stating his/her decision (see Exhibit 15-3). Copies of the Step 1 grievance review request and disposition shall be submitted to the City Administrator, if the Administrator is the immediate supervisor, copies shall be sent to City Clerk/Personnel Officer.

- B. If the employee is not satisfied with the decision of the immediate supervisor, the employee may within five (5) workdays after receipt of that decision submit to the City Administrator a written grievance review request stating the problem and the corrective action desired. (If the City Administrator is the immediate supervisor, Step III should be followed). The Administrator shall arrange a conference with the employee and thereafter give to the employee a written grievance review disposition stating his/her decision within ten (10) workdays from the date of the receipt of the grievance review request. Copies of the Step II grievance review request and disposition shall be submitted to the City Clerk/Personnel Officer.
- C. Step III. If the employee is not satisfied with the Step II decision, the employee may, within five (5) workdays after receipt of the Step II decision submit a written request for review of the grievance to the City Administrator stating the problem and the corrective action desired.
 - 1. The City Administrator will appoint and designate an independent and disinterested third party licensed to practice law in Missouri to act as an independent disinterested hearing officer for the matter.
 - 2. A hearing will be scheduled within thirty (30) days. It may be continued to assemble needed information. A written decision will be issued within twenty (20) days after the hearing is closed.
 - 3. The decision on Step III will be final. No further right of a grievance appeal will be provided to an employee. The hearing officer will forward a copy of the decision to the employee concerned and a copy to the City Clerk, who will be obligated to maintain files of grievance disposition and provide copies to appropriate supervisory personnel legitimately concerned with the issues determined. These files will be open to review by members of the City Council to the end that personnel issues may be reasonably monitored.
 - 4. The City Administrator is authorized to approve a reasonable fee for the services of the independent and disinterested hearing officer. The employee may be represented by a layperson or by counsel. The City may be represented by the City Attorney or his/her designee. The procedure may be formal or informal as the parties may agree.

SECTION 2-319. Extension of Time. [Ord. No. 92-17 § I, 6-8-1992]

In the event that the employee, appropriate supervisor or department head must be absent from work in a manner that affects the time periods listed herein, these periods may be reasonably extended to allow for adequate response time at the request of the absent party as approved by the City Administrator.

ARTICLE X

SECTION 2-320. Purposes. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

- A. To provide the youth of Lexington an opportunity to be involved in the decision-making process which affects their lives in the community. It offers formal lines of communication between the teenage youth of the community and the elected officials. It further provides an opportunity for local youth to understand how government operates and to coordinate youth participation in community service and social activities.
- B. To serve the youth of Lexington by:
 - 1. Informing the Lexington Municipal Government of the needs and wishes of the youth.
 - 2. Planning and implementing social, educational, cultural and recreational activities for the youth.
 - 3. Working with the Mayor, City Council, City department heads, schools, Chamber of Commerce, civic clubs and service organizations to provide service and leadership opportunities for the youth of the City.
 - 4. To instill a feeling of positive self worth and esteem. To teach respect for the rights and property of others. To promote community pride and to eliminate potential negative influences among our future community leaders.

SECTION 2-321. Appointment and Term. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999]

The term of the membership shall be for two (2) fiscal years or until their successors are duly appointed and qualified, though membership may be terminated after the first (1st) fiscal year pending the decision made by the committee that performs the annual review of current members.

SECTION 2-322. LYC Fiscal Year. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

The fiscal year of LYC shall commence directly prior to the initialization of new business on the first (1st) Sunday of October and terminate directly following the completion of old business on the first (1st) Sunday of October each year, and the books and reports of officers of the LYC shall be made to conform thereto.

SECTION 2-323. Members and Alternates. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

LYC shall consist of nine (9) members. A "*member of LYC*" is defined as an active participant of LYC with voting power. These nine (9) members comprise six (6) from the Lexington High School and three (3) from Wentworth Military Academy. LYC shall consist of nine (9) alternates.

25. Editor's Note — Ord. No. 99-40 § 1, adopted November 9, 1999, repealed this article and enacted the provisions set out herein. Former Art. X derived from ord. no. 98-28 §§ 1 — 6, 9-8-1998.

