



**Agenda**  
**Legislation & Rules Committee**  
**Meeting**  
**St. Louis Board of Aldermen**  
**Tuesday, February 10, 2026 - 2:00 PM**  
**Kennedy Room**

President Megan Green  
Alderwoman Daniela Velazquez, Chair  
Alderman Matt Devoti, Vice Chair  
Committee Members:  
Alderman Shane Cohn  
Alderman Bret Narayan  
Alderwoman Laura Keys  
Alderman Alisha Sonnier

**Order of Business**

**I. Call to Order**

**II. Roll Call**

**III. Approval of Minutes**

Approval of the minutes from Tuesday, September 30, 2025, committee meeting.

**IV. Board Bills for Review**

(The committee will discuss and take public comment on the following)

**Board Bill Number 54**

**Introduced by Alderwoman Daniela Velazquez** An ordinance submitting to the qualified voters of the City a proposed amendment to the Charter of the City of St. Louis repealing Section 5 of Article IV of the Charter in order to have the same non-partisan, top-two runoff system in special elections for Aldermen that is used in regular city elections; providing for an election to be held for voting on the proposed amendment and for the manner of voting; and for the publication, certification, deposit, and recording of this ordinance and containing an emergency clause.

**Board Bill Number 137**

**Introduced by Alderman Matt Devoti** An ordinance submitting to the qualified voters of the City of St. Louis the question of whether to amend the City of St. Louis Charter to modernize language describing City departments, divisions, and other organization, to provide for modern methods of advertisement and publication, to delete obsolete references to Missouri statute, to delete obsolete references to City departments, divisions,

or other organization, to revise references to pay scale, to replace pronouns with specific title references, and to standardize capitalization of titles and uniform formatting of numbers; providing for an election to be held for voting on the proposed amendment, for the manner of voting, and the publication, certification, deposit, and recording of this ordinance; and containing an emergency clause.

**V. Resolutions for Review**

None

**VI. Committee Discussions**

None

**VII. Acknowledgment of Any Written Testimony**

**VIII. Announcements**

**IX. Excused Members**

**X. Adjournment**



**Minutes  
Regular Legislation & Rules Committee  
Tuesday, September 30, 2025  
2:00 PM  
Kennedy Room**

**Minutes are preliminary and may change until finally approved**

**I. Call to Order**

The Chair called the meeting to order at 2:00 p.m.

**II. Roll Call**

The Chair directed the Associate Clerk to call the roll and the following members answered their names: Mr. Narayan, Ms. Keys, Ms. Sonnier, Ms. Devoti, and Chair Velazquez. **5 members were present. A quorum was established.**

**III. Approval of Minutes**

The Chair entertained a motion to approve the minutes of the Friday, July 11, 2025, committee meeting.

Mr. Narayan moved to approve the minutes of the Friday, July 11, 2025, committee meeting.

Seconded by Mr. Devoti.

The Chair directed the Associate Clerk to call the roll. The Associate Clerk called the roll and the following votes were recorded: The following voted Aye: Mr. Narayan, Ms. Sonnier, Mr. Devoti and Chair Velazquez. **4 Ayes votes were cast.**

The following voted Aye:  
None

The following voted No:  
None

The following abstained:

None

The following were present but did not vote:

**A total of 4 Aye were cast. The motion carried.**

#### **IV. Board Bills for Review**

(The committee will discuss the following and take public comment on the following)

##### **Item Number 1**

##### **Board Bill Number 64**

##### **Introduced by Alderwoman Shameem Clark Hubbard**

An ordinance to repeal certain sections within the revised code of the City of St. Louis relating to the Zoological Board of Control.

Chair Velazquez introduced Ms. Clark-Hubbard to present Board Bill Number 64 before the committee.

Ms. Clark-Hubbard gave a brief description of Board Bill Number 64.

After no further discussion, the Chair opened the discussion up to members of the committee for questions and comments.

Hearing no questions or comments from members of the committee, the Chair entertained a motion to pass Board Bill Number 64 out of committee with a **Do Pass Recommendation.**

Mr. Devoti moved to pass Board Bill Number 64 out of committee with a **Do Pass Recommendation.**

Seconded by Ms. Sonnier.

Mr. Narayan call for the previous roll.

Hearing no objection to the previous roll, the Chair passed Board bill Number

64 out of committee with a **Do Pass Recommendation**.

The Chair directed the Associate Clerk to record the votes from the previous roll.

The Associate Clerk recorded the votes from the previous roll.

The following voted Aye: Mr. Narayan, Ms. Clark-Hubbard, Ms. Keys, Mr. Devoti, and Chair Velazquez. **5 Aye votes were cast.**

The following voted No:

None

The following voted Present:

None

The following Abstained:

None

The following were present but did not vote:

None

**A total of 5 Aye votes were cast. The motion carried.**

## **Item Number 2**

### **Board Bill Number 65**

#### **Introduced by Alderwoman Daniela Velazquez**

An ordinance to repeal various obsolete boards and commissions established under city ordinances and to remove them from city code.

The Chair recognized Cristina Garmendia, Policy Director for the President of the Board of Aldermen.

Ms. Garmendia stated that the President supports Board Bill Number 64 and Board Bill Number 65.

After no further discussion, the Chair turned the meeting over to Vice Chair Devoti to chair the meeting to introduce Board Bill Number 65.

Ms. Velazquez presented a brief PowerPoint presentation.

After no further discussion, Vice Chair Devoti opened the discussion up to members of the committee for questions and comments.

Hearing no questions or comments from members of the committee, the Vice Chair entertained a motion to pass Board Bill Number 65 out of committee with a **Do Pass Recommendation**.

Mr. Narayan moved to pass Board Bill Number 65 out of committee with a **Do Pass Recommendation**.

Seconded by Ms. Sonnier.

The Chair directed the Associate Clerk to call the roll.

The Associate Clerk called the roll and the following votes were recorded: The following voted Aye: Mr. Narayan, Ms. Keys, Ms. Sonnier, Mr. Devoti and Chair Velazquez. **5 Aye votes were cast.**

The following voted No:  
None

The following voted Present:  
None

The following voted Abstained:  
None

The following were present but did not vote:  
None

**A total of 5 votes were cast. The motion carried.**

After no further discussion, the Vice Chair turned the meeting back over to Chair Velazquez to resume chairing the meeting.

## **V. Resolutions for Review**

None

## **VI. Committee Discussions**

None

## **VII. Acknowledgment of Any Written Testimony**

None

## **VIII. Announcements**

Having no other business to discuss, the Chair entertained a motion to adjourn the meeting.

Seconded by Mr. Narayan.

**The motion was carried by unanimous consent.**

**The meeting adjourned at 2:18 p.m.**

## **IX. Excused Members**

The Chair entertained a motion to excuse Mr. Cohn from the committee meeting.

Seconded by Mr. Narayan.

The Chair directed the Associate Clerk to call the roll. The Associate Clerk called the roll and the following votes were recorded: The following voted Aye: Mr. Narayan, Ms. Sonnier, Mr. Devoti, and Chair Velazquez. **4 Ayes votes were cast.**

The following voted Aye:

None

The following voted No:

None

The following abstained:

None

The following were present but did not vote:

**A total of 4 Aye were cast. The motion carried.**

**X. Adjournment**

Having no other business to discuss, the Chair entertained a motion to adjourn the meeting.

Mr. Narayan moved to adjourn the meeting.

Seconded by Mr. Devoti.

**The motion carried by unanimous consent.**

**The meeting adjourned at 2:18 p.m.**

## **Summary**

**Board Bill Number 54**

**Introduced by Alderwoman Daniela Velazquez**

**July 11, 2025**

An ordinance submitting to the qualified voters of the City a proposed amendment to the Charter of the City of St. Louis repealing **Section 5 of Article IV of the Charter** in order to have the same non-partisan, top-two runoff system in special elections for Aldermen that is used in regular city elections; providing for an election to be held for voting on the proposed amendment and for the manner of voting; and for the publication, certification, deposit, and recording of this ordinance and containing an emergency clause.

**BOARD BILL NUMBER 54 INTRODUCED BY ALDERWOMAN DANIELA VELAZQUEZ**

1 An ordinance submitting to the qualified voters of the City a proposed amendment to the Charter  
2 of the City of St. Louis repealing **Section 5 of Article IV of the Charter** in order to have the  
3 same non-partisan, top-two runoff system in special elections for Aldermen that is used in  
4 regular city elections; providing for an election to be held for voting on the proposed amendment  
5 and for the manner of voting; and for the publication, certification, deposit, and recording of this  
6 ordinance and containing an emergency clause.

7 **WHEREAS**, the voters of the City of St. Louis approved Proposition D in November  
8 2020, thereby enacting Ordinance Number 71410, which established a system of open, non-  
9 partisan, top-two runoff elections for certain municipal offices, as codified in Sections 2.08.450  
10 thru 2.08.490 of the Code of Ordinances of the City of St. Louis; and

11 **WHEREAS**, this system empowers voters to select all candidates they approve of in a  
12 primary election, advancing the top two candidates to a runoff general election, and was  
13 designed to increase voter choice, reduce partisanship, and ensure that elected officials have  
14 broad voter support; and

15 **WHEREAS**, the goals of Proposition D—to improve transparency, accountability, and  
16 democratic participation—are equally relevant and necessary in special elections, which  
17 determine representation for critical public offices during times of vacancy; and

18 **WHEREAS**, under current law, there is ambiguity as to whether the procedures  
19 established by Ordinance 71410 apply to special elections to fill aldermanic vacancies,  
20 potentially leading to inconsistent electoral practices; and

21 **WHEREAS**, it is in the public interest to clarify and affirm that the open, non-partisan,  
22 top-two runoff election method applies not only to regularly scheduled elections, but also to all

1 special elections for the offices of Mayor, Comptroller, President of the Board of Aldermen, and  
2 Alderman; and

3 **WHEREAS**, applying the same election method to both regular and special elections  
4 promotes continuity, fairness, and public trust in the City’s election processes;

5 **NOW THEREFORE BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

6 **SECTION ONE.** The following amendment to the Charter of the City of St. Louis is hereby  
7 proposed and submitted to the voters of the City and to be voted upon at an election to be held as  
8 hereinafter provided.

9 **A. Section 5 of Article IV of the Charter of the City of St. Louis** is hereby repealed.

10 **SECTION TWO. BALLOT LANGUAGE.** The proposed amendment to the Charter of the  
11 City of St. Louis shall be submitted to the qualified voters of the City at the next primary or  
12 general election at which it can be lawfully submitted, and if said proposed amendment shall  
13 receive in its favor the number of votes required by law, such amendment shall be adopted and  
14 become a part of the Charter of the City of St. Louis from the date of said election or such other  
15 date as prescribed in said amendment. Qualified voters of the City of St. Louis may at the  
16 election aforesaid vote a ballot substantially in the following form:

17 PROPOSITION \_\_

18 (CHARTER AMENDMENT)

19 “Shall the City of St. Louis use the same non-partisan, top-two runoff system in special elections  
20 for Aldermen that is used in regular city elections by repealing Section 5 of Article IV of the  
21 Charter?”

22 Instructions to voters:

1 To vote in favor of the proposition submitted upon this ballot, place a cross (X) mark in the  
2 square opposite the word “YES”; and to vote against the proposition, place a cross (X) mark in  
3 the square opposite the word “NO”.

4 YES [ ]

5 NO [ ]

6 **SECTION THREE.** The Board of Election Commissioners shall provide the ballots or voting  
7 machines or both and conduct the election and shall ascertain and certify the result thereof  
8 according to the law. If voting machines are used, the aforesaid OFFICIAL BALLOT shall be  
9 placed or posted on the said voting machines wherever said machines are used under the  
10 direction of the Board of Election Commissioners for the City of St. Louis and according to law.

11 **SECTION FOUR.** Upon the approval of this ordinance, it shall be published in the City Journal,  
12 the official publication of the City of St. Louis, Missouri. Proof of the publication of this  
13 ordinance shall be made by affidavit of the City Register, and such affidavit shall be filed in the  
14 office of the City Register and a copy of such publication shall be attached thereto.

15 **SECTION FIVE.** Upon the approval of this amendment to the Charter of the City of St. Louis,  
16 it shall be certified, deposited and recorded as required by Article VI, Section 33 of the  
17 Constitution of the State of Missouri.

18 **SECTION SIX.** This being a bill calling for an election for submission to the people of an  
19 amendment to the Charter of the City of St. Louis, it is hereby declared to be an emergency  
20 measure and shall become effective immediately upon its passage and approval by the Mayor.

## Section 5 - Vacancies.

- (a) When a vacancy occurs in the office of ward alderman, one hundred and eighty (180) days or more prior to a city general election, such vacancy shall be filled through special election by the qualifying voters of the ward represented by the vacating alderman. The individual elected shall serve for the remainder of the unexpired term or until the next general city election, whichever shall occur first, at which time such office shall again be filled according to law. Where such special ward election is required for an abbreviated term it shall be held no sooner than seventy-five (75) days nor later than ninety (90) days after the occurrence of the vacancy and there shall be no primary election preliminary thereto. In such case the board of election commissioners shall accept and process the names of candidates representing the established political parties, as such parties are defined in Section 120.140-2. Missouri Revised Statutes, 1969 [RSMo 120.140(2) (1969)—now repealed], or as amended, which are certified by the respective city central committees of the aforesaid parties, as their chosen respective candidates to stand for election to fill the vacancy. Persons desiring such party certification shall conform to all the requirements of the revised code of the City of St. Louis required for primary nominations, except that the time limitation contained in the aforesaid revised code of the City of St. Louis shall not be observed. The certification herein provided shall be delivered to the board of election commissioners by the aforesaid several city central committees and by said board shall be receipted, not less than thirty (30) days before the date of the special election. Persons desiring to stand for election as non-partisan candidates shall file nomination petitions signed in the aggregate for each candidate by ten percent (10%) of the qualified voters in the respective ward who voted at the next preceding mayoral general election. The primary and general elections to fill aldermanic vacancies otherwise than herein provided, shall be subject to all other existing city and state laws pertaining to the provisions for and conduct of elections in the City of St. Louis.
- (b) All provisions of the city charter and ordinances and rules thereunder, or parts thereof, inconsistent with this amendment are hereby repealed.

**Summary**  
**Board Bill Number 137**  
**Introduced by Alderman Matt Devoti**  
**January 30, 2026**

An ordinance submitting to the qualified voters of the City of St. Louis the question of whether to amend the City of St. Louis Charter to modernize language describing City departments, divisions, and other organization, to provide for modern methods of advertisement and publication, to delete obsolete references to Missouri statute, to delete obsolete references to City departments, divisions, or other organization, to revise references to pay scale, to replace pronouns with specific title references, and to standardize capitalization of titles and uniform formatting of numbers; providing for an election to be held for voting on the proposed amendment, for the manner of voting, and the publication, certification, deposit, and recording of this ordinance; and containing an emergency clause.

**BOARD BILL NUMBER 137 INTRODUCED BY ALDERMAN MATT DEVOTI  
COSPONSORS: PRESIDENT MEGAN E. GREEN/ALDERWOMAN DANIELA  
VELAZQUEZ**

1 An ordinance submitting to the qualified voters of the City of St. Louis the question of whether  
2 to amend the City of St. Louis Charter to modernize language describing City departments,  
3 divisions, and other organization, to provide for modern methods of advertisement and  
4 publication, to delete obsolete references to Missouri statute, to delete obsolete references to City  
5 departments, divisions, or other organization, to revise references to pay scale, to replace  
6 pronouns with specific title references, and to standardize capitalization of titles and uniform  
7 formatting of numbers; providing for an election to be held for voting on the  
8 proposed amendment, for the manner of voting, and the publication, certification, deposit, and  
9 recording of this ordinance; and containing an emergency clause.

10 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

11 **SECTION ONE.** This ordinance shall be known as the Modernization  
12 Amendment Ordinance. An amendment to the Charter of the City of St. Louis is  
13 hereby proposed and submitted to the voters of the City of St. Louis to be voted upon at an  
14 election to be held on Tuesday, the 4th day of August, 2026, namely that those certain Articles of  
15 the Charter of the City of St. Louis shown on **Exhibit A**, attached hereto, are to be revised as  
16 shown on said **Exhibit A**, with strikethroughs representing deletions and text in bold type  
17 representing inserted text. A vote in favor of such amendment shall constitute approval and  
18 adoption of the revisions as shown on **Exhibit A**.

19 **SECTION TWO.** The proposed amendment to the Charter of the City of St. Louis shall  
20 be submitted to the qualified voters of the City of St. Louis at the primary election to be held on  
21 Tuesday, the 4th day of August, 2026, and if said proposed amendment shall receive in its favor  
22 the number of votes required by law, such amendment shall be adopted and become a part of the

1 Charter of the City of St. Louis from the date of said election or such other date prescribed by  
2 law. The qualified voters may, at such election, vote a ballot in the following form:

3 **OFFICIAL BALLOT**

4 **CHARTER AMENDMENT**

5 The proposition shall appear on the ballot as follows:

6 Shall the Charter of the City of St. Louis be amended to modernize language  
7 describing City departments, divisions, or other organization, to provide for  
8 modern methods of advertisement and publication, to delete obsolete references to  
9 Missouri statute, to delete obsolete references to City departments, divisions, or  
10 other organizations, to remove obsolete references to pay scale, to replace  
11 pronouns with specific title references, and to standardize capitalization of titles  
12 and uniform formatting of numbers?

13 Instructions to voters:

14 To vote in favor of the charter amendment submitted upon this ballot, place an  
15 “X” in the square opposite the word “Yes”; to vote against the Charter  
16 amendment, place an “X” in the square opposite the word “No”.

17 YES [ ]

18 NO [ ]

19 **SECTION THREE.** The Board of Election Commissioners of the City of St. Louis shall  
20 provide notice of such election, shall provide the ballots or voting machines, or both, and  
21 conduct the election and shall ascertain and certify the result thereof, all according to the laws  
22 regulating such elections. If voting machines are used, the aforesaid “OFFICIAL BALLOT”  
23 shall be placed or posted on said voting machines wherever said machines are used under the

1 direction of the Board of Election Commissioners for the City of St. Louis and according to the  
2 laws regulating such elections.

3 **SECTION FOUR.** Upon the approval of this Ordinance, it shall be published once in  
4 the City Journal. Proof of the publication of this Ordinance shall be made by affidavit of the  
5 City Register, and such affidavit shall be filed in the office of the Register and a copy of such  
6 publication shall be attached thereto.

7 **SECTION FIVE.** Upon the approval of this amendment to the Charter of the City of St.  
8 Louis, it shall be certified, deposited, and recorded as required by Article VI, Section 33 of the  
9 Missouri Constitution.

10 **SECTION SIX.** This being an Ordinance calling for an election or vote by or  
11 submission to the people of the City of St. Louis, it is hereby declared to be an emergency  
12 measure and shall become immediately effective upon its passage and approval by the Mayor  
13 pursuant to Article IV, Sections 19 and 20 of the Charter of the City of St. Louis.

**BOARD BILL NUMBER 137**  
**EXHIBIT A:**

Articles:

Article I Incorporation

Article II Elections

Article III Recall of Elective Officers

Article IV Board of Aldermen

Article V Initiative

Article VI Referendum

Article VII Mayor

Article VIII City Officers and Employees

Article IX Register

Article X Law Department

Article XI City Marshal

Article XII City Courts

Article XIII Board of Public Service

Article XIV Art Museum and Zoological Park

Article XV Department of Finance

Article XVI Board of Estimate and Apportionment

Article XVII City Bonds

Article XVIII Civil Service

Article XIX Franchises

Article XX Licenses Taxes

Article XXI Eminent Domain

Article XXII Public Works and Improvements

Article XXIII Special Tax Bills

Article XXIV Improvement Bonds And Funds

Article XXV Miscellaneous Provisions

Article XXVI City Parks Protection

Article I - INCORPORATION

Section 1 - Body corporate; seal; enumeration of powers.

The inhabitants of The City of St. Louis, as its limits now are or may hereafter be, shall be and continue a body corporate by name "The City of St. Louis," and as such shall have perpetual succession, may have a corporate seal, and sue and be sued.

It shall have power:

- (1) *General and special taxes.* To assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation.
- (2) *Classifications for taxation.* To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.
- (3) *Special assessments.* To make special assessments for local improvements.
- (4) *Contracts.* To contract and be contracted with.
- (5) *Creation of indebtedness.* To incur debts by borrowing money or otherwise and to give any appropriate evidence thereof.
- (6) *Issuance of bonds and notes.* To issue and give, sell, pledge or in any manner dispose of negotiable or non-negotiable, interest-bearing or non-interest-bearing, bonds or notes of the [e]City, upon the credit of the [e]City or solely upon the credit of specific property owned by the [e]City or solely upon the credit of income derived from and property used in connection with any public utility owned or operated by the [e]City or solely upon the credit of the proceeds of special assessments for local improvements or upon any two (2) or more of such credits.
- (7) *Expenditures.* To expend the money of the [e]City for all lawful purposes.
- (8) *Acquisition and disposition of property.* To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein within or without the [e]City or [s]State.
- (9) *Eminent domain.* To condemn private property, real or personal, or any easement or use therein for public use within or without the [e]City or [s]State.
- (10) *Trusts.* To take and hold property within or without the [e]City or [s]State upon trust, and to administer trusts.
- (11) *Public utilities.* To acquire, construct, own, operate and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein or any other utility of service to the [e]City, its inhabitants, or any part thereof.
- (12) *Franchises.* To grant franchises for public utilities.