An "alternate" of LYC is defined as an active participant of LYC with voting power only in the absence of any of their respective members. These nine (9) alternates comprise six (6) from the Lexington Middle School and three (3) from Wentworth Military Academy. The member positions from the Lexington High School shall be selected at large from the applicants. Wentworth will assign positions as they see fit. The Lexington Middle School shall appoint three (3) seventh (7th) grade alternates and three (3) eighth (8th) grade alternates.

SECTION 2-324. Oath. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

New Youth Connection members and alternates shall be sworn in between the completion of old business and the commencement of new business on the first (1st) Sunday in October, assuming that all appointments and reviews have already been completed. The members shall be given the same "Oath of Office" that their adult counterparts are given.

SECTION 2-325. Duty to Attend Meeting. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

No member or alternate of the LYC shall absent themselves from any regular meeting thereof, nor from any adjourned or special meetings after due notice thereof, unless they have leave, or are sick and unable to attend, or is otherwise prevented by circumstances beyond their control.

SECTION 2-326. Assignment of Alternates to Members. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

The member and alternate lists of the Lexington High School and Middle School will be written in alphabetical order by last name. Each alternate will be assigned to one (1) member. Wentworth Military Academy alternates will cover their members as they see fit. In the absence of a quorum, all alternate members present may serve as voting members for that meeting.

SECTION 2-327. Procedure During Summer Absence of Wentworth Military Academy. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999]

During the summer when Wentworth Military Academy is out of session, the remaining alternates will fill the positions left by Wentworth Military Academy. If for some reason there are more alternates than positions needing to be filled, the alternates with the highest attendance, between the beginning of the present fiscal year and the time at which the positions are opened, will assume the positions.

SECTION 2-328. Annual Review of Current Members. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Participants of LYC who served as members (this includes the time alternates spent filling in for their respective members while they were absent) for at least the majority of the prior term shall be reviewed by a panel of selected by the principal of their respective school. The purpose of the panel is to determine if each member met the requirements to remain on LYC, during the prior fiscal year. Those who meet the requirements shall retain their membership, but not necessarily their office. Should a participant not meet the requirements, the panel has three (3) choices: 1) they may warn the participant, but allow him/her to remain a member, 2) they may allow the participant to compete through the interview process along with the new applicants, and 3) they

may recommend the dismissal of the participant from LYC entirely, according to dismissal of LYC participants procedure. This shall be completed within one (1) month preceding the new LYC fiscal year.

SECTION 2-329. Selection of New Members and Alternates. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Participants of LYC who served as members or alternates for less than the majority of the prior fiscal year shall compete with all other interested parties for the remaining positions. After indicating an interest, a student shall be interviewed by the principal of their respective school or a person or persons he/she appoints. Each applicant will receive a packet containing the LYC ordinances. The principal or their designated person(s) shall conduct the interviews and make a appointments to the LYC by the end of September. Alternates will be selected using the same method.

SECTION 2-330. Filling Vacancies. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999]

When a member position becomes available within the duration of a term, due to that member no longer being able to serve, the Council shall select the replacement from within the pool of alternates. The alternate replacement selection will be the same as that for a new alternate.

SECTION 2-331. Duties and Responsibilities of the Lexington Youth Connection. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Duties and responsibilities of the LYC shall be as follows:

1. LYC shall meet in regular session on at least one (1) Sunday of each month.
2. (Reserved)
3. To recommend changes to these ordinances as needed by a two-thirds (2/3) vote of members present.
4. To present to the Mayor and City Council all amendments for their approval.
5. To select one (1) of its members to act as Youth Mayor and another to act as temporary Youth Connection Mayor (Mayor Pro Tem) when the Youth Mayor is absent. The Mayor and Mayor Pro Tem are to be from different schools (Wentworth Military Academy High School and Lexington High School).
6. To pass motions and resolutions as necessary by a majority vote. A majority vote is one (1) vote more than one-half (1/2) of the voting members who are present.
7. To carry out the purposes of the Youth Connection as outlined in these ordinances.
8. To plan activities for the youth of the community, coordinating all such activities with the Mayor and the Youth Connection advisors.
9. To select one (1) of the members to serve as a Lexington Youth Treasurer.

SECTION 2-332. Limitations of the Youth Connection Authority. [Ord. No. 99-40 §§ 1 — 2,

11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Limitations of authority are as follows:

1. The Youth Connection must have a quorum of five (5) voting members in order to conduct business.
2. All amendments to these ordinances are to be approved by the Mayor and City Council.
3. The agendas of all Youth Connection meetings are to be posted publicly at City Hall at least twenty-four (24) hours in advance of each meeting.
4. All activities are to be coordinated with the Youth Connection advisors and the Mayor.