- (13) *Regulation of public utilities.* To regulate the construction, maintenance, equipment, operation, service, rates and charges of public utilities and compel, from time to time, reasonable extensions of facilities for such service.
- (14) *Streets, alleys, parks, sewers, etc.* To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, [~~sprinkle~~] and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains, and regulate the use thereof.
- (15) *Public buildings and other property.* To acquire, provide for, construct, regulate and maintain and do all things relating to all kinds of public buildings, structures, markets, places, works and improvements.
- (16) *Harbor, wharves and ferries.* To provide and maintain a harbor and wharves and regulate the use thereof, and impose wharfage and other charges *for such* [~~therefor~~]; license and regulate ferries and other boats; grant ferry privileges and regulate ferry charges; rent or lease for not exceeding twenty-five (25) years portions of the wharf for any purpose tending to facilitate the trade of the [e]City.
- (17) *Watercourses.* To improve watercourses and regulate the use thereof.
- (18) *Water rates.* To establish, impose and enforce water rates and rates and charges for public utilities or other service, products or conveniences operated, rendered or furnished by the [e]City.
- (19) *Sanitary system.* To provide and maintain a sanitary system.
- (20) *Fire [~~d~~]Department.* To provide and maintain a [~~f~~]Fire [~~d~~]Department.
- (21) *Police and [e]Excise Departments.* To provide and maintain [~~p~~]Police and [e]Excise [~~d~~]Departments when permitted by law.
- (22) *Sewage[~~,ashes~~] and garbage.* To collect and dispose of sewage, offal, [~~ashes~~], garbage and refuse, or to license and regulate such collection and disposal.
- (23) *Regulation of business.* To license and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade.
- (24) *License taxes.* To impose a license tax upon any business, vocation, pursuit, calling, animal or thing.
- (25) *Nuisances, etc.* To define and prohibit, abate, suppress and prevent or license and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental or liable to be detrimental to the health, [~~morals,~~] comfort, safety, convenience or welfare of the inhabitants of the [e]City and all nuisances and causes thereof.
- (26) *Location of businesses and occupations.* To prescribe limits within which business, occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.
- (27) *Inspection of articles of consumption or use.* To inspect, test, measure and weigh any article of consumption or use within the [e]City.
- (28) *Weights and measures.* To establish, regulate, license and inspect weights and measures.
- (29) *Construction of buildings and maintenance of premises.* To regulate the construction and materials

of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and, when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

- (30) *Grade crossings.* To abolish or prevent grade crossings and provide for safe crossings and compel any street, steam, electric railroad or other transportation company or companies affected thereby to pay all or a part of the cost thereof.
- (31) ~~[Children, aged and insane]~~ *Support for persons in need.* To provide for the support, maintenance and care of children and sick, aged, or ~~[insane poor persons and paupers]~~ **mentally ill persons requiring assistance.**
- (32) *Public institutions and services.* To provide and maintain charitable, educational, recreative, curative, corrective, detentive or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services.
- (33) *General welfare.* To do all things whatsoever expedient for promoting or maintaining the comfort, education, morals, peace, government, health, welfare, trade, commerce or manufactures of the [e]City or its inhabitants.
- (34) *Fines, forfeitures and penalties.* To enforce any ordinance, rule or regulation by means of fines, forfeitures, penalties and imprisonment or by action or proceeding in its own courts or in any other court of competent jurisdiction or by any one (I) or more of such means, and to impose costs as a part thereof.
- (35) *Incidental powers.* To exercise all powers granted or not prohibited to it by law or which it would be competent for this [e]Charter to enumerate.

## Section 2 - Enumeration not exclusive; scope of grant of power.

The enumeration of particular powers in this [e]Charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this [a]Article impair a power granted in any other part of this [e]Charter; and whether powers, objects or purposes are expressed conjunctively or disjunctively they shall be construed so as to permit the [e]City to exercise freely any one (I) or more such powers as to any one (I) or more such objects for any one (I) or more such purposes.

## Section 3 - Wards.

~~[Until December 31, 2021 the City is hereby divided into 28 wards, bounded and numbered as the wards of the City now are; Beginning January 1, 2022, and thereafter, t]~~ The [e]City shall be divided into 14 wards, which ward boundaries shall be based upon the 2020 decennial census of the United States of America, and each decennial census thereafter, and corrected ward boundaries shall be established by ordinance which shall comprise as nearly as practicable, compact and contiguous territory within straight lines, and contain as nearly as may be the same number of inhabitants; such ordinance shall be adopted before the end of the calendar year next succeeding the year the census is taken, with an effective date of the first day of the subsequent calendar year.

## Section 4 - Earnings tax.

The City of St. Louis shall have power to assess, levy and collect by ordinance for general revenue purposes an earnings tax not in excess of one (1) per centum on salaries, wages, commissions and other compensation earned by its residents; on salaries, wages, commissions and other compensation earned by non-residents of the [e]City for work done or services performed or rendered in the [e]City; on the net profits of associations, businesses or other activities conducted by residents; on the net profits of associations, business or other activities conducted in the [e]City by non-residents; and on the net profits earned by all corporations as the results of work done or services performed or rendered and businesses or other activities conducted in the [e]City. It shall have power to allow exemptions and deductions from the gross earnings of employees, to impose upon employers the duty of collecting and remitting to it any tax that may be levied upon the earnings of employees and to prescribe penalties for failure to perform such duty.

## Article II - ELECTIONS

Section 1 - When general elections are held.

A general municipal election shall be held on the first Tuesday after the first Monday in April, 2005, and every two (2) years thereafter.

Section 2 - Mayor and Comptroller.

At the general [e]City election in 1917, and every four (4) years thereafter, a [m]Mayor and [e]Comptroller shall be elected each for a term of four (4) years and until [~~his~~the] successor qualifies.

Section 3 - Alderpersons[~~men~~].

At the general [e]City election in 1915 one (1) Alderperson[~~alderman~~] from each odd-numbered ward shall be elected for a term of two (2) years, and at the same election, and every four (4) years thereafter, one (1) Alderperson[~~alderman~~] from each even-numbered ward, and a [p]President of the [b]Board of [a]Aldermen, shall be elected, each for a term of four (4) years; however, the Alderpersons[~~aldermen~~] from each odd-numbered ward, shall be elected at the general [e]City election in 2021 shall be elected for a term of two (2) years; the Alderpersons [~~aldermen~~] from each odd-numbered ward, shall be elected at the general [e]City election in 2023 shall be elected for a term of two (2) years; the Alderpersons[~~aldermen~~] from each odd-numbered ward, shall be elected at the general City election in 2025, and every four (4) years thereafter, shall be elected for a term of four (4) years. At the general City election in 2023, and every four (4) years thereafter, one (1) Alderperson[~~alderman~~] from each even-numbered ward and a [p]President of the [b]Board of [a]Aldermen shall be elected, each for a term of four (4) years.

Section 4 - General ticket required for elective officers.

Every elective [e]City officer, including the [p]President and members of the [b]Board of [a]Aldermen, shall be elected by a general ticket; provided, that whenever the [e]Constitution and laws of the [s]State permit, each Alderperson[~~alderman~~] shall be elected only by the voters of the ward from which [~~he~~the Alderperson] is elected.

Section 5 - Elections on initiative, referendum or recall—When held.

The [b]Board of [e]Election [e]Commissioners shall designate the day for holding any special election under the initiative, referendum or recall provisions of this [e]Charter.

Section 6 - [~~Same~~]Elections on initiative, referendum or recall—Notice to be given.

The [b]Board of [e]Election [e]Commissioners shall cause a notice to be published [~~at least three times in at least two daily newspapers in the city~~]by a method that is consistent with best governmental practices, which shall include electronic means including the City's website, and in accordance with [s]State law, [~~the first insertion to be~~] at least twenty (20) days prior to the holding of any election under the initiative, referendum or recall provisions of this [e]Charter, such notice to state the time and place of holding such election and the general nature of each proposition or ordinance to be voted upon.

Section 7 - Conduct of elections.

Except as in this [e]Charter otherwise provided, all elections shall be held and proceedings had in relation thereto as may be provided by law or ordinance.

Section 8 - Expense of elections on initiative, referendum or recall.

All necessary expenses incurred in preparing for and conducting any election under the initiative, referendum or recall provisions of this [e]Charter shall be paid as follows: The [b]Board of [e]Election [e]Commissioners shall prepare its estimate of such expenses and submit *the* same to the [b]Board of [a]Aldermen. The [m]Mayor and [b]Board of [a]Aldermen must then appropriate the amount so estimated. The [b]Board of [e]Election [e]Commissioners shall audit and approve all such expenses so incurred and certify them to the [e]Comptroller, who must draw [his]a warrant [~~therefor~~]on the [t]Treasurer, who must pay the same. If no appropriation has been made for such payment, the [t]Treasurer shall charge the same to any fund not otherwise appropriated or to any fund available *for such payment* [~~therefor~~], anything in this [e]Charter to the contrary notwithstanding.

Section 9 - Municipal elections.

Whenever it may be done in harmony with the [s]State [e]Constitution and laws, the [b]Board of [a]Aldermen shall by ordinance provide for and regulate municipal elections and registration of voters and may provide by ordinance for nonpartisan nominations, preferential voting or proportional representation.

### Article III - RECALL OF ELECTIVE OFFICERS

Section 1 - By whom exercised.

Any elective officer may be recalled by the voters of the [e]City, or if [~~he~~]such officer shall have been elected by the voters of a ward or district, then by the voters of such ward or district, as hereinafter provided.

Section 2 - Petition—Percentage of voters required.

A petition for such recall shall be signed by registered voters equal in number to twenty (20) percent of all the registered voters of the [e]City at the time of the last preceding regular mayoralty election; provided, that in such number shall be included twenty (20) percent of the registered voters at said time in each of at least two-thirds ( $\frac{2}{3}$ ) of the wards of the [e]City; provided further, that if the officer shall have been elected by the voters of a ward or district, the petition need be signed by only twenty (20) percent of all the registered voters therein at the time of said mayoralty election.

Section 3 - ~~Same~~ Petition—How signatures affixed.

The signatures need not all be appended to one (1) paper, but all papers comprising the petition shall be uniform in character and shall each be verified by affidavit stating that each signature thereto was made in affiant's presence by, as affiant verily believes, the person whose name it purports to be. Each signer shall state, opposite ~~his~~ the signer's signature, ~~his~~ the signer's residence address. Any person shall be deemed a registered voter whose name can be found on the Board of Election's registered voters list. ~~is uncerased on the registration books.~~

Section 4 - ~~Same~~ Petition—Contents.

Each of the papers comprising the petition shall state the name and office of the officer whose recall is sought and ask for ~~his~~ the officer's recall before any signature is appended thereto.

Section 5 - ~~Same~~ Petition—Filing and certification.

All papers comprising the petition shall be assembled by the petitioners and filed with the [b]Board of [e]Election [e]Commissioners as one (1) instrument, and within ten (10) days thereafter said [b]Board shall find and certify as to the sufficiency of the petition, stating the number of registered voters signing. If the petition is certified to be insufficiently signed, supplemental papers conforming to the requirements for the originals may be filed within twenty (20) days thereafter, and said [b]Board, within ten (10) days after such supplements are filed, shall find and certify as to the sufficiency of the petition, so supplemented. If found still insufficiently signed, no further supplement shall be allowed, but a new petition may be filed.

Section 6 - Notification to officer.

If such recall petition, with supplements, if any, be found sufficient, a certificate to that effect shall be mailed by said [b]Board to the officer, and if ~~he~~ the officer does not resign within ten (10) days after such mailing, said [b]Board shall provide for submitting the question of ~~his~~ the officer's recall at the first election at which it may lawfully be submitted, not less than thirty (30) nor more than ninety (90) days after such mailing, and if there is no such election, then at a special election to be held within such ninety (90) days if legally possible, otherwise at the earliest day at which said question may be submitted at either a general or special election. Any such election, at any stage thereof, shall at once be discontinued upon the death, resignation or removal of the officer whose recall is in question.

Section 7 - Form of ballot.

The ballot shall state the proposition, "Shall (name of officer) be rereMOVED from the office of (name of office)?" and to the right thereof, in bold type, the words "yes" and "no,"~~[one above the other]~~ with a box or line next to each. To vote for the recall of said officer the voter shall ~~[strike out the word "no,"]~~ make a mark in the box next to the word "yes", and to vote against such recall, the voter shall make a mark in the box next to the word "no"~~["yes"]~~. If the majority of the votes cast thereon at said election shall be in favor of such recall, the office shall be vacant five (5) days thereafter.

Section 8 - Propositions to be separately submitted.

No petition shall seek the recall of more than one (1) officer, but several propositions for recall may be separately submitted at the same election on the same ballot.

Section 9 - Limitations on use.

No recall petition shall be filed against any officer within the first six (6) months or the last six (6) months of the officer's~~[his]~~ term nor within six (6) months after a proposition for the officer's~~[his]~~ recall has been defeated at an election.

Article IV - BOARD OF ALDERMEN

Section 1 - Composition.

The legislative power of the City of St. Louis shall, subject to the limitations of this ~~[e]~~ Charter, be vested in a ~~[b]~~ Board of ~~[a]~~ Aldermen consisting of a ~~[p]~~ President, and ~~[twenty-eight]~~ fourteen (14) members before the first day of the annual general session of the ~~[b]~~ Board of ~~[a]~~ Aldermen, ~~in April, 2023, and of a President, elected as such by general ticket from the city at large, and fourteen (14) members thereafter,~~ one (1) from each ward, to be elected only by the qualified voters of the ward such member~~[he or she]~~ is a candidate to represent, and to be known as ~~[a]~~ Alderman, ~~[a]~~ Alderwoman, or Alderperson from the ward from which elected. Provided, that Alderpersons~~[aldermen]~~ heretofore elected shall remain in office until the end of the terms for which the Alderpersons~~[they]~~ were, respectively, elected, and provided further that in case of a vacancy, the Alderperson~~[alderman or alderwoman]~~ elected to fill such a vacancy shall be chosen by the qualified voters of the ward from which ~~[he or she]~~ the Alderperson is elected.

Section 2 - Qualifications and salary.

No person shall become an Alderperson~~[alderman]~~ except a voter at least twenty-five (25) years of age, and who shall have been ~~[next]~~ before ~~[his or her]~~ their election five (5) years a citizen of the United States, three (3) years a resident of the ~~[e]~~ City, two (2) years an assessed taxpayer of the ~~[e]~~ City, and one (1) year a resident of the ward from which elected, nor who shall have been convicted of malfeasance in office, bribery, or other corrupt

practice or crime; and if any Aldersperson[**alderman**] shall be so convicted or shall at any time not be a resident of such ward, the Aldersperson[**alderman**] shall thereby forfeit the office. However, in the event that an Aldersperson[**alderman**] ceases to reside within the ward to which [~~he or she~~]the Aldersperson was elected due solely to redistricting of the wards pursuant to Article I, Section 3 of this Charter, said Aldersperson[**alderman**] shall not immediately forfeit office, but shall remain in office with all attendant powers and duties during the remainder of said Aldersperson[**alderman**]'s then-existing term of office, and until qualification of the Aldersperson[**alderman**] of the redistricted ward elected at the next succeeding general [**e**]City election. The salary of each Aldersperson[**alderman**] shall be as established by ordinance.

### Section 3 - President.

The [**p**]President of the [**b**]Board of [**a**]Aldermen shall preside at all meetings and have the qualifications and forfeit [**his**]the President's office for the causes provided with regard to the [**m**]Mayor. [~~His~~]The President's salary shall be [~~five thousand dollars per annum~~]set by the provisions of the compensation ordinance.

### Section 4 - Absence from meetings.

Whenever a member of said [**b**]Board other than the [**p**]President is absent from a meeting [~~he~~]such member shall forfeit ten dollars (\$10.00) of [**his**]such member's salary unless [**his**]such member's absence is excused on motion, stating the cause thereof, and adopted by a majority of the members present, provided, that forfeitures by one (**I**) member shall not exceed eight hundred dollars (\$800.00) in any one (**I**) year. No forfeiture imposed because of absence shall be remitted.

### Section 5 - Vacancies.

- (a) When a vacancy occurs in the office of [~~ward~~] Aldersperson[**alderman**], one hundred and eighty (180) days or more prior to a [**e**]City general election, such vacancy shall be filled through special election by the qualifying voters of the ward represented by the vacating Aldersperson[**alderman**]. The individual elected shall serve for the remainder of the unexpired term or until the next general [**e**]City election, whichever shall occur first, at which time such office shall again be filled according to law. Where such special ward election is required for an abbreviated term it shall be held no sooner than seventy-five (75) days nor later than ninety (90) days after the occurrence of the vacancy and there shall be no primary election preliminary thereto. In such case the [**b**]Board of [**e**]Election [**e**]Commissioners shall accept and process the names of candidates representing the established political parties, as such parties are defined by Missouri statute,~~[ are defined in Section 120.140-2. Missouri Revised Statutes, 1969 [RSMo 120.140(2) (1969) — now repealed], or as amended,~~] which are certified by the respective [**e**]City [**e**]Central [**e**]Committees of the aforesaid parties, as their chosen respective candidates to stand for election to fill the vacancy. Persons desiring such party certification shall conform to all the requirements of the revised code of the City of St. Louis required for primary nominations, except that the time limitation contained in the aforesaid revised code of the City of St. Louis shall not be observed. The certification herein provided shall be delivered to the [**b**]Board of [**e**]Election [**e**]Commissioners by the aforesaid several [**e**]City [**e**]Central [**e**]Committees and by said [**b**]Board shall be receipted, not less than thirty (30) days before the date of the special election. Persons desiring to stand for election as non-partisan candidates shall file nomination petitions signed in the aggregate for each candidate by ten percent (10%) of the qualified voters in the

respective ward who voted at the next preceding mayoral general election. The primary and general elections to fill aldermanic vacancies otherwise than herein provided, shall be subject to all other existing [e]City and [s]State laws pertaining to the provisions for and conduct of elections in the City of St. Louis.

- (b) All provisions of the [e]City [e]Charter and ordinances and rules thereunder, or parts thereof, inconsistent with this amendment are hereby repealed.

Section 6 - Vice-[p]President, [e]Clerk and other officers and employees.

Said [b]Board shall choose from its membership a [v]Vice-[p]President to act in case of the absence, disability or failure to act of the [p]President, shall choose a [e]Clerk, and may select any other officers and employees.

Section 7 - Board to be judge of qualifications of members; quorum.

Said [b]Board shall be the judge of the qualifications of its members, except of its [p]President, and a majority of all its members shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees in such manner and under such penalties as the [b]Board may provide.

Section 8 - Rules of procedure; punitive powers; attendance of witnesses; journal; publication of proceedings.

Said [b]Board may determine the rules of its proceedings, subject to this [e]Charter; arrest and punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous behavior in its presence; and with the concurrence of two-thirds ( $\frac{2}{3}$ ) of all its members, expel a member for cause, after notice and upon a hearing. It shall have power, and may delegate it to any committee, to subpoena witnesses and order the production of [~~books and papers~~]documents relating to any subject within its jurisdiction; to call upon its own officer or designee[~~the city marshal~~] to execute its process; and to arrest and punish by fine or imprisonment, or both, any person refusing to obey such subpoena or order. No fine for any one (1) offense under this [s]Section shall exceed three hundred dollars (\$300.00) nor shall any imprisonment for any one (1) offense exceed ten (10) days; but each day's continuance of any refusal as aforesaid shall be a separate offense. Its presiding officer or the chairman of any committee may administer oaths to witnesses. It shall keep a journal of its proceedings, and the yeas and nays on any question shall at the desire of any member present be entered thereon. The proceedings of each meeting of said [b]Board shall be published within five (5) days in the paper or papers doing the city publishing.

Section 9 - General and special sessions.

One (1) session of said [b]Board shall be held annually, beginning on the third Tuesday of April, and the [m]Mayor may by three (3) days' proclamation convene it in special session. All sessions shall be public and in the [e]City [h]Hall, subject to change of place in case of emergency.

Section 10 - Enacting style of ordinances.

The style of every ordinance shall be: "Be it ordained by the [e]City of St. Louis as follows:"

Section 11 - Ordinances to be passed by bill; limitation on amendment.

No ordinance shall be passed except by bill and no bill shall be so amended in its passage as to change its original purpose.

Section 12 - Revival, amendment and re-enactment of ordinances.

No ordinance shall be revived or re-enacted except by bill setting it forth in full, nor amended except by bill setting forth the ordinance or section amended in full, as amended.

Section 13 - Bills to contain single subject; exception.

No bill, except a general appropriation bill which shall only embrace matters on account of which monies[~~moneys~~] are appropriated, shall contain more than one (1) subject, which shall be clearly expressed in its title.

Section 14 - How committees discharged.

The [**b**]Board of [**a**]Aldermen at any meeting held thirty (30) days or more after any bill shall have been referred to a committee, shall, on motion of any member, determine by the yeas and nays entered on the journal, whether such committee shall be discharged from further consideration thereof.

Section 15 - Amendments to be engrossed.

All amendments adopted shall be incorporated with the bill by engrossment under the supervision of a committee which shall report in writing such engrossment not later than the first meeting of said [**b**]Board held more than three (3) days after the order to engross.

Section 16 - Adoption of ordinances.

Every bill shall be read on three (3) different days in open session before its adoption, and no bill shall become an ordinance unless a majority of all the members vote in favor of its adoption and the presiding officer signs the same in open session.

Section 17 - Approval or disapproval of ordinances by [**m**]Mayor; reconsideration by [**b**]Board.

Each bill shall be presented to the [**m**]Mayor immediately after its adoption, but shall not be acted upon by **the Mayor**[**him**] (except it be an emergency measure) within ten (10) days after its adoption. [**He**]The Mayor shall within twenty (20) days after its presentation to the Mayor[**him**] return it with the Mayor's[**his**] approval or

disapproval endorsed thereon to the [b]Board of [a]Aldermen, or, if said [b]Board shall have finally adjourned, to the [r]Register. Failure [so] to return any bill within said time shall constitute approval thereof by the [m]Mayor. If the [m]Mayor approves the bill, or fails to return it as and when above provided, it shall become an ordinance, subject to the referendum provisions of this [e]Charter. If *the Mayor[he]* returns it to the [r]Register, with *the Mayor's[his]* disapproval endorsed thereon, after said [b]Board shall have finally adjourned, but within said twenty (20) days, it shall not become an ordinance. If *the Mayor[he]* returns it to said [b]Board, with *the Mayor's[his]* disapproval endorsed thereon, within said twenty (20) days and before said [b]Board shall have finally adjourned, said [b]Board shall reconsider it. If, on such reconsideration, two-thirds ( $\frac{2}{3}$ ) of all the members vote to pass the bill, the presiding officer shall certify that fact thereon over *the Mayor's[his]* signature and thereupon the bill shall become an ordinance, subject to the referendum provisions of this [e]Charter; otherwise it shall not become an ordinance. If a bill contains several items of appropriation, the [m]Mayor may disapprove one (1) or more items while approving the others, and the items approved shall become an ordinance in like manner as a bill approved, and the items disapproved shall be proceeded with in like manner as a bill disapproved.

Section 18 - How vote determined; entry in journal.

In all cases under the two (2) next preceding sections the votes shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered on the journal.

Section 19 - Effective date of ordinances.

No ordinance, unless it be an emergency measure, shall take effect until thirty (30) days after its approval by the [m]Mayor or thirty (30) days after adoption over [his]the Mayor's veto.

Section 20 - Emergency ordinance defined.

An emergency measure is any ordinance necessary for the immediate preservation of the public peace, health or safety, or providing for public work or improvements of any kind or repairs thereof, or establishing a benefit or taxing district or a sewer district, or a joint sewer district, and declared to be an emergency measure; any ordinance calling or providing for any election or vote by or submission to the people; any ordinance making an appropriation for the payment of principal or interest of the public debt, or for current expenses of the [e]City government; any general appropriation ordinance; or any ordinance fixing any tax rate; but no ordinance granting, enlarging or affecting any franchise or amending or repealing any ordinance adopted by the people under the initiative shall be an emergency measure.

Section 21 - Ordinances to be numbered and published.

Every ordinance shall be immediately sent to the [r]Register, [~~and by him~~]numbered *by the Register, and* filed and preserved in [his]the Register's office. Every ordinance shall be published within ten (10) days after its approval by the [m]Mayor or adoption over [his]the Mayor's veto in the paper or papers doing the city publishing.

Section 22 - Revision of ordinances.

There shall be a revision of the general ordinances every five (5) years.

Section 23 - Legislative and administrative powers of **[b]Board**.

The **[b]Board** of **[a]Aldermen** shall have power by ordinance not inconsistent with this **[a]Article** to exercise all the powers of the **[e]City** and provide all means necessary or proper ~~[therefor]~~; also to do all things needful within or without the **[e]City** or **[s]State** to protect the rights of the **[e]City**.

Section 24 - Fines and imprisonment.

No fine shall exceed five hundred dollars (\$500.00) except for violations of City ordinances regarding unpermitted demolitions, vacant property, or non-owner-occupied deteriorated property or regarding the preservation and protection of environmental conditions in the City for the prevention of harm to the health, safety and comfort of its residents or harm to private or public property such as the unauthorized dumping of waste or debris on private or public property, prohibited refuse, waste tire disposal.

Section 25 - Expenditures to be pursuant to ordinance; recommendations required.

Except as otherwise expressly provided in this **[e]Charter**, no money shall be expended except in consequence of appropriations made by ordinance, and no improvement involving any expenditure of money shall be ordered except by ordinance. No ordinance making, changing or transferring an appropriation or contemplating or involving the payment of any money shall be adopted unless the **[b]Board** of **[e]Estimate** and **[a]Apportionment** shall have recommended or joined in recommending the same.

Section 26 - Limitations on powers of **[b]Board**.

The **[b]Board** of **[a]Aldermen** shall not have power to relieve or exempt any person from the payment of any tax or from any burden imposed by law; nor to authorize the compromise of any disputed contractual demand, or any allowance on account thereof not provided for in the contract, except on recommendation of the **[b]Board** of **[e]Estimate** and **[a]Apportionment**; nor to authorize the payment of any damages claimed for alleged injuries to persons or property, except upon recommendation by the **[e]City** **[e]Counselor**; or to appropriate any money for charitable purposes, except such as shall be subject to the administration or supervision of the **[e]City**; nor to sell, lease or otherwise dispose of the waterworks; nor to sell any of the **[e]City's** real estate except by ordinance adopted by a vote of two-thirds (2/3) of all the members; nor to acquire real estate by private purchase except by ordinance recommended by the **[b]Board** of **[p]Public** **[s]Service**.

Section 27 - Reserved.

Section 28 - Definitions.

As used in Sections 28 to 34, the following terms mean:

1. "Applicant", an individual who applies to serve on the People's Commission.
2. "City", the City of St. Louis.
3. "Commission", the People's Commission.
4. "Controlling Person", an officer, director, manager, principal, shareholder, or member with at least 10% ownership of a legal entity.
5. "Day", a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday in which City offices are closed, the period is extended to the next day that is not a Saturday, Sunday, or holiday in which City offices are closed.
6. "Decennial Census", the national decennial census taken under the direction of the United States Congress at the beginning of each decade.
7. "First Degree Relative", a parent, spouse, or child.
8. "Committee", the Oversight Committee.
9. "Parent", the natural or adopted parents or someone who acted as a parent in lieu of a natural or adopted parent.
10. "Spouse", a licensed marriage spouse or registered domestic partner.
11. "Child or children", the natural, foster, and adopted child or children, and stepchild or stepchildren.
12. Notwithstanding any other provision of law to the contrary, the term Alderperson shall include an Alderman or Alderwoman.
13. Notwithstanding any other provision of law to the contrary, the term Board of Alderpersons shall include the Board of Aldermen.

#### Section 29 - The People's Commission.

- A. The Commission shall consist of nine (9) members who represent the demographic make-up of the City of St. Louis. The members shall be chosen to ensure the Commission reflects the City's diversity, including, but not limited to, racial, ethnic, sexuality, ability, age, area of residence, and gender diversity. However, it is not intended that formulas or specific ratios be applied for this purpose.
- B. Members of the Commission shall:
  1. Be registered voters in the City of St. Louis for at least three (3) consecutive years immediately preceding the date of appointment to the Commission;
  2. Have voted in at least one (1) municipal election in the five (5) years immediately preceding the date of appointment to the Commission; and
  3. Be free of conflicts of interest. For the purposes of this Section, a conflict of interest arises if, in the two (2) years immediately preceding the date of appointment to the Commission, an applicant, or a First Degree Relative of the applicant has:
    - a. Been appointed to, elected to, or been a candidate for state, county, or City office;

- b. Served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county, federal, or City office;
- c. Been a registered state lobbyist, or local lobbyist who represented clients with interests in front of City government;
- d. Been a paid employee of the City of St. Louis; a person performing paid services under professional or political contract to the City, to the Board of Aldermen~~men~~[persons], or to any member of the Board of Aldermen~~men~~[persons]; any Controlling Person of any such enterprise providing a professional or political contracted service to the City, to the Board of Aldermen~~men~~[persons], or to any member of the Board of Aldermen~~men~~[persons].

C. Applicants shall complete an application form provided by the Clerk of the Board of Aldermen~~men~~[persons]. Such form shall be provided in paper form at the Board of Aldermen~~men~~[persons], City Hall Room 230 and online on the website for the Board of Aldermen~~men~~[persons]. The form shall request such information as determined by the Clerk, but shall include the following:

- 1. Name of Applicant;
- 2. Birthdate;
- 3. Current address of residence, including ward;
- 4. Length of residence at current address;
- 5. Addresses for past five (5) years if other than current address;
- 6. Race;
- 7. Ethnicity;
- 8. Sexual Orientation;
- 9. Gender Identity;
- 10. A checkbox for an applicant to self-identify as an individual with a disability;
- 11. Business or occupation engaged in during the preceding five (5) years, including address of and date of service with each business or occupation;
- 12. Branch, date, and rank at discharge of military service;
- 13. Educational background, including high school and college credits, the name of each educational institution attended and any degree or diploma received;
- 14. Description of and date of service in civic or community organizations;
- 15. Memberships in professional, technical, or other organizations;
- 16. A statement of qualifications not longer than 300 words expressing the reasons why the Applicant believes ~~he or she~~the Applicant is qualified to serve as a member of the Commission; and
- 17. An acknowledgement, signed by the Applicant, that ~~he or she~~the Applicant is a registered voter in the City and has voted in at least one (1) municipal election in the preceding five (5) years.

- D. The Applicant shall be required to sign the application form under penalty of perjury.
- E. The application period shall be advertised in both the City Journal and on the Board of Aldermen's[persons'] website. The application period shall open one (1) month following receipt of the Decennial Census information. The application period shall remain open for at least thirty (30) days but not longer than forty (45) days or until at least fifty (50) applications are received including at least one (1) applicant from each ward existing at the time of the Decennial Census, whichever is longer. If, after forty-five (45) calendar days, the applicant pool does not include one (1) applicant from each ward or does not include at least fifty (50) applications, the Alderperson(s) in the wards without any applicants shall nominate at least one (1) a Applicant from their ward. All nominees shall complete the application as provided by this Section. Nominees are not guaranteed to be selected for the Commission. Notwithstanding any other provision of law to the contrary, for the purposes of redistricting based on the 2020 Decennial Census information, the application period shall open no later than ten (10) days after this Section goes into effect.
- F. There is hereby established an Oversight Committee that shall be responsible for selecting the first four (4) members of the Commission.
- G. No later than thirty (30) days after the first meeting of the Board of Aldermen[persons] following the receipt of the Decennial Census information, the Board of Aldermen[persons] shall select an Oversight Committee of five (5) individuals consisting of one (1) representative from the Planning and Urban Design Agency, one (1) representative from the Comptroller's Office and three (3) retired judges. If the Board of Aldermen[persons] fails to select an Oversight Committee, responsibility for selection of a Committee shall pass to the Office of the Comptroller. Notwithstanding any other provision of law to the contrary, for the purposes of redistricting based on the 2020 Decennial Census information, the Board of Aldermen[persons] shall meet and select an Oversight Committee no later than thirty (30) days after this Section goes into effect.
- H. To be eligible to serve on the Oversight Committee as a retired judge, the judge must:
1. Have served a minimum of five (5) years as a judge in one (1) of the following jurisdictions: 22nd Judicial Circuit of Missouri; 21st Judicial Circuit of Missouri; The Missouri Court of Appeals, Eastern District; or The Missouri Supreme Court;
  2. Reside in the City of St. Louis or St. Louis County; and
  3. not currently be employed by the City.
- I. Within ten (10) days after the effective date of this Section, the Clerk of the Board of Aldermen[persons] shall post online a request for letters of interest to serve on the Oversight Committee be sent to the Clerk. The Clerk shall also send the information for service on the Oversight Committee to the Missouri Bar Association and request they post the information online.
- J. The Planning and Urban Design Agency shall nominate one (1) current or former staff member with the appropriate expertise from the Planning and Urban Design Agency to serve on the Oversight Committee.
- K. The Comptroller shall nominate one (1) staff member with appropriate expertise from the Comptroller's Office to serve on the Oversight Committee.
- L. Within one (1) day of the closing of the application period, the Clerk of the Board of Aldermen[persons] shall transfer all applications for membership on the Commission to the Oversight Committee. The Oversight Committee shall have seven (7) days to review all applications and remove any application that does not meet the requirements of this Section. The Oversight Committee shall provide a list of all Applicants to the Board of Aldermen[persons]. Each Alderperson may strike one (1) Applicant from the list and such Applicant will

be removed from consideration for membership on the Commission. In order to strike an Applicant, an Alderperson must provide their strike, in writing, to the Clerk of the Board of Aldermen[persons] within fourteen (14) days of the Board of Aldermen[persons] receiving the list of Applicants from the Oversight Committee. If the Clerk does not receive a strike within fourteen (14) days, the Alderperson forfeits their strike. The names of Applicants who are stricken and the Alderperson who struck each Applicant shall be published online within five (5) days of the end of the fourteen (14) day period.

- M. At the conclusion of the fourteen (14) days, the Clerk of the Board of Aldermen[persons] shall transmit the list of Applicants with stricken Applicants removed, if any Alderperson utilized their strike, to the Oversight Committee. The Oversight Committee shall draw at random four (4) Applicants from the remaining Applicant pool to serve as members of the Commission. This shall be completed no later than three (3) months following the opening of the application period.
- N. The four (4) members selected by the Oversight Committee shall be sworn in within five (5) days of their selection and convene within ten (10) days of their selection in order to select the five (5) remaining members of the Commission. These five (5) members shall be selected from the remaining Applicant pool as described in Subsection M.
1. The four (4) members shall review the remaining applications and select the remaining members by a three (3) vote majority.
  2. If the result of a vote for a potential member of the Commission results in a tie, the Oversight Committee shall be empowered to break any such tie.
  3. The four (4) members shall select the remaining members of the Commission with the goal of balancing the Commission's diversity across areas of residence within the City, age, gender, race, sexual orientation, ability, and ethnicity in a manner that reflects the demographics of the City.
- O. The Oversight Committee shall establish criteria for diversity of the Commission that ensures adequate representation of traditionally underrepresented groups as described in Subsection A. The four (4) members of the Commission selected by the Oversight Committee shall utilize these criteria when selecting the remaining members of the Commission.
- P. The Oversight Committee shall swear in the newly selected five (5) members of the Commission. Within ten (10) days of the new members being sworn in, the Commission shall convene a meeting to select two (2) alternates from the remaining Applicant pool to serve in the event a member of the Commission is unable to complete their term of service. Alternates shall be selected by a simple majority of the Commission. At this same meeting, the Commission shall select one (1) of its members to serve as the chair and one (1) to serve as the vice chair. The chair and vice chair shall remain voting members of the Commission.
1. The chair shall convene meetings of the Commission pursuant to the requirements of this Section.
- Q. Within five (5) days of being sworn in, members of the Commission shall file a written declaration, on a form to be provided by the Clerk of the Board of Aldermen[persons], that they will not seek election to a City public office or accept appointment to any City public office in the election immediately following the conclusion of their service on the Commission. Alternates shall sign the declaration if they are required to serve on the Commission.
- R. In addition to the written declaration, members of the Commission shall file a Missouri Ethics Commission Personal Financial Disclosure with the St. Louis City Board of Election Commissioners. Alternates shall file a Missouri Ethics Commission Personal Financial Disclosure if they are required to serve on the Commission.

- S. Members of the Commission and the Oversight Committee shall not be compensated for their service but are eligible for reimbursement of reasonable and necessary expenses incurred in connection with the duties performed pursuant to this Article.
- T. Notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee's membership on the Commission or attendance or scheduled attendance at any meeting of the Commission.

Section 30 - Redistricting.

- A. The Commission shall be responsible for the redistricting of the City of St. Louis at least once every ten (10) years. Such redistricting shall be completed no later than December 31 of the year following the completion of the Decennial Census. Notwithstanding any other provision of law, redistricting following the receipt of the 2020 Decennial Census information shall be completed no later than May 31, 2022. If this Section becomes effective less than three (3) months prior to March 30, 2022, the deadline for completing redistricting based on the 2020 Decennial Census information shall be August 31, 2022.
- B. The Commission shall meet for the first time no later than three (3) months after its appointment and no later than three (3) months before the deadline to complete redistricting. The Commission shall establish the boundaries of the wards for the City of St. Louis pursuant to the following criteria as set forth in the following order of priority:
  - 1. Wards shall be established in a manner so as to comply with all requirements of the United States Constitution and applicable federal and state laws, including, but not limited to, the Voting Rights Act of 1965 (as amended). Notwithstanding any other provision of this Article, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminishing their ability to elect representatives of their choice, whether by themselves or by voting in concert with other persons.
  - 2. Wards shall be composed of contiguous territory. Areas that meet only at the point of adjoining corners are not contiguous.
  - 3. Wards shall be designed to minimize the division of and maintain the geographic integrity of any local neighborhood or local community of interest, to the extent possible without violating the requirements in paragraphs 1 and 2 of this Subsection. For the purposes of this Section, a community of interest shall be defined as a contiguous population with shared race, ethnicity, and/or language identity, and shared common social and economic interests that should be included within a single ward for the purposes of effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
  - 4. To the extent consistent with the preceding requirements, wards shall be designed to be compact in form. In general, compact wards are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries.
  - 5. To the extent consistent with the preceding requirements, wards shall be designed using geographically identifiable boundaries, such as natural boundaries, street lines, or City boundary lines.
- C. Five (5) members of the Commission shall constitute a quorum. Five (5) or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any ward.

- D. The Commission shall convene and hold as many meetings as necessary to draw a preliminary map. These meetings shall include public hearings where public comments shall be received by the Commission. At minimum, there shall be three (3) public hearings before the Commission votes on a preliminary plan. They shall be held in the north, south, and central areas of the City of St. Louis.
- E. Following the Commission's vote approving the preliminary plan, there shall be at least three (3) public hearings, held in the north, south, and central areas of the City, on different dates to receive public comments on the preliminary plan. The Commission shall also display the approved preliminary plan for written public comment in a manner designed to achieve the widest public access reasonably possible. Written public comment shall be taken for at least one (1) month from the date of public display of the approved preliminary plan.
- F. After public comment is received and public hearings are completed on the preliminary plan, but before formulating the final plan, the Commission shall present the preliminary plan to a committee of the whole of the Board of Aldermen~~men~~[persons]. By a vote of a majority of members present, the Board of Aldermen~~men~~[persons] may make objections or recommendations to the preliminary plan. The Commission may accept or reject any objections or recommendations made by the Board of Aldermen~~men~~[persons].
- G. The Commission shall vote on a proposed final map and subsequently hold three (3) public hearings, in the north, south, and central areas of the City. The Commission shall provide the public with seven (7) days to submit written comments after the completion of the three (3) public hearings. The Commission shall be finished with all hearings and adopt a final map no later than December 31 of the year following the release of the Decennial Census information, except for 2020 where the time shall be extended to May 31, 2022. Notwithstanding any other provision of law to the contrary, if this Section becomes effective less than three (3) months prior to the March 30, 2022 deadline for completing redistricting based on the 2020 Decennial Census information the deadline shall be August 31, 2022. Notwithstanding any other provision of law to the contrary, if a state of emergency is declared that includes the City of St. Louis, the Board of Aldermen~~men~~[persons] may extend the deadline in this Subsection.
- H. Upon adoption of a final map, the Commission shall certify the map to the Board of Aldermen~~men~~[persons]. The Board of Aldermen~~men~~[persons] shall be prohibited from making any changes to the Commission's map. The Commission's map shall be adopted as an ordinance and codified in the Revised Code of the City of St. Louis. In conjunction with certifying the final map, the Commission shall issue a report explaining the basis for its decisions.
- I. The Commission may vote, by simple majority, to present any disputes to the Oversight Committee at a public hearing. The Oversight Committee shall offer its resolution to the conflict within 48 hours of the public hearing.
- J. Failure to certify a final ward map to the Board of Aldermen~~men~~[persons] by December 31 of the year following the release of the Decennial Census information, except for 2020 where the time shall be extended to May 31, 2022, shall result in the Oversight Committee hearing the disputes in a public hearing and mandating appropriate resolutions, including a final ward map. In the event of failure by the Commission to finalize a ward map, the final ward map shall be drawn and approved by the oversight committee and certified to the Board of Aldermen~~men~~[persons] no later than 30 days after the Commission's deadline to certify a map to the Board of Aldermen~~men~~[persons]. If this Section becomes effective less than three (3) months prior to the March 30, 2022 deadline for completing redistricting based on the 2020 Federal Decennial Census Information the deadline shall be August 31, 2022.
- K. The Commission and Oversight Committee shall:

1. Comply with all state and City requirements for open meetings and records, including, but not limited to Chapter 610, R.S.Mo.; and
  2. Ensure that all documents, records, and data utilized are made available to the public in an immediate and widespread manner.
- L. Members of the Commission and the Oversight Committee shall be prohibited from initiating or receiving any communications from the public regarding redistricting matters other than at a public hearing or through official written comment. Nothing in this Subsection prohibits communication between Commission members, Oversight Committee members, legal counsel, and consultants retained to assist with redistricting. All such communication shall comply with open meeting and open record requirements, including such requirements in Chapter 610, [R.S.Mo.](#)
- M. An individual from the Research Department of the Planning and Urban Design Agency shall be assigned to the Commission to provide assistance, guidance, consultation, GIS mapping, and other resources needed by the Commission to fulfill the requirements of this Section.
- N. An individual from the City Counselor's Office shall be assigned to the Commission to provide assistance, legal guidance, consultation, and other resources needed by the Commission to fulfill the requirements of this Section.
- O. The Commission is authorized to hire consultants, provided that the compensation of such persons be limited to the period in which the Commission is actively engaged in the redistricting process. The Commission shall establish criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct including conflicts of interest, consistent with this Section.
- P. The Commission is authorized to utilize redistricting software.
- Q. Notwithstanding any other provision of law to the contrary, the map adopted pursuant to this Section shall be the final ward map and shall supersede any other map adopted pursuant to any other provision of this Charter or the Revised Code of the City of St. Louis.