SECTION 2-333. Responsibility and Authority — Youth Mayor. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Youth Mayor responsibilities and authorities are as follows:

1. To plan and conduct all Youth Connection meetings.
2. To carry out the decisions of the Youth Connection.
3. To meet periodically with the Lexington Mayor and/or Youth Connection advisor to provide for proper planning and coordination between the City Council and the Youth Connection.
4. To propose to the Youth Connection plans and projects designed to assist in the fulfillment of the purposes of the Youth Connection.
5. To vote only in case of a tie.
6. To assign each Youth Connection member and alternate to one (1) of the committees.

SECTION 2-334. Responsibility and Authority — Youth Mayor Pro Tem. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999]

It is the Youth Mayor Pro Tem's position to assume all responsibility and authority of the Youth Mayor during his/her temporary or permanent absence.

SECTION 2-335. Responsibility and Authority — Youth City Clerk. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Youth City Clerk responsibilities and authorities are as follows:

1. To attend all Youth Connection meetings, take and maintain minutes of said meetings.
2. To record the attendance of all members and alternates at all meetings.
3. To carry out assignments of the Youth Connection.
4. To have all Youth Connection records reviewed by the City Clerk every July and January.
5. To deliver all agendas and minutes to City Clerk for permanent file.

6. To assume all responsibility and authority of the Youth Mayor Pro Tem during his/her temporary or permanent absence.

SECTION 2-336. Election of New Officers. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Election of new officers shall take place at the first (1st) meeting of the new fiscal year. If possible, officers should have at least one (1) year of experience serving as a member of the Youth Connection. The voting process shall begin with the selection of the Youth Mayor, then proceed to the Youth Mayor Pro Tem, then Youth City Clerk and then Youth City Treasurer selections. Only one (1) office will be voted on at a time. Each voting member will write the name of the one (1) party he/she considers best qualified for that position. Ballots will be handed to the advisors who will announce the new officers. Ballots are then destroyed. For each office that is available, the process will be repeated.

SECTION 2-337. Committees. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

The Youth Connection shall create the following permanent committees to assist the Connection in carrying out their plans, goals and projects. The members of the committees are to be appointed by the Youth Mayor. Committee membership shall be for a one (1) fiscal year period. The Chairman is selected by the members of the respective committees. The committees shall be named as follows:

1. Community Service Committee: Public buildings, public relations.
2. Social Activities Committee.

SECTION 2-338. Lexington Youth Connection Advisors. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

The Youth Connection shall have one (1) advisor from each school and a City representative. The advisors should attend Youth Connection meetings and Youth Connection activities.

SECTION 2-339. Requirements to Serve on LYC. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Requirements to serve on Youth Connection are as follows:

1. With the exception of Wentworth Military Academy, applicants must have resided in the sponsoring City for at least one (1) year.
2. Must be in at least the seventh (7th) grade and not yet be a graduate of high school.
3. Must have at least one (1) year experience serving as a member to serve as Mayor of the Youth Connection.

SECTION 2-340. Requirements to Remain on LYC. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Requirements to remain on Youth Connection are listed below:

1. With the exception of Wentworth Military Academy, reviewers must remain a resident of the sponsoring City.
2. Attend at least fifty percent (50%) of all Youth Connection meetings.
3. Maintain at least a 2.0 grade point average in school.
4. Fulfill the responsibilities of the office held.

SECTION 2-341. Dismissal of LYC Participants. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Any member or alternate may be removed from their position upon violation of one (1) or more of the requirements to remain on the LYC and by a majority vote of the Youth Connection with final approval of the principal of the member or alternate being removed.

SECTION 2-342. Resignation of an LYC Participant. [Ord. No. 99-40 §§ 1 — 2, 11-9-1999; Ord. No. 2004-29 § 1, 9-14-2004]

Written resignations should be submitted to the Youth Mayor. Acceptance of such resignation is to be voted on at the following meeting.

SECTION 2-343. Responsibility and Authority — Youth City Treasurer. [Ord. No. 2004-29 § 1, 9-14-2004]

Youth City Treasurer responsibilities and authorities are as follows:

1. To keep all financial records of the LYC.
2. To collect and dispense funds as directed by the LYC.