#### Section 31 - Conflicts of Interest.

- A. A member of the Board of Alder~~men~~[persons] or employee of the Board of Alder~~men~~[persons] may not use ~~[his or her]~~the Alderperson or employee's official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which ~~[he or she]~~the Alderperson or employee knows, or has reason to believe, may result in a personal or financial benefit for ~~[himself or herself]~~the Alderperson or employee; anyone related to the Alderperson or employee in the fourth (4th) degree of consanguinity or affinity; or a nongovernmental civic group, union, social, charitable, or religious organization of which the Alderperson or employee (or ~~[his or her]~~their spouse or registered domestic partner) is an officer, director, or board member, or which ~~[he or she]~~the Alderperson or employee holds any other position on the organization's administrative or governing body.
- B. An Alderperson or employee serving as a member of a board, commission, or any other entity as a representative of the City shall not have a conflict of interest when the business of that entity is before the City. An Alderperson or employee serving as a member of a board, commission, or any other entity not as a representative of the City but as a private citizen, even if the board, commission, or entity seeks out an Alderperson or employee to serve on such board, commission, or entity because of their position within the City, shall have a conflict of interest when matters touching upon the business of the board, commission, or

any other entity comes before the City.

- C. An Alderperson or employee has a conflict of interest with respect to any labor contract to which [~~he or she~~]the Alderperson or employee, or [~~his or her~~]the Alderperson or employee's spouse, may be a party.
- D. An Alderperson or employee must declare, on a form provided by the Clerk of the Board of Aldermen~~[persons]~~, conflict of interest under this Section. The Alderperson or employee must complete and deliver such form to the Legal Counsel to the Board of Aldermen~~[persons]~~ within ninety-six (96) hours of the introduction of any ordinance, resolution, order, or other matter in the Board of Aldermen~~[persons]~~ in which the Alderperson or employee has a potential conflict.
- E. To the extent an Alderperson or employee believes that despite the existence of the circumstances described in this Section, they do not have a conflict of interest, they may request an opinion from the Legal Counsel of the Board of Aldermen~~[persons]~~ to determine whether there is a conflict. Such opinions shall be made publicly available on the Board of Aldermen~~'s[persons']~~ website within one (1) day of the Legal Counsel issuing the opinion.
- F. Any Alderperson with a conflict of interest on any matter shall abstain from voting but shall be counted present for the purposes of a quorum.
- G. Any individual may file a complaint against any Alderperson or employee for failing to comply with this Section. A complaint shall be filed with the Legal Counsel of the Board of Aldermen~~[persons]~~ on a form provided by the Clerk of the Board of Aldermen~~[persons]~~.
- H. The Legal Counsel to the Board of Aldermen~~[persons]~~ has the power to seek a fee in the Municipal Court of the City of St. Louis of no less than five hundred dollars (\$500.00) ~~dollars~~ and no greater than five thousand dollars (\$5,000.00) ~~dollars~~ per incident against any Alderperson or employee the Legal Counsel finds to be in violation of this Section.
- I. The Legal Counsel to the Board of Aldermen~~[persons]~~ is hereby authorized to establish procedures to implement this Section.

#### Section 32 - Outside Employment.

- A. An Alderperson or an employee of the Board of Aldermen~~[persons]~~ shall not accept employment or enter into a contract that:
  - 1. Interferes with the discharge of their public duty; or
  - 2. Creates a conflict of interest, as described in Section 31 of this Article, that would materially impair their ability to serve the City.
- B. An Alderperson or an employee of the Board of Aldermen~~[persons]~~ shall not accept employment or enter into a contract with any party or beneficiary relating to:
  - 1. A pending or existing City contract if the Alderperson or employee participated in the negotiation, development, awarding, or management of that contract; or
  - 2. Any other matter before the Board of Aldermen~~[persons]~~.
- C. An Alderperson or employee shall not solicit or accept any money or other thing of value in return for advice

or assistance on matters concerning the operation or business of City government or any matter before the Board of Aldermen[persons].

- D. An Alderperson or employee shall not represent any person or organization for a fee or any other thing of value before the Mayor, Board of Aldermen[persons], member of the Board of Aldermen[persons], any department of the City, or any City board, agency, commission, or committee of a City board, agency or commission.
- E. An Alderperson or employee shall notify the Legal Counsel of the Board of Aldermen[persons] before accepting outside employment or entering into a contract for providing services. Such notification shall be submitted annually on the last Monday of January of each year that the outside employment or contract for services exists. The notification shall be in writing on a form provided by the Clerk of the Board of Aldermen[persons].
- F. Notifications described in Subsection E shall be made available for public inspection and copying within five (5) days of receipt by the Legal Counsel to the Board of Aldermen[persons]. Notifications shall also be made publicly available on the Board of Aldermen[persons] website. If the Legal Counsel determines the notification needs curing, the Legal Counsel shall allow the Alderperson or employee 72 hours to amend and return the form prior to public inspection.
- G. Any individual may file a complaint against any Alderperson or employee for failing to comply with this Section. A complaint shall be filed with the Legal Counsel to the Board of Aldermen[persons] on a form provided by the Clerk of the Board of Aldermen[persons].
- H. The Legal Counsel to the Board of Aldermen[persons] has the power to seek a fee in the Municipal Court of the City of St. Louis of no less than five hundred dollars (\$500.00) dollars and no greater than five thousand dollars (\$5,000.00) dollars against any member or employee the Legal Counsel to the Board of Aldermen[persons] finds to be in violation of this Section.
- I. The Legal Counsel to the Board of Aldermen[persons] is hereby authorized to establish procedures to implement this Section.

#### Section 33 - Prohibited Activities

- A. After November 12, 2021, no Alderperson or employee of the Board of Aldermen[persons] shall act, serve, or register as a lobbyist to directly or indirectly influence a decision of the City or any department or agency thereof until one (1) year after termination of their service or employment.
- B. After November 12, 2021, no Alderperson or employee of the Board of Aldermen[persons], until the expiration of five (5) calendar years after the conclusion of the aldermanic session in which the Alderperson or employee last served, shall attempt to directly or indirectly influence any action in front of any department or agency of St. Louis City, or any court, on behalf of any other person in connection with a particular matter:
  - 1. In which the City of St. Louis is a party or has a direct and substantial interest;
  - 2. In which the Alderperson or employee participated during their term of service or employment at the Board of Aldermen[persons]; and
  - 3. Which involved a specific party or specific parties at the time of such participation.
- C. After November 12, 2021, no Alderperson or employee of the Board of Aldermen[persons], until the expiration of five (5) calendar years after the conclusion of the aldermanic session in which the Alderperson

or employee last served, shall attempt to directly or indirectly influence any action in front of any department or agency of St. Louis City, or any court, on behalf of any other person in connection with a particular matter:

1. In which the City of St. Louis is a party or has a direct and substantial interest;
  2. In which the Alderperson or employee knows or reasonably should know was actually pending under ~~his or her~~ the Alderperson or employee's official responsibility as such officer or employee within a period of one (1) year before the termination of ~~his or her~~ the Alderperson or employee's service or employment with the Board of Aldermen ~~persons~~; and
  3. Which involved a specific party or specific parties at the time it was so pending.
- D. Any individual may file a complaint against any Alderperson or employee for failing to comply with this Section. A complaint shall be filed with the Legal Counsel of the Board of Aldermen ~~persons~~ on a form provided by the Clerk to the Board of Aldermen ~~persons~~.
- E. The Legal Counsel to the Board of Aldermen ~~persons~~ has the power to seek a fee in the Municipal Court of the City of St. Louis of no less than five hundred dollars (\$500.00) ~~dollars~~ and no greater than five thousand dollars (\$5,000.00) ~~dollars~~ against any member or employee the Legal Counsel to the Board of Aldermen ~~persons~~ finds to be in violation of this Section.
- F. The Legal Counsel to the Board of Aldermen ~~persons~~ is hereby authorized to establish procedures to implement this Section.

#### Section 34 - Competitive Elections.

- A. The purpose of this Section is to protect voters' rights and prevent the Board of Aldermen ~~persons~~ from overturning the will of the people pertaining to voter-enacted reforms that create competitive elections and elect candidates with broad support.
- B. Notwithstanding any other provision of law to the contrary, in the event the Board of Aldermen ~~persons~~ approve an ordinance changing the method of voting for municipal offices to another method of voting, the ordinance shall be submitted by the Board of Aldermen ~~persons~~ to a public vote. The new method for voting for municipal offices shall only be in effect if a majority of the voters voting on the ordinance approve of it.

### Article V - INITIATIVE

#### Section 1 - Use authorized.

The people shall have power, at their option, to propose ordinances, including ordinances proposing amendments to this ~~e~~ Charter, and to adopt the same at the polls, with the same effect as if adopted by the ~~b~~ Board of ~~a~~ Aldermen and approved by the ~~m~~ Mayor, such power being known as the initiative. It shall be exercised as hereinafter provided, subject to the provisions of this ~~e~~ Charter.

#### Section 2 - Petition required.

Such an ordinance shall be proposed by petition signed by registered voters equal in number to five (5) percent or, in case the proposed ordinance is for the submission of an amendment to the [e]Charter, ten (10) percent of all the registered voters of the [e]City at the time of the last preceding regular mayoralty election. Each of the papers comprising the petition shall contain the proposed ordinance in full and designate by names and addresses five (5) persons as the committee of the petitioners.

Section 3 - Procedure employed in recall to be followed.

Each such petition and the papers comprising same shall be governed by, and proceedings shall be had thereon in accordance with, the provisions of [s]Section 3 and 5 of [a]Article III concerning the recall, but construing said sections with reference to the petition and the sufficiency thereof required by this [a]Article.

Section 4 - Certification of petition; submission of proposed ordinance to voters.

If the [b]Board of [e]Election [e]Commissioners find that the petition, with supplements, if any, is sufficient, it shall forthwith certify that fact, together with a copy of the petition, omitting signatures, to the [b]Board of [a]Aldermen. Unless the proposed ordinance is, without amendment, adopted and approved by the [m]Mayor, or adopted, without amendment, over [his]the Mayor's veto, within sixty (60) days after the regular meeting of the [b]Board of [a]Aldermen next after said certification, or unless four (4) members of the committee of the petitioners shall, within fifteen (15) days after the expiration of said sixty (60) days, state in writing to the [e]Clerk of the [b]Board of [a]Aldermen that there is no necessity for submitting the proposed ordinance to the voters, said clerk shall forthwith certify the failure to adopt same to the [b]Board of [e]Election [e]Commissioners. Said [b]Board of [e]Election [e]Commissioners shall thereupon provide for submitting said proposed ordinance, in its original form, to the voters at the first election at which such submission may lawfully be had, not less than thirty (30) days after such certification to it by said [e]Clerk, and if there is no such election within ninety (90) days after such certification, and the petition shall be signed by registered voters equal in number to seven (7) per cent, or in case the proposed ordinance is for the submission of an amendment to the [e]Charter, fifteen (15) per cent, of all the registered voters of the [e]City at the time of the last preceding regular mayoralty election, then such submission shall be at a special election to be held within such ninety (90) days if legally possible, otherwise at the earliest day on which such submission may be had at either a general or special election.

Section 5 - Form of ballot; adoption of ordinance; publication.

~~[The ballots shall state the nature of the proposed ordinance, and to the right thereof in bold type the words "Yes" and "No" one above the other. To vote for such ordinance the voter shall strike out the word "No" and to vote against it, the word "Yes."]~~ The ballot shall state the nature of the proposed ordinance, and to the right thereof, in bold type, the words "yes" and "no," with a box or line next to each. To vote for such ordinance the voter shall make a mark in the box next to the word "yes", and to vote against such recall, the voter shall make a mark in the box next to the word "no." If a majority voting on the proposed ordinance vote in favor thereof, it shall be an ordinance of the [e]City, in effect ten (10) days thereafter, and the [b]Board of [e]Election [e]Commissioners shall certify a copy thereof and the fact of its adoption to the [r]Register who shall number said ordinance and file and preserve said copy and certificate in [his]the Register's office. Such ordinance shall be published and printed copies thereof made for distribution as provided for other ordinances.

Section 6 - Amendment or repeal of initiated ordinance.

No ordinance adopted at the polls under the initiative shall be amended or repealed by the ~~[b]~~Board of ~~[a]~~Aldermen except by vote of two-thirds (2/3) of all the members, nor within one (1) year after its adoption.

Section 7 - Charter Commission.

1. In accordance with the provisions of the Missouri Constitution, and in addition to the people's power of initiative, as described in Section 1 of Article V, the lawmaking body of the City of St. Louis may submit proposals for the amendment or revision of the City Charter to the qualified voters through a Charter Commission process in the manner hereinafter provided.
2. After April 4, 2023, and before August 1, 2023, and every ten (10) years thereafter, or upon the certification of a petition as provided for in Paragraph F of this subsection, a Charter Commission shall be appointed to consider whether to revise and amend the Charter according to the following process.
  - A. Application: Within five (5) days of certification of April 4, 2023 election results, and on March 1 every ten (10) years thereafter, or within ten (10) days of certification as provided in Paragraph F, the Mayor of the City of St. Louis shall publish and make available to the public an application to serve on the Charter Commission. Such application shall remain open for fifty (50) days, shall verify applicant's eligibility under the provisions of subparagraph (a) of this paragraph, and require applicants to disclose conflicts of interest and inform applicants that their responses will be made public.
    - a. Eligibility Criteria:
      - i. Be registered voters in the City of St. Louis for at least two (2) consecutive years immediately preceding the date of appointment to the Commission.
      - ii. Be free of conflicts of interest. For the purposes of this bill, a conflict of interest arises if, in the two (2) years immediately preceding the date of appointment to the Commission, an applicant, or a first-degree relative of the applicant has:
        1. Been a lobbyist representing clients with interests in front of city government; or
        2. Have financial or service contracts with any City department or office.
    - B. Recommendation: Within five (5) days of applications closing, the Mayor's Office shall provide copies of each application, categorized by the ward in which the applicant resides, to the Board of Aldermen for review. Within ten (10) days of receipt of applications, each member of the Board of Aldermen shall review the applications and select three (3) applicants to forward to the Mayor's office for nomination. If any member of the Board of Aldermen fails to select three (3) applicants by the timeline herein, the member forfeits their unselected applicants.
    - C. Nomination: Within fourteen (14) days of receipt of aldermen's recommendations, the Mayor shall deliver, from the pool of recommended applicants, nine (9) nominations to serve on the Charter Commission to the Board of Aldermen for confirmation. Said nominations to the Charter Commission shall be made so as to provide for a total geographical representation of the residents of this City.

1. Geographical representation shall mean:

- i. Three (3) nominations from the Mayor shall come from the geographical area south of Arsenal Street and extending to the City boundaries to the east, west, and south; and
- ii. Three (3) nominations from the Mayor shall come from the geographical area north of Page Boulevard at the western City limit east to Martin Luther King Drive, continuing north of Martin Luther King Drive to the eastern City limit, and extending to the northern City boundaries; and
- iii. Three (3) nominations from the Mayor shall come from the geographical area between Arsenal Street to the south and Page Boulevard and Martin Luther King Drive to the north as described in section (b), extending to the east and west City boundaries.

- D. Confirmation: Within twenty-one (21) days of the Mayor's nomination, the Board of Aldermen committee that is ordinarily charged with hearing bills and issues related to intergovernmental affairs shall hold public hearings with public testimony concerning the nominees and the full Board of Aldermen shall vote on whether to confirm the nominees. If a majority of the members of the Board of Aldermen vote to confirm a nominee, the nominee shall be appointed as a Charter Commission member. In the event an individual is not confirmed by a majority of the Board of Aldermen, the Mayor shall deliver to the Board of Aldermen a new nominee from the pool of applicants recommended by members of the Board of Aldermen for the Charter Commission within four (4) days of the Board of Aldermen voting not to confirm the prior nominee
- E. Alternative Selection Mechanism: If, by August 7, 2023 and every 10 years thereafter there are any remaining open positions on the Charter Commission, any open positions on the Charter Commission shall be filled by random selection according to the following process. At a public meeting of the Board of Aldermen committee that is ordinarily charged with hearing bills and issues related to intergovernmental affairs, the names of all remaining candidates recommended to the Mayor by members of the Board of Aldermen, and neither appointed nor rejected by the Board of Aldermen, shall be placed into a container, and names shall be drawn by the Chair of the committee to fill open positions until all open positions are filled. This public meeting shall take place immediately so as to have a fully appointed Charter Commission by the required start date of August 15, 2023 and every 10 years thereafter. If there is a vacancy on the Charter Commission resulting from the death, resignation or inability of any member to serve for more than thirty days, the process outlined in this Subsection E shall be followed within thirty (30) days of the Charter Commission notifying the Board of Aldermen of said vacancy.
- F. Initiative Petition Process: Upon the filing with the Board of Election Commissioners in the City of St. Louis of a petition proposing the exercise of the Charter Commission powers hereby granted, signed by registered voters of the City in such number as shall equal five (5) percent of the total vote cast in the City at the last general election for Mayor, and the certification thereof by the Board of Election Commissioners to the Mayor, then, within ten (10) days after the certification, the Mayor shall publish and make available to the public an application to serve on the Charter Commission and follow the process set out in Paragraphs A, B, C, D and E of this subsection.

3. Charter Commission Operating Framework

- A. The appointment of the ten (10) year Charter Commission shall take effect on August 15, and the

Charter Commission shall hold its first public meeting no later than September 10. The Charter Commission shall hold public meetings on at least a monthly basis, and shall recommend any Charter amendments to the Board of Election Commissioners within one (1) year of its first public meeting. The Charter Commission shall stand discharged and cease to exist within one (1) year of its first public meeting.

- B. In addition to the voting members of the Charter Commission, described in Subsection 2, the Charter Commission shall include the following six (6) non-voting ex-officio members, who shall not count for the purposes of a quorum, and who shall present information and expertise to the Charter Commission upon request: the Mayor or their designee, the Comptroller or their designee, the President of the Board of Aldermen or their designee, the Director of Personnel or their designee, the City Counselor or their designee, one (1) member from the Labor community to give input on workers' interests and knowledge of public sector employment, and the Chairperson of the Board of Aldermen committee that is ordinarily charged with hearing bills and issues related to intergovernmental affairs. It shall be the responsibility of the City Counselor's Office to ensure that the Charter Commission is adequately staffed and funded.
  - C. The Charter Commission's mandate shall be to frame Charter amendments for submission to the qualified voters. In order to fulfill this duty, the Charter Commission shall solicit input from the public and from experts, publish a draft set of proposed Charter amendments not more than 10 months into its term, and hold at least one (1) public hearing before and after the publication of the draft proposed Charter amendments. The draft of proposed Charter amendments shall be made publicly available no less than two (2) weeks prior to the required public hearing.
  - D. Each voting member of the Charter Commission shall receive a stipend, if requested, for each meeting they attend to provide for child care, transit, and/or parking vouchers. These stipends shall be vetted by the City Counselor's Office to insure allocations are proportionate to need, and paid out of the City Counselor budget.
  - E. The Charter Commission shall select officers and make other decisions as necessary subject to a majority vote of the voting members of the Commission. In order to submit any new Charter, Charter provision, or amendment to a Charter provision to the Board of Elections Commissioners, it must receive the affirmative vote of two-thirds (2/3) of all voting members of the Charter Commission.
  - F. All meetings of the Charter Commission shall be open, public meetings when a quorum is present, and shall follow the Transparency in Government Law (City of St. Louis Ordinance 69707, April 15, 2014) requirements for Public Meetings.
- 4. Any Charter or amendments framed by the Commission shall take effect on the day fixed therein if approved by vote of three-fifths (3/5) of the City's qualified voters voting thereon at a general election held on a day fixed by the Commission not less than sixty (60) days nor more than one (1) year after the completion of the Charter or amendments.
  - 5. The provisions of the Missouri Constitution for framing and adopting a City Charter shall apply.

#### Article VI - REFERENDUM

Section 1 - When to be exercised.

The people shall have power, at their option, to approve or reject at the polls any ordinance (except it be an emergency measure as defined in [s]Section 20 of [a]Article IV), such power being known as the referendum and to be invoked and exercised as herein provided.

Section 2 - Petition required; reconsideration of ordinance; submission to voters.

If within thirty days after the approval by the [m]Mayor of any ordinance (not an emergency measure) or its adoption over [his]the Mayor's veto, there is filed with the [b]Board of [e]Election [e]Commissioners a petition purporting to be signed by registered voters equal in number to two (2) percent of all registered voters of the [e]City at the time of the last preceding regular mayoralty election, requesting that said ordinance be reconsidered and rejected or referred, then said [b]Board shall certify that fact to the [r]Register and said ordinance shall not take effect except as hereinafter provided. Within ten (10) days after such filing the said [b]Board shall find and certify the number of registered voters signing said petition and what percentage said number *equals the* [equals-of-the] entire number of said registered voters at the time of said election. If the percentage so found is less than the two (2) percent aforesaid, said [b]Board shall certify that fact to the [r]Register, the said petition shall not be supplemented, and said ordinance shall take effect. If the percentage so found is not less than two (2) percent but is less than seven (7) percent of all said registered voters at the time of said election, then within thirty days after the certification of such finding there may be filed with said [b]Board a supplemental petition, shown, by the affidavits appended thereto, to be signed by registered voters to a number which, with the number of registered voters who signed the original petition, equals in number said seven (7) per cent. If *such a supplemental* [such-supplemental] petition is filed, said [b]Board shall within ten (10) days thereafter find and certify the number of registered voters *signing the same* [signing-same] and whether such signers, added to registered voters who signed the original petition, equal in number said seven (7) per cent. If it finds that the aggregate number of such signers does not equal said seven (7) per cent, or if the committee of the petitioners make the statement in writing as hereinafter mentioned, said [b]Board shall certify the fact to the [r]Register, no further supplementing shall be permitted, and said ordinance shall take effect. If said [b]Board finds the original petition, or the original and supplemental petitions together, to be signed by registered voters equal in number to said seven (7) per cent, it shall, forthwith after either such finding, certify that fact, together with a copy of the petition (omitting the signatures), to the [r]Register and to the [b]Board of [a]Aldermen, and the latter [b]Board shall reconsider said ordinance. If on such reconsideration the [b]Board of [a]Aldermen by a majority vote rejects said ordinance, it shall not take effect. If the [b]Board of [a]Aldermen fails to finally and wholly reject said ordinance within thirty days after such certification to it, then, unless four (4) members of the committee of the petitioners, within fifteen (15) days after said thirty days expire, state in writing to the [e]Clerk of the [b]Board of [a]Aldermen that there is no necessity for submitting said ordinance to the voters, such [e]Clerk shall forthwith certify said failure to the [b]Board of [e]Election [e]Commissioners, which shall thereupon make provision for submitting such ordinance, in such form as it then shall be, to the voters; provided, that the final percentage of signers required to compel submission to the voters of an ordinance amending or repealing an ordinance adopted at the polls under the initiative shall be three (3) percent instead of seven (7) per cent, as required in case of other ordinances. Such submission shall be at the first election at which it may lawfully be had, not less than thirty days after the last mentioned certification, and if there is no such election within ninety(90) days after such certification, and the original petition or the original and supplemental petitions together shall be signed by registered voters equal in number to twelve (12) percent of all the registered voters of the [e]City at the time of the aforesaid mayoralty election, or if the [b]Board of [a]Aldermen shall by resolution so request, such submission shall be at a special election to be held within such ninety (90) days if legally possible, otherwise at the earliest day on which such submission may be had at either a general or special election. If the majority of the votes cast thereon at the election shall be for such ordinance, it shall take effect within ten (10) days after such election.

Section 3 - Procedure employed in recall to be followed.

The provisions of [s]Section 5 of [a]Article V, concerning the ballots and manner of voting, the duties of the [b]Board of [e]Election [e]Commissioners and the [r]Register, and the publishing of ordinances and printing of copies thereof, shall govern like matters under this [a]Article.

#### Section 4 - How petition executed.

The signatures need not all be appended to one (1) paper, but all papers comprising any original or supplemental petition under this [a]Article shall be uniform in character and shall each set forth the ordinance in full and contain the request mentioned in Section 2, and designate by names and addresses five (5) persons as the committee of the petitioners, and each such paper shall be verified by an affidavit stating the number of signatures thereto and that each signature was made in affiant's presence by, as affiant verily believes, the person whose name it purports to be; and all papers comprising an original or supplemental petition shall be assembled by the petitioners and filed with the [b]Board of [e]Election [e]Commissioners as one (1) instrument. Each signer shall state opposite [his]the signer's signature [his]the signer's residence address. Any person shall be deemed a registered voter within the meaning of this [a]Article whose name can be found on the Board of Election's registered voters list. [is uncerased on the registration books.]

#### Section 5 - What ordinance to prevail where conflict occurs.

If the provisions of two (2) or more initiated or referred ordinances adopted or approved at the same election conflict, the one (1) receiving the highest affirmative vote shall prevail in so far as such provisions conflict.

#### Section 6 - Filing and publication of statements relating to initiative or recall propositions.

Any person may present to the [e]City [e]Counselor at least twenty (20) days prior to any election a written statement, not exceeding one thousand (1,000) words, concerning any ordinance or recall proposition to be voted on at such election. The [e]City [e]Counselor shall at least ten (10) days before such election prepare and cause to be published in the paper or papers doing the city publishing a fair summary of all such statements.

### Article VII - MAYOR

#### Section 1 - Powers and duties; compensation.

The [m]Mayor shall be the chief executive officer of the [e]City and, except as by law or in this [e]Charter otherwise provided, have and exercise all the executive power of the [e]City. [He]The Mayor shall exercise a general supervision over all the executive affairs of the [e]City and see that each officer and employee performs [his]the officer or employee's duty and that all laws, ordinances, and [e]Charter provisions are enforced within the [e]City. [His]The Mayor's salary shall be ~~twenty-five thousand dollars (\$25,000) per annum~~ set by the provisions of the compensation ordinance. All process against the [e]City shall be served upon [him]the Mayor. [He]The Mayor shall appoint and may remove all nonelective officers and all employees, except as otherwise in this [e]Charter provided, but shall not remove any office, department or division head appointed by [him]the Mayor, except for cause. [He]The Mayor shall execute all deeds and conditional bonds made in the name of the [e]City and see that all contracts with the [e]City are performed and that all legal proceedings necessary to enforce or protect the rights or

interest of the [e]City are brought and diligently prosecuted. [He]The Mayor shall have a seat and a voice and may introduce ordinances, but not vote, in the [b]Board of [a]Aldermen, and shall make recommendations and give information to said [b]Board as to [e]City affairs. [He]The Mayor may remit, with or without condition, fines, costs, forfeitures and penalties imposed for violation of any ordinance or [e]Charter provision, and shall annually make a report thereof to the [b]Board of [a]Aldermen. [He]The Mayor may examine the affairs and conduct of any department, board or office and require all officers to exhibit their accounts and papers and make reports to [him]the Mayor. [He]The Mayor shall annually appoint a [e]Certified [p]Public [a]Accountant to thoroughly audit all books, accounts and records relating to the fiscal affairs of the [e]City and report the result to [him]the Mayor. A copy of said report shall be filed with the [r]Register.

The [m]Mayor shall devote [his]the Mayor's entire time to the duties of [his]the office.

## Section 2 - Qualifications.

No person shall become [m]Mayor unless [he]such person be at least thirty (30) years of age, and shall have been, next before [his]their election, both a citizen of the United States and a resident of the [e]City for five (5) years and an assessed taxpayer of the [e]City for two (2) years, nor *shall any person be elected to such office* if [he]such person shall have been convicted of malfeasance in office, bribery or other corrupt practice or crime. If the [m]Mayor be so convicted or become a nonresident of the [e]City, [he]the Mayor shall thereby forfeit [his]the office.

## Section 3 - Devolution of duties in event of disability or absence.

During the [m]Mayor's temporary disability or absence from the [e]City [his]the Mayor's powers and duties shall devolve upon the [p]President of the [b]Board of [a]Aldermen, or, if said [p]President be also absent or disabled, upon the [v]Vice-[p]President of said [b]Board.

## Section 4 - Removal from office.

The [m]Mayor may be removed from office by the [b]Board of [a]Aldermen for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty, or for permanent disability, three-fourths (3/4) of all the members of said [b]Board voting for such removal. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing, shall be served on the [m]Mayor or published ~~[at least three times in a daily newspaper]~~ *by a method that is consistent with best governmental practices, which shall include electronic means including the City's website.* The hearing shall be public, and the [m]Mayor shall have the right to appear and defend in person and by counsel, and have process of the [b]Board to compel the attendance of witnesses in [his]the Mayor's behalf. Such vote shall be determined by yeas and nays and the names of the members voting for or against such removal shall be entered on the journal.

## Section 5 By whom vacancy in office filled.

Whenever a vacancy occurs in the office of [m]Mayor, the [p]President of the [b]Board of [a]Aldermen shall become [m]Mayor, and shall hold such office until a successor is elected and qualifies. Such election, if for an unexpired term, shall be at the first general [e]City or [s]State election held fifty days or more after such vacancy occurs. While so holding the office of [m]Mayor a temporary vacancy shall exist in the office of the [p]President of

the [b]Board of [a]Aldermen. The [v]Vice-[p]President of the [b]Board of [a]Aldermen shall hold the office of [p]President of said [b]Board during any vacancy therein with the right of succession to the office of [m]Mayor.

## Article VIII - CITY OFFICERS AND EMPLOYEES

Section 1 - Appointments to be made by [m]Mayor; tenure.

The [m]Mayor shall appoint the following officers at [his]the Mayor's convenience, to hold for the term for which [he]the Mayor was elected and until their successors qualify: [a]Assessor, [s]Supply [e]Commissioner, [r]Register, [e]City [e]Counselor, [city-marshal,] [e]City [e]Court judges, [e]Clerk of [e]City [e]Courts, [p]President of the [b]Board of [p]Public [s]Service, [d]Director of [p]Public [u]Utilities, [d]Director of [s]Streets, [d]Director of Human Services[-welfare], [d]Director of [p]Parks, [r]Recreation and [f]Forestry, [d]Director of [h]Health [and hospitals] and [d]Director of [p]Public [s]Safety.

Section 2 - Residence requirement. [Repealed]

~~[In addition to other qualifications required by this charter, except as provided hereinbelow, all officers and employees (in non-temporary, full-time positions) must reside in the City of St. Louis on or before 120 days have elapsed after appointment or, if the officer or employee serves in a working test period as provided by Civil Service Rule, then 120 days after the end of an initial working test period, not to exceed one year, and all employees and officers must maintain residence within the City of St. Louis during the entire tenure of their employment or of their appointment as an officer after said 120-day period and failing or ceasing so to reside, shall forfeit their office or employment. A waiver to the above residence requirements may be granted to an individual officer or employee, other than a Director or person who acts as a Director of a City Department, on an annual basis by the Civil Service Commission when said officer or employee occupies a position requiring a very high degree of specialized education or skill and when qualified candidates who are willing to fill said position and reside within the City of St. Louis are not reasonably available. The Civil Service Commission shall report annually in writing to the Board of Aldermen on all waivers granted in the preceding year with written explanations for each waiver that was granted.]~~

Section 3 - Oath of office.

Every officer, and every employee holding a position upon an annual salary, shall, before entering upon [his]the officer's or employee's duties and within such time as may be provided by ordinance, take and subscribe, and file with the [r]Register, an oath or affirmation that [he]the officer or employee has all the qualifications and is not subject to any of the disqualifications named in this [a]Article for the office or employment [he]the officer or employee is about to assume; that [he]the officer or employee will support the [e]Constitution of the United States and of this [s]State and the [e]Charter and ordinances of the [e]City; that [he]the officer or employee will be influenced only by the consideration of fitness in the appointment, promotion, demotion, suspension or discharge of officers or employees; that [he]the officer or employee will not expend nor authorize the expenditure of money otherwise than for adequate consideration and efficient service to the [e]City; and will faithfully discharge the duties of [his]the office or employment.

Section 4 - When official bond required; payment of premiums; failure to qualify.

The [b]Board of [a]Aldermen shall determine by ordinance whether and when any officer or employee shall give a bond and the amount and character thereof, subject to the provisions of [e]Charter. Premiums on all bonds of officers and employees shall be paid by the [e]City, subject to such regulations as may be provided by ordinance. If any person elected or appointed to an office shall fail to take, subscribe and file an oath or affirmation as aforesaid, or to give bond as required by this [e]Charter or by law or ordinance, [he]such person shall forfeit [his]the right to the office or employment.

Section 5 - Liability of department heads for subordinates.

Each head of a department, office or division shall be responsible for the acts or omissions of officers and employees they appointed[by him], and may require bonds or other securities from them to secure the position[himself].

Section 6 - Vacancies in elective offices.

Any vacancy in any elective office, except in the [b]Board of [a]Aldermen, shall be filled by appointment by the [m]Mayor until a successor is elected and qualifies. Such election, if for an unexpired term, shall be at the first general [e]City or[s]State election held fifty (50) days or more after such vacancy occurs.

Section 7 - Salaries and fees generally.

The [b]Board of [a]Aldermen shall by ordinance fix or provide for the fixing of salaries or compensation of officers and employees, jurors and witnesses, subject to the provisions of this [e]Charter. Payment for services of specialists or experts under [a]Article XIII, [s]Section 8, may be made either with or without an ordinance fixing the compensation for such services. All salaries or compensation under the classified service shall be uniform for like service. No salary in the unclassified service of the [e]City shall be changed during the term for which the recipient was elected or appointed. No [e]City officer shall retain any fees received by virtue of [his]the office, but all fees shall belong to the [e]City and be paid into the [e]City treasury daily, unless some other time is provided by this [e]Charter or by law or ordinance.

Section 8 - Payment of salaries; maximum established; additional compensation or employment; interest in [e]City contracts; political activity.

Notwithstanding any Charter provision to the contrary, all salaries shall be paid at least monthly. Salaries fixed in this Charter at a certain sum shall be construed to mean not less than such sum. All salaries for positions in the [e]City service shall be established as provided in Article XVIII of this Charter. No officer or employee shall receive any additional compensation for serving in any other capacity under the [e]City while in such office or employment; nor hold any office or employment under the [s]State or United States except in the militia or as a notary public or as a teacher in a public educational institution. A teacher in a public educational institution may hold employment with the [e]City. No officer or employee shall have a personal interest, directly or indirectly, in a contract with the [e]City; and no elective officer shall be a member of the general [e]City committee of any political party. Any person guilty of any willful violation of this Section shall thereby forfeit their[his] office or employment.

Section 9 - Suspension and removal from office.

Any elective officer (except a member of the [b]Board of [a]Aldermen), and any officer appointed by the [m]Mayor to fill any elective office, may be suspended by the [m]Mayor and removed by the [b]Board of [a]Aldermen for cause, three-fourths ( $\frac{3}{4}$ ) of all the members of said [b]Board voting for such removal. Immediately upon any such suspension the [m]Mayor shall notify the [b]Board of [a]Aldermen of same and within ten (10) days shall file with the [b]Board charges in writing against such suspended officer, which with a notice of the time and place of the hearing, shall be served on such officer or published ~~[at least three times in a daily newspaper]~~ by a method that is consistent with best governmental practices, which shall include electronic means including the City's website. The hearing shall be public, and such officer shall have the right to appear and defend in person or by counsel, and have process of the [b]Board to compel the attendance of witnesses in [his]the officer's behalf. If the [b]Board be not in session, the [m]Mayor shall immediately call a special session to convene in not less than three (3) nor more than ten (10) days thereafter. If, upon a hearing, such officer be not removed, ~~he~~ such officer shall be immediately reinstated in his office. The vote on such question shall be determined by yeas and nays, and the names of the members voting for or against such removal shall be entered on the journal. The [e]Clerk of the [b]Board shall forthwith certify the action of the [b]Board to the [m]Mayor. The [m]Mayor may appoint some suitable person to temporarily fill~~fill temporarily~~ such office during the period of any such suspension.

Section 10 - Reports by executive boards and heads of departments.

Each executive board and the head of each department or office (except those under the [b]Board of [p]Public [s]Service, who shall report to said [b]Board) shall at least annually on a day or days fixed by ordinance make a full report to the [m]Mayor of the transactions of such board, department or office for the year and shall furnish to the [b]Board of [a]Aldermen or [m]Mayor at any time such information as either may require.

Section 11 - Mayor to determine questions as to division of officers' powers.

All questions between officers as to their relative powers and duties shall be determined by the [m]Mayor except as in this [e]Charter otherwise provided.

Section 12 - Devotion of entire times to duties.

All [e]City officers and employees except the [m]Mayor, members of the [b]Board of [a]Aldermen, ~~[members of the Mullanphy Board, efficiency board, complaint board, city plan~~ ePlanning Commission, [b]Board of [e]Engineers, [b]Board of [e]Examiners of [p]Plumbers, ~~board of children's guardians,~~ the [b]Board in charge of the zoological park, and such others as may be excepted by ordinance, shall devote such officer's or employee's~~their~~ entire time to the duties of ]theirsuch officer's or employee's office.

Article IX - REGISTER

Section 1 - Powers and duties; bond; compensation.

The [r]Register shall have custody of the [e]City seal, original rolls of ordinances, contracts, conditional bonds, title deeds, certificates and papers, and all other records, papers and documents not required by this [e]Charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep such index thereof as may by ordinance be provided. [He]The Register shall by [his]the Register's signature and the [e]City seal, attest all instruments, signed in the name of the [e]City and all official acts of the [m]Mayor; provide, and when required certify, as may be provided by ordinance, [~~under his hand and the city seal,~~]copies of ordinances, records, papers and documents in [his]the Register's office; cause copies of all ordinances to be printed through the supply division and kept in [his]the Register's office for distribution; register and preserve in [his]the Register's office all oaths or affirmations by [e]City officers or employees; may administer such oaths and affirmations; shall give such bond and appoint such deputies and employees as may be provided by ordinance. Nothing in this Section shall be read to require a manual signature or an embossed seal by the Register for City contracts or other purposes where electronic signatures otherwise satisfy legal requirements, and the Register attests to the contract or other document electronically. [He]The Register shall receive a salary [~~of four thousand dollars per annum~~]set by the provisions of the compensation ordinance.

Section 2 - Attestation and issuance of licenses and forms.

All blank licenses, tickets, receipts, permits, certificates or other blank forms as may be provided by ordinance shall be attested and issued by the [r]Register, and delivered and charged to the [e]Comptroller, who shall countersign and deliver them to the proper officers and take receipts for such blanks[~~therefor~~]. All such blanks not used shall be returned to the [e]Comptroller, who shall cancel and return them to the [r]Register.

## Article X - LAW DEPARTMENT

Section 1 - Composition.

The law department shall consist of a [e]City [e]Counselor, [~~five a~~]Associates and [~~two a~~]Assistant [e]City [e]Counselors, and such other associates, assistants and employees as may be provided by ordinance.

Section 2 - Powers and duties of [e]City [e]Counselor; compensation.

The [e]City [e]Counselor shall be the head of the law department; appoint all associates, assistants and employees in [his]such department; shall, through said department, direct the management of all the litigation in which the [e]City is a party, including service in the [e]City [e]Courts; represent the [e]City in all legal matters and proceedings in which the [e]City is a party or interested, or in which any of its officers are officially interested; advise the [b]Board of [a]Aldermen or any committee or member thereof and the [m]Mayor and the heads of all departments and through the [m]Mayor and heads of departments all other officers of the [e]City as to all legal questions affecting the [e]City's interest; and approve as to form all contracts, deeds, bonds and other documents to be signed in the name of or made to or with the [e]City. [He]At any time that the City has local control over the Police Department, the City Counselor shall render the [p]Police [d]Department all legal advice and services required by it. [He]The City Counselor shall receive a salary [~~of eight thousand dollars per annum~~]set by the provisions of the compensation ordinance.

Section 3 - Qualifications of [e]City [e]Counselor and appointees.

The [e]City [e]Counselor and [a]Associate and [a]Assistant [e]City [e]Counselors shall be attorneys-at-law entitled to practice in all the courts in the [s]State [~~for at least three years previous to their appointment~~].

Article XI - CITY MARSHAL *[Repealed]*

~~[Section 1— Salary; duties; deputies.~~

~~The city marshal shall receive a salary set by the provisions of the compensation ordinance. of three thousand dollars per annum; execute and return all process, notices and orders of the Mayor, law department, health commissioner and city court judges, and all other process, notices and orders as in this charter or by ordinance may be provided. He shall appoint such deputies and employees as may be provided by ordinance. The city marshal and deputy marshals shall be under the supervision of the Police Department unless by ordinance there is established a separate office.~~

~~Section 2— Abolition of office.~~

~~In case the Police Department shall become a department of the city, the marshal's functions shall devolve upon it and be exercised in such manner as may be provided by ordinance, in which event the office of marshal shall be abolished.]~~

Article XII - CITY COURTS

Section 1 - Judges.

There shall be two (2)[e]City [e]Court judges, who shall have been for at least five (5) years licensed attorneys, one (1) to be known as [j]Judge of [e]City [e]Court one (1), and the other as [j]Judge of [e]City [e]Court two (2), each of whom shall receive a salary [~~of three thousand dollars per annum~~]set by the provisions of the compensation ordinance.

Section 2 - Powers of [b]Board of [a]Aldermen; substitute judges; places of holding court.

The [b]Board of [a]Aldermen may by ordinance adopted by the vote of two-thirds ( $\frac{2}{3}$ ) of all the members increase the number of [e]City [e]Courts and judges. It may, by ordinance, divide the [e]City into judicial districts and regulate the jurisdiction thereof, and may from time to time alter *the* same. Whenever any such [j]Judge is absent or unable to hold court, the [m]Mayor shall appoint an eligible person to act during such absence or inability, who shall receive such compensation as may be provided by ordinance. Such [e]Courts shall be held in places provided for by ordinance, and, in the absence of such ordinance provision, in such places as the [m]Mayor may direct.

Section 3 - Jurisdiction.

The [e]City [e]Courts shall have jurisdiction of all cases arising under this [e]Charter or any ordinance, subject to appeal by the [e]City or the defendant to the St. Louis [e]Court of [e]Criminal [e]Correction in like manner as provided by law for appeals from justices of the peace in criminal cases to their appellate courts; may punish contempts of court by fine not exceeding fifty (\$50.00) dollars or by imprisonment not exceeding ten (10) days, or both; enforce its orders and judgments as a court of record may, and render final judgment on any forfeited bond or recognizance returnable to such court, subject to an appeal, as in other cases.

Section 4 - Clerk.

There shall be one (1) [e]Clerk for all the [e]City [e]Courts, who shall receive a salary [~~of twenty-four hundred dollars per annum~~]set by the provisions of the compensation ordinance, and appoint such deputies and employees as may be provided by ordinance.

Article XIII - BOARD OF PUBLIC SERVICE

Section 1 - Creation and composition.

There shall be a [b]Board of [p]Public [s]Service, consisting of the [p]President of said [b]Board, and six (6) directors, who shall be known as [d]Director of [p]Public [u]Utilities, [d]Director of [s]Streets, [d]Director of Human Services[~~welfare~~], [d]Director of [p]Parks, [r]Recreation and [f]Forestry, [d]Director of [h]Health[ ~~and hospitals~~] and [d]Director of [p]Public [s]Safety. They shall be the heads of and exercise supervision over their respective departments hereby created, as follows: [d]Department of the [p]President, [d]Department of [p]Public [u]Utilities, [d]Department of [s]Streets, [d]Department of Human Services[~~welfare~~], [d]Department of [p]Parks, [r]Recreation and [f]Forestry, [d]Department of [h]Health[~~and hospitals~~], and [d]Department of [p]Public [s]Safety.

Section 2 - Qualifications of certain members.

The [p]President of the [b]Board and the [d]Directors of [p]Public [u]Utilities and of [s]Streets[~~and sewers~~] shall be [~~engineers of technical training, of~~] a degreed engineer from an accredited university, a licensed Professional Engineer in the State of Missouri as required by Chapter 327, R.S.Mo., with at least ten (10) years' experience, and qualified to design as well as to direct engineering work.

Section 3 - Designation of deputies.

Any member of the [b]Board of [p]Public [s]Service may designate any officer in any department under said [b]Board to act as [~~his~~]such member's deputy, but such deputy shall have no vote on the [b]Board.

Section 4 - Meetings; quorum; proceedings.

The [b]Board of [p]Public [s]Service shall meet at least once each week, unless a meeting is postponed by the President of the Board due to holiday or lack of quorum. [~~at its office.~~] The [p]President of the [b]Board shall preside at its meetings. A majority of said [b]Board shall constitute a quorum for the transaction of business. [~~but no final action shall be taken in any matter concerning the department of any absent member unless such matter has been made the special order of the day.~~] Said [b]Board shall furnish through its [p]President to the [m]Mayor and the [b]Board of [a]Aldermen such data and information as may be required, or which it may from time to time deem necessary; prescribe rules and regulations necessary and proper to carry out its functions; appoint a secretary and such other employees as may be provided by ordinance; post an agenda giving notice of matters to be considered in meetings and keep a record of its proceedings which shall be open to the public. Final action on any matter shall be taken by yeas and nays and entered on its record. [~~An abstract of its proceedings shall be published in the paper or papers doing the city publishing.~~]

## Section 5 - Powers and duties.

The [b]Board of [p]Public [s]Service shall have power:

- (a) *Supervision of departments.* To exercise supervision and control over the aforesaid departments and the heads thereof.
- (b) *Permits for use of public places.* To grant permits to occupy or use portions of any public grounds, highways, streets, alleys or other public places, consistent with the public use thereof and not inconsistent with any law or general ordinance, including permits for switch connections, and any such permit may be revoked by said [b]Board at will; but this power shall never be deemed to vest in said [b]Board the right to grant franchises.
- (c) *Permits for private businesses.* To grant permits, according to such general rules and regulations as may be provided by general ordinance, in relation to any private business required by ordinance to have a permit as a condition of or in connection with its conduct or operation.
- (d) *Grants and dedications of property.* To accept or reject grants or dedications, absolute or conditional, of highways, streets, boulevards, parkways, alleys or other property for any public use. No plat of any addition or subdivision, or any plat or map attached to any deed, shall be filed or recorded in the recorder's office unless the same shall first be approved by the [b]Board as to public highways, streets, boulevards, parkways, alleys or other public places represented thereon, and the grades thereof, except plats accompanying judgment or orders of court in partition and other suits where such plats form a part of such proceedings.
- (e) *Establishment of grades.* To establish the grades of the center line of all public highways, streets, boulevards, parkways and alleys. Upon demand of the owner of the property abutting on any public highway, street, boulevard, parkway or alley, the [b]Board shall determine the grade of the line of said public highway, street, boulevard, parkway or alley forming the boundary line of such property.
- (f) *City engineering, construction and reconstruction.* To control and conduct any and all engineering, construction and reconstruction work undertaken by the [e]City and to supervise all such work in which the [e]City is interested. All plans and specifications for such work shall be prepared under the direction of the [b]Board and be subject to its approval.
- (g) *Additional powers and duties.* To make such recommendations, exercise such powers and perform such duties as may be required of it by this [e]Charter or by ordinance.

Section 6 - Organization of departmental divisions.

Said departments shall have divisions as herein established. The head of each department shall appoint all heads of divisions in ~~his~~their department and any officers and employees in ~~his~~the department not assigned to a division. The head of each division shall manage ~~his~~the division and appoint all officers and employees therein.

Section 7 - Departmental relations; distribution of powers and duties.

All departments under the ~~h~~Board of ~~p~~Public ~~s~~Service shall cooperate, and the employees or assistants in any one (I) department or division may, under the order of the ~~h~~Board, be temporarily utilized by any other department or division. All questions as to the distribution of powers or duties between such departments shall be determined by the ~~h~~Board.

Section 8 - Employment of specialists.

The ~~h~~Board may at any time, with the approval of the ~~h~~Board of ~~e~~Estimate and ~~a~~Apportionment, appoint specialists or experts in connection with any public work or improvement for which an appropriation has been made and pay for their services out of such appropriation.

Section 9 - Department of the ~~p~~President.

The ~~d~~Department of the ~~p~~President shall have charge and supervision of all public work and improvements undertaken by the ~~e~~City or in which the ~~e~~City is interested and prepare all plans and specifications for such work and improvements~~therefor~~, except where supervision work or preparation is herein or by the ~~h~~Board of ~~p~~Public ~~s~~Service otherwise assigned or provided.

Section 10 - Department of ~~p~~Public ~~u~~Utilities—Powers and duties.

The ~~d~~Department of ~~p~~Public ~~u~~Utilities shall have general supervision over the maintenance, equipment, operation and service, and the assessment of rates and charges, of all public utilities owned or operated by the ~~e~~City. It shall execute or cause to be executed all ordinances regulating the construction, reconstruction, extension, maintenance, equipment, operation, service or rates of public utilities operating under franchises, licenses or permits, or compelling extensions of facilities for such service. The ~~d~~Director of said ~~d~~Department shall make investigations and reports in relation to any of the foregoing matters as may be provided by ordinance or required by the ~~h~~Board of ~~p~~Public ~~s~~Service, and in connection therewith shall have power to subpoena witnesses and order the production of documents ~~books and papers~~ relating thereto. ~~He shall have charge of the supervision of city lighting and of the municipal electric lighting plants and electrical equipment in city buildings.~~

Section 11 - Department of ~~p~~Public ~~u~~Utilities—Water Division.

There shall be a ~~w~~Water ~~d~~Division in this ~~d~~Department and the head thereof shall be known as the ~~w~~Water ~~e~~Commissioner. It shall have under its special charge the operation and maintenance of the waterworks and of all facilities for the acquisition and distribution of water. It shall assess water rates as may be provided by ordinance and make out the bills for such~~therefor~~ and deliver the same to the ~~e~~Comptroller, who shall deliver

them to the [e]Collector, take [his] receipt [therefor], and charge them therewith on the [e]Comptroller's books. As long as any of the "St. Louis Water Bonds" or renewals thereof or bonds issued on the special credit of the waterworks or facilities remain unpaid the water rates shall be fixed at prices that will produce revenue sufficient at least to pay the running expenses of the [w]Water [d]Division and the interest on all such bonds and renewals.

Section 12 - Accounts of [e]City-owned utilities to be segregated.

The accounts of all public utilities owned and operated by the [e]City and dependent for their revenues upon the sale of their products or services shall be kept separate and distinct from all other accounts of the [e]City, and shall contain proportionate charges for all services performed for such utilities by other departments, as well as proportionate credits for all services rendered.

Section 13 - Department of [s]Streets/[d]Department of [t]Transportation

The [d]Department of [s]Streets shall have charge of the repairing, cleaning and maintenance of all public highways, streets, boulevards, alleys, bridges, wharves and levees; the sprinkling of streets and the collection and disposal of garbage, [ashes] and refuse; and except as otherwise provided by law or ordinance shall have charge of the enforcement and execution of all ordinances relating to any of the matters referred to in this section or to the harbor. When, effective July 1, 2029, the [d]Department of [s]Streets shall be known as and shall become the [d]Department of [t]Transportation, the [d]Department of [t]Transportation shall, notwithstanding anything in Section 5 of this Article to the contrary and as may be prescribed by ordinance, have charge of: the planning for safe travel by persons throughout the City by automobile, bicycle, and other modes of transportation, including without limitation pedestrian facilities, bikeways, non-motorized trails (except those that are maintained and operated under the authority or by agreement with the department of parks, recreation and forestry or any other public or private entity), and for conducting and coordinating transportation planning and improvements, including with public transit authorities; the engineering and design of City transportation public works; the repair, cleaning, and maintenance of City streets, alleys, sidewalks, bicycle lanes, bridges, wharves, and levees and the receiving and processing of citizen service complaints regarding the same; the installation, repair, and replacement of traffic lights, street lights, and street signs; the installation, operation, maintenance, and repair of any City-owned modes of public transit; the regulation and coordination of shared micromobility programs by other public and private entities; the planning, design, construction, maintenance, and operation of programs and public improvements related to enhancing and improving the safety of all users of the right of way, including pedestrians, bicyclists and motor vehicle operators; the collection and disposal of garbage, recycling, and refuse; and, except as otherwise provided by law or ordinance, have the responsibility to enforce and execute all ordinances relating to any of the matters referred to in this section or to the harbor.

Section 14-A - Department of [welfare] Human Services.

The [d]Department of Human Services [welfare] shall be in the charge of a [d]Director of Human Services [welfare] appointed by the [m]Mayor. The [d]Department shall include a [d]Division of [children's] Homeless Services [and a Division of adult services].

- (a) Director—Qualifications—Duties. The [d]Director of Human Services [welfare] shall be chosen on the basis of administrative ability and demonstrated interest in social welfare problems. [He] The Director shall be responsible for the supervision and coordination of all activities of the

~~[d]Department of Human Services[welfare], [-including provision for such legal aid and representation in court for indigents] as [may be] authorized by ordinance.~~

~~[Division of children's services. The Division of children's services shall be in the charge of a commissioner of children's services appointed by the Director of welfare. The commissioner shall be responsible for operating and maintaining institutions for the care and maintenance of dependent children and the emergency care of delinquent children; for taking charge of and caring for children committed to the city by the courts; for placing children in institutions or foster homes; and for administering such other welfare services, including services to children in their own homes, as may be provided by law or ordinance.~~

~~Division of adult services. The division of adult services shall be in the charge of a commissioner of adult services appointed by the Director of welfare. The commissioner shall be responsible for operating and maintaining detentive, penal, and corrective institutions; for investigating parole applications and making recommendations relative thereto; for exercising supervision in parole and probation cases; and for administering such other welfare services as may be provided by law or ordinance.~~

~~Board of children's welfare services. There shall be a board of children's welfare services consisting of seven members appointed by the Mayor for terms of four years, except that of the members first appointed one shall be appointed for a term of one year, two for terms of two years, and two for terms of three years. All appointed members shall be chosen on the basis of demonstrated interest in the welfare of children. The board shall assist the Director of welfare in establishing the policies under which the division of children's services shall operate, and shall advise the director on other matters pertaining to the welfare of children.~~

~~Board of adult welfare services. There shall be a board of adult welfare services of seven members appointed by the Mayor for terms of four years, except that of the members first appointed one shall be appointed for a term of one year, two for terms of two years, and two for terms of three years. All members shall be chosen on the basis of demonstrated interest in the welfare of adults. The board shall advise the director of welfare on matters pertaining to welfare programs of adults, and shall designate three of its members to serve as a parole committee. Said committee shall grant paroles, consistent with the provisions of any law or ordinance.~~

~~Mullanphy fund. The Bryan Mullanphy emigrant and travelers' relief fund shall be administered in such manner as shall be provided by ordinance enacted upon recommendation of the Mayor.]~~

Section 14-B - ~~[d]Department of [p]Parks, [r]Recreation and [f]Forestry.~~

The ~~[d]Department of [p]Parks, [r]Recreation and [f]Forestry~~ shall be in the charge of a ~~[d]Director of [p]Parks, [r]Recreation and [f]Forestry~~ appointed by the ~~[m]Mayor~~. The ~~[d]Department~~ shall include a ~~[d]Division of [p]Parks, [d]Division of [r]Recreation and a [d]Division of [f]Forestry.~~

- (a) *Director—Qualifications—Duties.* The ~~[d]Director of [p]Parks, [r]Recreation and [f]Forestry~~ shall be chosen on the basis of administrative ability and demonstrated interest in park and recreational problems. ~~[He]~~The Director shall be responsible for the supervision and coordination of all activities of the ~~[d]Department of [p]Parks, [r]Recreation and [f]Forestry.~~ ~~[He]~~The Director also shall grant all permits to occupy or use portions of any park, park area, historic site, playground, swimming pool, garden, or other area owned or used by the ~~[e]City~~ for recreational purposes, and facilities in connection therewith, except highways, streets, or park drives therein, which such occupancy or use is consistent with the public use thereof and is not inconsistent with any law or general ordinance, and any such permit may be revoked by the ~~[d]Director~~ at any time.

- (b) *Division of [p]Parks.* The [d]Division of [p]Parks shall be in the charge of the [e]Commissioner of [p]Parks appointed by the [d]Director of [p]Parks, [r]Recreation and [f]Forestry. The [e]Commissioner shall be responsible for developing, managing, operating, and maintaining parks, park areas, historic sites, playgrounds, swimming pools, gardens, and other areas owned or used by the [e]City for recreational purposes, and facilities in connection therewith; for operating and maintaining the [e]City's greenhouses and nurseries.
- (c) *Division of [r]Recreation.* The [d]Division of [r]Recreation shall be in the charge of a [e]Commissioner of [r]Recreation appointed by the [p]Parks, [r]Recreation and [f]Forestry. The [e]Commissioner shall be responsible for the development and administration of the [e]City's public recreational program and for general supervision and control over all other recreational activities in the [e]City parks and recreational areas.
- (d) *Division of [f]Forestry.* The [d]Division of [f]Forestry shall be in the charge of a [e]Commissioner of [f]Forestry appointed by the [d]Director of [p]Parks, [r]Recreation and [f]Forestry. The [e]Commissioner shall be responsible for planting, trimming, and maintaining all [e]City-owned trees along all public highways, streets, boulevards, and parkways; and for maintaining free of weeds all unimproved or unused plots of ground owned by the [e]City.

**~~[Board of parks and recreation. There shall be a board of parks and recreation of six members appointed by the Mayor for terms of four years, except that of the members first appointed one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. The board shall advise the Director of Parks, Recreation and Forestry on matters relating to parks and recreation, and shall hear complaints of individuals and groups concerning the use of parks and recreational facilities and make recommendations to the director relative thereto.]~~**

Section 14-C Department of [h]Health~~[-and hospitals]~~.

The [d]Department of [h]Health ~~[and hospitals]~~ shall be in charge of a [d]Director of [h]Health ~~[and hospitals]~~ appointed by the [m]Mayor. The [d]Department shall include ~~[the following] a Health [d]Division[s: (1) health, and (2) hospitals]~~.

- (a) *Director—Qualifications.* The [d]Director of [h]Health ~~[and hospitals]~~ shall be a ~~[regularly licensed practitioner of medicine and surgery and a]~~ graduate of an accredited school of medicine or shall have completed graduate work in an accredited school of public health to the level of a Master's Degree in Public Health or have been certified by the American Board of Preventive Medicine and Public Health. The [d]Director also shall have had at least three (3) years' experience in the practice of medicine ~~or [and]~~ at least three (3) years' experience in public health work, with at least two (2) years of such experience in a responsible administrative capacity.
- (b) *Director—Duties.* The [d]Director of [h]Health ~~[-and hospitals]~~ shall be responsible for the supervision and coordination of all activities of the [d]Department of [h]Health ~~[-and hospitals]~~.
- (c) *Division of [h]Health.* The [d]Division of [h]Health shall be in the charge of a [h]Health [e]Commissioner appointed by the [d]Director of [h]Health ~~[-and hospitals]~~. The [e]Commissioner shall have general supervision over the public health and shall be responsible for the administration of the public health programs. ~~[He]~~**The Health Commissioner** shall adopt, with the approval of the [d]Director of [h]Health ~~[-and hospitals]~~ and after submission to the [b]Board of [h]Health for its conclusions and recommendations, and consistent with the provisions of this [e]Charter and any law or ordinance, such rules and regulations as

will tend to preserve or promote the public health. The ~~[h]Health~~ ~~[e]Commissioner~~ shall see that the laws and ordinances relating to public health are observed and enforced, and for such purpose ~~[he]the Health Commissioner~~ may enter or authorize and require any employee or police officer to enter and inspect any building, lot, or place within the ~~[e]City~~ for conditions affecting the public health, and may declare and abate nuisances as provided by this ~~[e]Charter~~ or by law or ordinance. If ~~[he]the Health Commissioner~~ finds that the existence of a nuisance is plain and its continuance a danger to public health, ~~[he]the Health Commissioner~~ may declare such nuisance and danger and enter such declaration in the records of ~~[his]the Health Commissioner's~~ office. ~~[He]The Health Commissioner~~ shall then immediately abate such nuisance without notice. In all other cases, before abating a nuisance on private property, ~~[he]the Health Commissioner~~ shall hold a hearing upon notice given personally to the owner or ~~[his]the owner's~~ agent or by posting on or near the premises, whereupon ~~[he]the Health Commissioner~~ may declare the nuisance and order its abatement. If the nuisance is not abated as ordered, ~~[he]the Health Commissioner~~ shall abate the same. In case of abatement of nuisance on private property, the cost thereof may be assessed and collected as a special tax and be a lien on such property as provided by ordinance. Any person causing or maintaining any nuisance shall be liable to the ~~[e]City~~ in a civil action for the expense incurred in abating such nuisance. Failure to abate a nuisance after an order of abatement shall constitute a misdemeanor, punishable as provided by ordinance.

Whenever any malignant, infectious, or contagious disease is threatened or is prevalent in the ~~[e]City~~, on proclamation thereof by the ~~[m]Mayor~~ and with the approval of the ~~[m]Mayor~~ and the ~~[d]Director~~ of ~~[h]Health~~~~[-and hospitals]~~, the ~~[h]Health~~ ~~[e]Commissioner~~ may take such steps, use such measures, and incur such expense as ~~[he]the Health Commissioner~~ deems necessary to avoid, suppress, or mitigate such disease until the ~~[m]Mayor~~ proclaims the need for such measures~~[therefor]~~ ended, notwithstanding anything to the contrary in this ~~[e]Charter~~ or in any ordinance.

The ~~[h]Health~~ Commissioner shall have charge of the quarantine~~[-, the dog pound]and animal control~~~~[-, and the registration of all births and deaths within the city]~~.

The ~~[e]Commissioner~~ shall keep a record of ~~[his]the Commissioner's~~ acts and orders and shall file in ~~[his]the Commissioner's~~ office all petitions, documents, and papers belonging thereto. Copies of such records, petitions, documents, and papers when certified by ~~[him]the Commissioner~~ or as provided by ordinance shall be prima facie evidence in any court of the facts therein contained.

- (d) *Board of Health.* There shall be a ~~[b]Board~~ of ~~[h]Health~~ of thirteen (13)~~[five]~~ members appointed by the ~~[m]Mayor~~ for terms of four (4) years, except that of the members first appointed one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years. The ~~[b]Board~~ shall advise the ~~[d]Director~~ of ~~[h]Health~~~~[-and hospitals]~~ on matters relating to public health; examine all proposed public health rules and regulations and transmit its conclusions and recommendations to the ~~[d]Director~~; and hear and determine such appeals from decisions, rulings, and orders of the ~~[h]Health~~ ~~[e]Commissioner~~ as may be provided for by ordinance.

~~[Division of hospitals. The division of hospitals shall be in the charge of a hospital Commissioner appointed by the Director of health and hospitals. The Commissioner shall be responsible for the operation of all hospitals, infirmaries, other institutions for the care of the sick, and nursing schools, except such clinics and medical activities as are carried on as functions of the division of health.]~~

~~Board of hospitals. There shall be a Board of hospitals of eight members appointed by the Mayor for terms of four years, except that of the members first appointed two shall be appointed for terms of one year, two for terms of two years, and two for terms of three years. Three members of the board shall be regularly licensed practitioners of medicine or surgery, of which members two shall be appointed after consultation with~~

~~the deans of medical schools whose faculties assist in making medical services available at city hospitals, and one shall be appointed after consultation with the St. Louis Medical Society. At least two non-medical members of the board shall have had at least three years' experience as a member of said board or of the governing board of an accredited general hospital. The board of hospitals shall advise the Director of health and hospitals on matters relating to hospitals. The board shall meet not less than six times a year to receive from the hospital Commissioner a report on the activities and problems of his division since the next preceding meeting and such special reports as the board may request.~~

~~Joint meetings of health and hospital boards. The board of health and the board of hospitals shall meet together upon call of the Director of health and hospitals.]~~

Section 15 - Department of [p]Public [s]Safety.

The [d]Department of [p]Public [s]Safety shall include the following divisions:

- (a) *Division of [p]Police.* When the [e]City is permitted by law to establish and maintain a [p]Police [d]Department, such [d]Department shall be a [d]Division hereunder. The head of said [d]Division shall be known as [p]Police [e]Commissioner. ~~[He]The Police Commissioner~~ may be removed, with or without cause, by the [d]Director of [p]Public [s]Safety ~~[- or by the governor of the state].~~
- (b) *Division of [e]Excise.* When the [e]City is permitted by law to establish and maintain an [e]Excise [d]Department, such [d]Department shall be a [d]Division hereunder. The head of said [d]Division shall be known as [e]Excise [e]Commissioner. ~~[He]The Excise Commissioner~~ may be removed, with or without cause, by the [d]Director of [p]Public [s]Safety ~~[- or by the governor of the state].~~
- (c) *Division of [f]Fire and [f]Fire [p]Prevention.* There shall be a [d]Division of [f]Fire and [f]Fire [p]Prevention which shall manage, control and conduct the [f]Fire [d]Department, and take all proper steps for fire prevention or suppression. The head of said [d]Division shall be known as [e]Chief of the [f]Fire [d]Department. In case of emergency, with the approval of the [d]Director of [p]Public [s]Safety, ~~[he]the Fire Chief~~ may purchase or hire whatever may be required for the emergency, with or without authority or appropriation by ordinance ~~[therefor]. [He]The Fire Chief~~ or any assistant in charge at any fire shall have the same police powers at such fire as the Chief of Police ~~[chief of police]~~, under such regulations as may be prescribed by ordinance. ~~[He]The Fire Chief~~ may appoint a [f]Fire [m]Marshal, whose duty it shall be, subject to the [e]Chief of the [f]Fire [d]Department, to investigate the cause, origin and circumstances of fire and the loss occasioned thereby and assist in the prevention of arson. ~~[-The chief of the fire department shall have charge of the fire and police telegraph and telephone communication systems.]~~
- ~~(d) [Division of weights and measures. There shall be a division of weights and measures, which shall execute all ordinances regulating or relating to weights and measures or the inspection thereof. The head of said division shall be known as the commissioner of weights and measures.]~~
- (e) *Division of [b]Building and [i]Inspection.* There shall be a [d]Division of [b]Building and [i]Inspection. It shall superintend all buildings belonging to or under the control of the [e]City and have charge of the condemnation of unsafe buildings and the prevention of the use of buildings while unsafe, the granting of building permits, the inspection of all buildings in course of construction, the enforcement of all building ordinances, the supervision of all plumbing, ~~[the abatement of the smoke nuisance,]~~ and the inspection of all boilers, elevators and mechanical plants. The head of said [d]Division shall be known as the [b]Building [e]Commissioner.

- (f) ~~[Division of adult services. The Division of adult services shall be in the charge of a Commissioner of adult services appointed by the Director of welfare. The Commissioner shall be responsible for operating and maintaining detentive, penal, and corrective institutions; for investigating parole applications and making recommendations relative thereto; for exercising supervision in parole and probation cases; and for administering such other welfare services as may be provided by law or ordinance.]~~

#### Article XIV - ART MUSEUM AND ZOOLOGICAL PARK

##### Section 1 - Authorized.

Provisions may be made in accordance with law or ordinance for a City Art Museum and a Zoological Park.

#### Article XV - DEPARTMENT OF FINANCE

##### Section 1 - Composition.

The ~~[d]~~Department of ~~[f]~~Finance shall include the ~~[o]~~Office of the ~~[e]~~Comptroller and the ~~[a]~~Assessment, ~~[e]~~collection, ~~[t]~~Treasury and ~~[s]~~Supply ~~[d]~~Divisions.

##### Section 2 - The Comptroller.

The ~~[e]~~Comptroller shall have the qualifications and forfeit ~~[his]~~the office for the cause provided with regard to the ~~[m]~~Mayor; receive a salary ~~[of eight thousand dollars per annum]~~set by the provisions of the compensation ordinance; give bond to the ~~[e]~~City for not less than three hundred thousand dollars ~~(\$300,000.00)~~; and appoint one ~~(1)~~ ~~[d]~~Deputy ~~[e]~~Comptroller and such other deputies and employees as may be provided by ordinance. The ~~[e]~~Comptroller shall be the head of the ~~[d]~~Department of ~~[f]~~Finance and exercise ~~[a]~~ general supervision over its divisions, over all the fiscal affairs of the ~~[e]~~City and over all its property, assets and claims, and the disposition thereof. ~~[He]~~The Comptroller shall preserve the credit of the ~~[e]~~City, and for that purpose, or in case of any extraordinary emergency of any kind, ~~[he]~~the Comptroller may, with the approval of the ~~[b]~~Board of ~~[e]~~Estimate and ~~[a]~~Apportionment, and with or without any ordinance or other authority or appropriation ~~for such~~[therefor], draw warrants on the ~~[t]~~Treasurer or effect temporary loans to pay debts and judgments and other liabilities of the ~~[e]~~City, or to meet any such emergency, charging such warrants to any excess balances in appropriations made by the general annual appropriation bill and specifically reporting ~~[his]~~the Comptroller's action to the ~~[b]~~Board of ~~[a]~~Aldermen at its first meeting thereafter. ~~[He]~~The Comptroller shall have a seat and a voice but no vote in the ~~[b]~~Board of ~~[a]~~Aldermen. ~~[He]~~The Comptroller shall be the general accountant and auditor of the ~~[e]~~City and the records in ~~[his]~~the Comptroller's office shall show the financial operations and condition, property assets, claims and liabilities of the ~~[e]~~City, all expenditures authorized, and all contracts in which the ~~[e]~~City is interested. ~~[He]~~The Comptroller shall require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to ~~[him]~~the Comptroller by the several departments and offices of the ~~[e]~~City, including the ~~[h]~~License ~~[e]~~Collector's office so far as consistent with law, and shall control and continually audit the same, and prescribe forms, rules and regulations ~~for such~~[therefor] and require their observance. ~~[He]~~The Comptroller shall regulate the making of all requisitions for

supplies. Except as by this [e]Charter or by law or ordinance otherwise provided [he]the Comptroller shall prescribe and regulate the manner of paying creditors, officers and employees of the [e]City. [He]The Comptroller shall audit all pay rolls, accounts and claims against the [e]City, and certify thereon the balance as stated by [him]the Comptroller and draw [his]the Comptroller's warrant on the [t]Treasurer *for such*[therefor], but no pay roll, account or claim, or any part thereof, except for the preservation of the credit of the [e]City, or in case of extraordinary emergency as hereinbefore provided, shall be audited against the [e]City unless certified by the officer having knowledge of the facts and authorized by law or ordinance, and the amount required for payment of the same appropriated for that purpose by ordinance and in the treasury. [He]The Comptroller shall see that no contract liability is incurred except for the preservation of the [e]City's credit, or in case of emergency, as hereinbefore provided, without previous authority of law or ordinance. [He]The Comptroller shall, at least monthly, adjust the settlements of all officers engaged in the collection of the revenue. [He]The Comptroller may temporarily transfer employees from one (1) division of the [d]Department of [f]Finance to any other division thereof. [He]The Comptroller shall have power to administer oaths. [He]The Comptroller shall receive and preserve in [his]the Comptroller's office all books, vouchers and papers relating to the fiscal affairs of the [e]City. [He]The Comptroller may destroy any document, books, vouchers, papers or canceled blank forms pertaining to any department, board or office if [he]the Comptroller, the [e]City [e]Counselor, and the head of such department, board or office certify that they are useless and the [b]Board of [e]Estimate and [a]Apportionment so directs.[He]The Comptroller shall keep a register of all delinquent and special tax bills or other claims of the [e]City in the nature of liens on property and shall release any such bill or claims thereon on proof of payment thereof.

Section 3 - Designation of subordinate to affix [e]Comptroller's signature.

Any officer or employee in the [e]Comptroller's office may be designated by [him]the Comptroller to draw warrants upon the treasury with the same effect as if signed by the [e]Comptroller, such designation to be in writing, in duplicate, filed with the [m]Mayor and in the [t]Treasury [d]Division; provided, that the [m]Mayor may make such designation if the [e]Comptroller be absent or disabled and there be no one in [his]the Comptroller's office designated to act. Any such designation may be revoked by the [e]Comptroller while acting as such by filing the revocation in duplicate with the [m]Mayor and in the [t]Treasury [d]Division.

Section 4 - Composition of [a]Assessment [d]Division.

The [a]Assessment [d]Division shall consist of the [a]Assessor and such [d]Deputy [a]Assessors and employees as may be provided by ordinance.

Section 5 - Assessor.

~~[The assessor shall have the qualifications provided with regard to the mayor; receive a salary of five thousand dollars per annum set by the provisions of the compensation ordinance; and, before entering upon the duties of his the office, take an oath similar to that required by law of county assessors. The assessor shall be the head of the assessment division; appoint the deputy assessors and employees in his the assessor's division; preserve all maps, plats, books and papers belonging to said division; cause all plats to be prepared, altered and corrected as required by law; receive lists, statements or returns of property; and furnish blanks and information to those desiring to appeal to the board of equalization.]~~

*There shall be an Assessor whose office shall perform all functions required by statutes for a County*

Assessor in accordance with such statutes.

Section 6 through 18 - [Removed by Amendment]

~~[Section 6—Deputy assessors.~~

~~Each deputy assessor shall take the same oath as the assessor and have the same powers, subject to his control, and shall have been a resident of the city for five years next before appointment.~~

~~Section 7—Bonds to be given state.~~

~~The assessor and his deputies before entering upon their duties shall give bond to the state; the assessor for twenty thousand dollars and the deputies each for five thousand dollars, or such other sums as may be fixed by ordinance. Each bond shall be executed in duplicate and one forwarded to the state auditor, the other deposited with the comptroller.~~

~~Section 8—Assessments to be made.~~

~~The assessor, or his deputies under his direction, shall severally assess all the taxable property, real or personal, within the city in the manner provided by law, and for that purpose the assessor may divide and assign the work or any of it among them. They shall commence their assessment on the first day of June in each year, and complete the same, and the deputies make their final reports thereof to the assessor, on or before the first day of January next following. The assessor shall see that the assessment is made uniform and equal throughout the city.~~

~~Section 9—Assessment books.~~

~~The assessor shall make up the assessment books in proper alphabetical order from the reports made by the deputy assessors, the lists or statements made of property, his own view, or the best information he can otherwise obtain, and complete said books on or before the third Monday in March of each year.~~

~~Section 10 Board of equalization—Members; oath; compensation.~~

~~There shall be a board of equalization consisting of the assessor, who shall be its president, and four taxpaying, property-owning citizens resident in the city for ten years next before their appointment, who shall be appointed annually by the mayor on or before the second Monday in March. Each member shall take an oath similar to that required by law of members of county boards of equalization. Their compensation shall be fixed by ordinance.~~

~~Section 11—Powers and duties.~~

~~Said board shall have the power and duty to hear complaints and appeals, and to adjust, correct and equalize the valuations and assessments of any taxable property, real or personal, within the city and to assess and equalize the value of any taxable property, real or personal, within the city, and to assess and equalize the~~

~~value of any taxable property, real or personal, omitted from the assessment books then under examination by them, and to adjust and correct the assessment books accordingly; provided, that if said board proposes to increase any assessment or to assess any such omitted property, it shall give notice of the fact to the person owning or controlling the property affected, his agent or representative, by personal notice, by mail, or by advertisement, specifying when and where a hearing shall be granted.~~

~~Section 12—Notice of availability of assessment books and time of sessions.~~

~~When the assessment books are completed the assessor shall give two weeks' notice in at least two daily newspapers that said books are open for inspection and stating when the board of equalization will be in session.~~

~~Section 13—Meetings; evidence; appeals.~~

~~The said board shall meet on or before the third Monday in March, annually, and remain in continuous session for at least three hours in the forenoon and at least three hours in the afternoon of each day, except Sunday, for four weeks and no longer. It shall have power to subpoena witnesses and order the production of books and papers, and any member may administer oaths in relation to any matter within its jurisdiction. It shall hear and determine all appeals summarily, and keep a record of its proceedings, which shall remain in the assessment division.~~

~~Section 14—Who may appeal.~~

~~Any person may appeal in writing to the board of equalization from the assessment of his property, specifying the matter of which he complains.~~

~~Section 15—Abstract of books, extension of taxes and issuance of tax bills.~~

~~After the assessment books have been corrected, the assessor shall make an abstract thereof showing the amount of the several kinds of property assessed and specifying the amount of value of all taxable property within the city, and certify thereon that the same is a true and correct abstract of all such property in the city so far as he has been able to ascertain. One copy of the abstract, verified by his oath, shall be delivered on or before the fourth Monday in May to the mayor, and another to the state auditor. The assessor shall extend in said assessment books the state, school and city taxes and include in said books such matter as the law shall provide or the comptroller require. The assessor shall then cause tax bills to be made out for such taxes in such forms as the law shall provide or the comptroller prescribe, and deliver them with a duplicate schedule thereof to the comptroller, who shall compare said bills with said books and schedule and test the footings, and then officially stamp said bills and deliver them with one schedule to the collector and take his separate receipts; one for the aggregate of said bills, and another for the state taxes, which last receipt the comptroller shall transmit to the state auditor.~~

~~Section 16—Erroneous assessments; duties of comptroller as to taxes.~~

~~The comptroller shall hear and determine all complaints of manifest error in the assessment of property for taxes, and in all cases when it shall appear that any property, real or personal, has been erroneously assessed, cause the same to be corrected on the assessment books, and certify to the state auditor all such corrections for credit to the collector. The comptroller shall perform all duties and acts within the city, in regard to the "land delinquent list," the "sale of land for taxes," and the assessment books and tax bills that are imposed on county courts by general law; and make out the "back tax books" and the "back tax bills" required by law.~~

~~Section 17—Payment of expenses of assessment.~~

~~The costs and expenses of the assessment for each year shall be paid by the city. The comptroller shall, as soon as the amount is ascertained, certify the same to the state auditor and obtain his warrant in favor of the city for one-half thereof as provided by law.~~

~~Section 18—Abstracts to be delivered by recorder of deeds.~~

~~The day after any instrument affecting the title to real estate is filed in the office of the recorder of deeds, the recorder shall deliver to the assessor an abstract thereof and to the board of public service a copy of such abstract. The assessor shall promptly change the plats in his division accordingly.]~~

Section 19 - Composition of [e]Collection [d]Division.

The [e]Collection [d]Division shall consist of the [e]Collector and such deputies and employees as may be provided by ordinance.

Section 20 - Collector—Qualifications, compensation, powers and duties.

The [e]Collector shall have the qualifications provided with regard to the [m]Mayor and be the head of the [e]Collection [d]Division. [He]The Collector shall receive such compensation as may be provided by law or ordinance. [He]The Collector shall collect all [s]State, [e]City and school taxes, wharfage, water rates and dramshop licenses, and may collect special assessments, and, unless otherwise provided by ordinance, all indebtedness and claims due the [e]City, and daily pay the same to the [e]City [t]Treasurer, except the [s]State taxes, which shall be paid by [him]the Collector as provided by law, and except the school taxes, which shall be paid by [him]the Collector to the [b]Board of [e]Education of the [e]City monthly, or oftener when required in writing by the [t]Treasurer of said [b]Board. [He]The Collector shall collect license taxes as permitted by law. [He]The Collector shall appoint the deputies and employees in [his]their division. Each deputy shall have all the powers of the [e]Collector, subject to [his]the Collector's control.

Section 21 - Bond.

The [e]Collector, before entering upon the duties of [his]office, shall give bond to the [s]State, as required by law, and to the [e]City, as may be required by ordinance. Said bond to the [s]State shall be executed in duplicate and one (1) filed with the [e]Comptroller and the other with the [s]State [a]Auditor.

Section 22 - Enforcement of payment of taxes.

The payment of all [e]City and school taxes may be enforced in like manner as may be provided by law for enforcing the payment of [s]State taxes.

Section 23 - Composition of [t]Treasury [d]Division.

The [t]Treasury [d]Division shall consist of the [t]Treasurer, and such deputies and employees as may be provided by ordinance.

Section 24 - Treasurer.

The [t]Treasurer shall have the qualifications provided with regard to the [m]Mayor and be the head of the [t]Treasury [d]Division. The [t]Treasurer[he] shall receive a salary [~~of five thousand dollars per annum~~]set by the provisions of the compensation ordinance; before entering upon the duties of [his]office, give bond to the [e]City for at least one hundred thousand dollars (\$100,000.00); and appoint the deputies and employees in [his]the Treasurer's [d]Division. [~~He~~]The Treasurer shall receive and keep the money of the [e]City, and pay out the same on warrants drawn by the [e]Comptroller and not otherwise. All money belonging to the [e]City received by any officer or agent thereof shall be deposited daily in the [t]Treasury [d]Division unless otherwise provided by law or ordinance, and any delinquency in this respect shall be reported promptly by the [t]Treasurer to the [m]Mayor and to the [e]Comptroller. The [t]Treasurer shall deliver duplicate receipts for all money received, one (1) to the party paying, the other to the [e]Comptroller, stating the source, the amount and to what account credited. The [t]Treasurer shall daily report the balance in the treasury to the [e]Comptroller and to the [m]Mayor.

Section 25 - Depositories of [e]City funds.

Depositories of the [e]City funds shall be selected and deposits made therein as provided by law or by ordinance recommended by the [b]Board of [e]Estimate and [a]Apportionment.

Section 26 - Composition of [s]Supply [d]Division.

The [s]Supply [d]Division shall consist of the [s]Supply [e]Commissioner and such deputies and employees as may be provided by ordinance.

Section 27 - Supply [e]Commissioner.

The [s]Supply [e]Commissioner shall be the head of the [s]Supply [d]Division, receive a salary [~~of five thousand dollars per annum~~]set by the provisions of the compensation ordinance, give bond as required by ordinance, and appoint the deputies and employees in [his]the Supply Commissioner's division.

Section 28 - Board of [s]Standardization.

The [e]Comptroller, [s]Supply [e]Commissioner and [p]President of the [b]Board of [p]Public [s]Service shall personally or by deputy constitute the [b]Board of [s]Standardization, whose duty it shall be to classify and standardize all supplies and materials purchased by the [e]City or used for municipal purposes and prepare precise specifications for all supplies to be purchased through the [s]Supply [d]Division. The [b]Board may maintain such laboratories or other methods of testing as may be necessary.

Section 29 - How supplies, equipment and materials are leased and purchased.

Supplies, equipment, and materials for all departments, boards or officers, exclusive of material for public work or improvements, shall be purchased or leased only through the Supply Division, according to such standards and specifications, if any, adopted or prepared by the Board of Standardization, and by advertising for proposals *for such [therefor]*. Bids may be for one (1) or more or all the articles advertised for, but there shall be a specific bid on each article. The award may be made to the lowest bidder for any article or to the lowest bidder for the entire requisition or any part thereof; but the Board of Standardization may reject any or all bids or any part of any bid. The Supply Commissioner may contract for supplies, equipment and material in any amounts or for any periods as may be approved by the Board of Standardization, and subject to the provisions of this Charter. In cases of emergency, to be determined by said Board, purchases or leases may be made without advertising. *The Board of Aldermen may provide by ordinance for amounts for p[P]urchases or leases or other acquisitions [in amounts not exceeding five thousand dollars (\$5,000.00) under any one contract may be also made, with the written approval of the Comptroller,]that may be made* without advertising[*, after securing competitive bids, but there shall be no division of requisitions or contracts for the purpose of securing this privilege*]. The Supply Commissioner shall inspect and receipt for all supplies, equipment and material.

Supplies, equipment or material shall not be ordered or contracted for by the Supply Division unless the Comptroller shall certify that a fund is applicable for payment thereof.

Section 30 - Public printing and publishing.

The [s]Supply [e]Commissioner shall have general supervision of the public printing and publishing and shall see that it is executed as may be provided by ordinance, letting the contract or contracts to the lowest bidder in conformity with the provisions of this [a]Article so far as they may be applicable. Until otherwise provided by ordinance, and except in condemnation proceedings, all [~~newspaper publishing shall be in at least two daily newspapers, one in English and one in the German language~~]advertisements shall be by a method that is *consistent with best governmental practices*. Provisions may be made by ordinance for the [e]City doing its own printing and publishing.

Article XVI - BOARD OF ESTIMATE AND APPORTIONMENT

Section 1 - Composition; records; secretary.

There shall be a [b]Board of [e]Estimate and [a]Apportionment which shall consist of the [m]Mayor, [e]Comptroller and [p]President of the [b]Board of [a]Aldermen. It shall keep a record of its proceedings and appoint

an employee of the [e]Comptroller's office to act as [s]Secretary without additional compensation.

Section 2 - Statements and estimates to be furnished to [b]Board.

The head of every department, board or office shall furnish to the [b]Board of [e]Estimate and [a]Apportionment such statements of receipts and expenses and estimates of receipts and requirements of such department, board or office as said [b]Board of [e]Estimate and [a]Apportionment may require.

Section 3 - Annual budget and tax rate.

The Board of Estimate and Apportionment shall submit to the Board of Aldermen on or before sixty (60) days prior to the start of each Fiscal Year for the City of St. Louis a statement showing the estimated receipts and an operating budget for the General Fund and all other operating funds. The budgets shall include a Table of Organization, as well as personnel, supplies, maintenance, repairs, services, and contractual requirements of each department, board, and office for the Fiscal Year beginning on the first day of that Fiscal Year and a comparative statement of the receipts and expenses for the previous year as well as the estimates for the current Fiscal Year, first, however, affording taxpayers an opportunity to be heard thereon as may be provided by ordinance.

The Board of Estimate and Apportionment shall also annually and on or before sixty (60) days prior to the start of each Fiscal Year submit and recommend to the Board of Aldermen a proposed ordinance appropriating the amounts deemed necessary for the Table of Organization, as well as the personnel, supplies, maintenance, repairs, services, and contractual requirements for the use of each department, board, and office for that Fiscal Year and a proposed ordinance establishing the City tax rates for said Fiscal Year, provided that the appropriations for payment of salaries and compensation of officers and employees may, in the discretion of the Board of Estimate and Apportionment, be embodied in a separate proposed ordinance. The Board of Aldermen shall immediately proceed to the consideration of said proposed ordinance or ordinances. The Board of Aldermen or one (L) of its Committees shall meet daily Monday through Friday, until the ordinance or ordinances are finally acted upon, and the [said] Board of Aldermen shall finally act upon said proposed ordinance(s) before the start of the Fiscal Year. The Board of Aldermen may reduce the amount of any item in the appropriating proposed ordinance, except amounts fixed by statute or for the payment of principal or interest of the City debt or for meeting any ordinance obligations, but it may not increase such amount nor insert new items unless specifically approved by the Board of Estimate and Apportionment, or unless the Board of Estimate and Apportionment has failed to recommend the appropriating, City tax rate, and salary compensation proposed ordinance or ordinances on or before sixty (60) days prior to the start of that Fiscal Year.

In the event the Board of Estimate and Apportionment has not recommended said proposed ordinance or ordinances to the Board of Aldermen by or before sixty (60) days prior to the start of the Fiscal Year, the Budget Director for the City of St. Louis shall submit without approval by the Board of Estimate and Apportionment directly to the Board of Aldermen by or before sixty (60) days prior to the beginning of the Fiscal Year an estimate of revenues for the following year and a statement of a Table of Organization and all other expected requirements of each department, board, and office from which the Board of Aldermen shall approve an operating budget through the enactment of an ordinance or ordinances before the start of that Fiscal Year.

Notwithstanding the provisions of Article IV Section 16 of the Charter of the City of St. Louis in the event the Board of Aldermen has not finally acted upon said proposed ordinance or ordinances by the start of the Fiscal Year, the proposed ordinance or ordinances recommended by the Board of Estimate and Apportionment or in its absence the submission by the Budget Director shall be considered to have been approved by the Board of Aldermen.

Section 4 - How appropriations to be set up.

All appropriations shall be specific and in detail and be segregated according to the functions or kinds of work for which the money is appropriated.

Section 5 - Limitations on appropriations.

Except in the general appropriation bill and bills providing for the payment of the principal or interest of the public debt, no appropriation shall be made from any revenue fund in excess of the amount standing to the credit of such fund, and no appropriation shall be made from any fund for any purpose to which the money therein is not lawfully applicable.

Section 6 - Disposition of unappropriated revenue and transfer of appropriated funds.

Any accruing, unappropriated [e]City revenue may be appropriated from time to time by ordinance recommended by the [b]Board of [e]Estimate and [a]Apportionment; and whenever an appropriation exceeds the amount required for the purpose for which it has been made, the excess or any portion or portions thereof may by ordinance recommended by the [b]Board of [e]Estimate and [a]Apportionment be appropriated to any other purpose or purposes.

Section 7 - Reversion of unexpended appropriations.

All unexpended appropriated money, not appropriated by special ordinance for a specific purpose, shall at the end of the current fiscal year revert to the fund or funds from which the appropriation was made.

Section 8 - Fiscal year.

A fiscal year as mentioned in this [e]Charter shall commence on the first day of July~~[the second Tuesday in April]~~ of each year, or at such other time as may be provided by ordinance recommended by the [b]Board of [e]Estimate and [a]Apportionment.

## Article XVII CITY BONDS

Section 1 - Purposes for which bonds may be issued.

Some of the purposes, hereby specifically authorized, for which the bonds of the [e]City may be issued and given, sold, pledged or disposed of on the credit of the [e]City or solely upon the credit of specific property owned by the [e]City or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the [e]City or upon any two (2) or more such credits, are the following: For the acquiring of land; for the purchase, construction, reconstruction or extension of water works, public sewers, buildings for the [f]Fire [d]Department, bridges and viaducts, subways, tunnels, railroads, street railroads, terminals, ferries, docks, wharves, warehouses, gas or electric light works, power plants, telephone and telegraph systems, or any other public

utility; for hospitals, [~~insane asylums, orphan~~] asylums, poorhouses, industrial schools, jails, workhouses, and other charitable, corrective and penal institutions; for court houses, and other public buildings, public parks, parkways, boulevards, grounds, squares, rivers and other public improvements which the [e]City may be authorized or permitted to make; for paying, refunding or renewing any bonded indebtedness of the [e]City, and for the establishment of a local improvement fund to be used for the purpose of paying in cash for local improvements, such fund to be replenished from time to time by the payment into it of the proceeds of special assessments made on account of such local improvements. The foregoing enumeration shall not be construed to limit any general provision of this [e]Charter authorizing the [e]City to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purposes had been mentioned; and the authority to issue bonds for any of the purposes aforesaid is cumulative and shall not be construed to impair any authority to make any public improvements under any provisions of this [e]Charter or of any law.

## Section 2 - How payment to be made.

Bonds may be so issued as to be payable serially or subject to call.

## Section 3 - Elections authorizing issues.

No bonds of the [e]City, except bonds for paying, refunding or renewing bonded indebtedness, and except bonds payable only from proceeds of special assessments for local improvements, shall be issued without the assent of two-thirds ( $\frac{2}{3}$ ) of the voters of the [e]City voting at an election to be held for that purpose. All forms, proceedings and other matters with respect to any such election and the amounts, purposes, issue and disposition of bonds may be prescribed by ordinance recommended by the [b]Board of [e]Estimate and [a]Apportionment.

It shall not be necessary in the ordinance calling the election, in the notice of election, in the question submitted, or on the ballot, or in any of the matters preceding the said election, to state the amount of bonds proposed to be issued for each purpose, but it shall be sufficient if the ordinance and notice of election state the total amount of bonds proposed to be voted upon at the said election and in general language the purpose or purposes for which such total amount of bonds is to be issued, and if two-thirds ( $\frac{2}{3}$ ) of the voters of the [e]City voting at such election assent to the issuance of such amount of bonds, then such amount may be issued and such bonds or the proceeds thereof may from time to time, by ordinance recommended by the [b]Board of [e]Estimate and [a]Apportionment, be appropriated in any amount or amounts to the purpose or purposes for which total amount was voted.

## Section 4 - Annual tax levy; sinking fund.

The [b]Board of [a]Aldermen shall annually levy a tax which will yield not less than one million two hundred thousand dollars (\$1,200,000.00) to be used exclusively for the payment of the bonded indebtedness of the [e]City existing on the seventh (7th) day of April, 1890, and renewals thereof and interest thereon. That portion of each such annual tax levy not required for the payment of the interest maturing during the year on said bonded indebtedness and renewal shall be credited to and shall constitute a sinking fund to be used exclusively for the payment of said bonded indebtedness and renewals. Such levy need not be made except for such interest after the amount in such sinking fund is sufficient to pay all such bonded indebtedness and renewals at maturity. The [b]Board of [a]Aldermen shall annually levy taxes sufficient to meet the sinking fund and interest requirements of each bond issue.

## Section 5 - Payment of "St. Louis Water Bonds."

In addition to the foregoing, until there is a sufficient sum in a sinking fund or funds to pay the "St. Louis Water Bonds" and renewals thereof and applicable thereto, the whole net income from the waterworks in excess of what may be necessary for (1) the ordinary construction, reconstruction, extension, operation and repair of the waterworks and facilities, (2) the interest on said water bonds, and (3) the running expenses of the [w]Water [e]Division shall be credited to, and with the sinking funds heretofore created therefor constitute, a sinking fund to be used exclusively for the payment of said "St. Louis Water Bonds" and renewals.

## Section 6 - Administration of sinking funds.

The [b]Board of [e]Estimate and [a]Apportionment shall administer all sinking funds and in the course thereof may purchase with any sinking fund, as an investment ~~for such~~[therefor], bonds of the [e]City, [s]State or United States, preferably [e]City bonds, and may provide for the payment of maturing bonds out of the sinking fund created ~~for such~~[therefor], and to that end sell bonds held in such sinking fund; provided, that all bonds purchased with the particular sinking fund created ~~for such~~[therefor] shall not be regarded as an investment or be reissued, but shall be canceled. Bonds forming part of any sinking fund and not required to be canceled shall be deposited in a safe deposit vault in the [e]City to which access can be had only by at least two (2) members of the [b]Board of [e]Estimate and [a]Apportionment jointly, one (1) of whom shall be the [e]Comptroller. All interest earned on investments or deposits belonging to any sinking fund shall belong to such fund. Whenever the amount in any sinking fund exceeds an amount sufficient to pay all the bonds for which such fund is created, the [b]Board of [e]Estimate and [a]Apportionment may transfer the excess to other sinking funds.

## Section 7 - Warrants for payment of bonded indebtedness.

All warrants for the payment of bonded indebtedness or for disbursements out of any sinking fund shall be approved by the [m]Mayor and [p]President of the [b]Board of [a]Aldermen.

## Article XVIII - CIVIL SERVICE

### Section 1 - Definitions.

The terms defined in this [s]Section, when used in this [a]Article, have the following meanings except where the context clearly requires otherwise:

- (a) "Appointing authority" means any person or group of persons having power by law or ordinance, or by lawfully delegated authority, to make appointments to any position in the [e]City service;
- (b) "City service" or "service of the [e]City" means all positions as herein defined, that are subject to control and regulation by the City of St. Louis as a municipal corporation or any of its officers or other agencies as such;
- (c) "Class" or "class of positions" means a definitely recognized kind of employment in the classified service designed to embrace all positions sufficiently alike to be treated alike;

- (d) "Classified service" means all positions in the [e]City service except those specifically placed in the unclassified service as herein defined;
- (e) "Compensation" means the salary, wages, fees, allowances, and all other forms of valuable consideration, earned by or paid to any employee by reason of service in any position, but does not include any allowance for expenses authorized and incurred as incidents to employment;
- (f) "Competitive position" means any position in the classified service not expressly designated as an excepted position in this [s]Section;
- (g) "Examination" means all the tests of fitness, taken together, that are applied to determine the fitness of applicants for positions of any class;
- (h) "Excepted position" means any position in the classified service not subject to the provisions of this [a]Article requiring competitive tests of fitness for appointment and such other provisions as, by their terms, apply specifically to competitive positions alone. All such positions, however, shall be subject to all the other provisions of this [a]Article insofar as consistent with law and with this exception. The following described positions, and no others, shall be deemed to be excepted positions:
  - (1) all positions filled by election of the people;
  - (2) all positions of heads of principal departments and of independent agencies, that are filled by appointment by the [m]Mayor;
  - (3) all positions in the [m]Mayor's [o]Office, except that no employee will lose their job or status due to this change;
  - (4) all positions of paid members of boards;
  - (5) all officers and employees of the [b]Board of [a]Aldermen;
- (i) "Employee" means a person legally occupying a position;
- (j) "Grade" means all positions or classes of positions in the [e]City service that are determined to be of the same level with respect to the difficulty and responsibility of their duties and any other measure of value, and for which the same rate or scale of rates of compensation is prescribed, under the provisions of this [a]Article;
- (k) "Position" means any appointive or elective office, and any employment, or two (2) or more of such offices and employments the duties of which call for services to be rendered by one (1) person;
- (l) "Test of fitness" means any means or measure for determining the merit and fitness of persons for original appointment or promotion to positions of a class; and
- (m) "Unclassified service" means all positions not subject to the provisions of the [e]Charter, ordinances and civil service rules relating exclusively to positions in the classified service, and includes positions, as follows, and no others:
  - (1) all positions of members of boards, commissions, or committees serving without compensation;
  - (2) all other positions in which services are rendered without compensation;
  - (3) all officers and employees of the [b]Board of [a]Aldermen.

Section 2 - Purpose and basic requirements of this [a]Article.

It is the purpose of this [a]Article to provide a modern and comprehensive system of personnel administration for the [e]City, whereby economy and effectiveness in the personal services rendered to the [e]City, and fairness and equity to the employees and the taxpayers of the [e]City, alike, may be promoted. To accomplish this end the provisions of this [a]Article shall be liberally construed. The following principles and policies shall be observed, as basic requirements:

- (a) *Merit and fitness.* All appointments and promotions to positions in the service of the [e]City and all measures for the control and regulation of employment in such positions, and separation therefrom, shall be on the sole basis of merit and fitness, which, so far as practicable, shall be ascertained by means of competitive tests, or service ratings, or both.
- (b) *Rates of pay.* Fair and equitable rates of pay shall be provided with due consideration of both the employees and the taxpayers and with due observance of the principle of like pay for like work, and suitable differences in pay for differences in work.
- (c) *Employees' interests.* Considerations shall be given to the desires and interests of the employees insofar as consistent with the best interests of the [e]City as an employer, and of the public served.
- (d) *Nature of [e]City service.* The [e]City service, so far as practicable, shall be made attractive as a career, and each employee shall be encouraged to render his *the employee's* best service in willing compliance with the provisions of this [a]Article.

Section 3 - Scope of civil service rules.

To give effect to the purpose and requirements set forth in the next preceding section, the civil service rules, hereinafter required to be adopted, shall provide for the following things, among others, with relation to the classified service as defined herein:

- (a) *Classification plan.* For a systematic classification plan providing for the classification of all positions on the basis of their duties, responsibilities, and resulting qualification requirements; for definitions of the classes in the classification plan; for the allocation of all positions to their appropriate classes in the classification plan; and, for the amendment and continuous administration of the classification plan. No person shall be employed or paid in any position until the class of such position has been determined by allocation of the position by the [d]Director to its appropriate class;
- (b) *Compensation plan.* For development and recommendation to the [m]Mayor and Alders *persons* aldermen of a systematic compensation plan, and amendments thereto from time to time as deemed necessary, to provide for uniform scales of compensation for all positions of the several classes, by grades, with due relationships among scales of compensation of the several grades, and for the continuous administration of such compensation plan as is adopted by ordinance;
- (c) *Competitive examinations.* For determining merit and fitness for appointment and promotion to competitive positions by means of competitive examinations held after due public notice. The tests of fitness in such examinations shall be practical in character and designed fairly to measure the relative qualifications of candidates for positions of the several classes;
- (d) *Certification and appointment of eligibles.* For certification of eligibles and for appointment and promotion to competitive positions on the basis of such tests, subject to a working test period of probation not to exceed

one (1) year. One (1) of the highest six (6) eligibles certified or remaining on the list of eligibles certified to be appointed to each vacancy;

- (e) *Filling vacancies*: promotions. For filling vacancies in higher competitive positions, so far as practicable on competitive examinations, either promotion or open to the public shall result in giving current permanent employees who pass an examination for a position in the classified service a preference, of five points (5) on a scale of one hundred points (100) on such competitive examination;
- (f) *Tenure of employment*. For indefinite tenure of employment in positions in the classified service during meritorious service, except in cases for which definite terms are prescribed by law or [e]Charter, and except in cases of temporary appointment hereunder, but with due provision for layoff on termination of the need for employment in any position, or of funds available for such[~~therefor~~];
- (g) *Temporary appointments*. For temporary appointments, without competitive tests, to competitive positions, for not to exceed six (6) months, except with the approval of the Director of Personnel, but no extension will exceed three (3) months;
- (h) *Service standards and ratings*. For the establishment of standards of service and a system of service ratings. The service ratings provided shall be given consideration in examinations for promotions, and in connection with increases in pay, layoffs, re-employments, transfers, reinstatements, reductions in pay, demotions, and removals, hereunder. Standards of service shall be established which any employee must meet to qualify for an increase in pay, reinstatement, re-employment, or promotion, and other standards shall be established, failure to meet which shall result in action for decrease in pay, demotion, or removal;
- (i) *Human Services* [~~Welfare~~]-*programs*. For cooperation by the Director with appointing authorities in promoting programs of employee welfare, including such training, health, recreation, economic, and other programs as may be deemed desirable;
- (j) *Transfers*. For transfers between competitive positions of the same grade for which no additional or different tests of fitness are required, in the same or different departments, for the benefit of the service directly, or indirectly for such benefit by promotion or satisfaction of the employees, or by elimination of supernumerary positions;
- (k) *Reinstatement*. For reinstatement to and re-employment in competitive positions after layoff, and after other separation without delinquency or misconduct, where the interests of the service will be served thereby;
- (l) *Hours of duty, holidays and leaves*. For recommendations by the [e]Commission to the [m]Mayor and Alders[~~aldermen~~], regarding ordinance provisions to regulate the hours of duty, holidays, and leaves of absence, and for administration of any such ordinances adopted. Such ordinance provisions as are adopted shall be administered and carried into effect by the [d]Department of [p]Personnel herein provided for. The minimum daily, weekly, and annual service required under regular full-time employment shall be fixed by ordinance with due relation to the requirements in private employment in the [e]City and with a view to equity as between positions of different classes and those under different appointing authorities. The requirements may vary for different classes or conditions of employment but shall be uniform in their application to employees of the same classes under like conditions of work. The ordinance provisions shall be enforced by effective control of attendance and absence and audit of pay rolls with reference thereto. Each employee in the classified service shall be required to engage in the actual work of the office or employment held to such extent as his services may be required for the complete discharge of the duties of such office or employment and a failure so to do shall be ground for removal;
- (m) *Part-time services*. For payment for part-time services on an equitable basis in relation to the hours employed

as compared with the requirements for full-time service. Where less than full-time service is required or rendered in any position, compensation for such service shall be paid on the part-time basis established by such rules;

- (n) *Removals and demotions.* For removals, demotions, and decreases in pay in the cases of employees whose service rendered is below satisfactory standards, designed to promote the efficiency of the service. Such action shall be effective only after written notice to, with right of appeal in, the employees affected, and after such investigation as is appropriate to ensure that the action taken is on the sole ground of merit and fitness;
- (o) *Fines and suspensions.* For fines, and for suspensions without pay for not to exceed thirty days, and for other disciplinary measures deemed desirable, of less severity than those set forth in the item next preceding;
- (p) *Resignations.* For resignations in good standing, for investigation of reported resignations to determine their good faith, for records of the causes of resignations, and for initiating action to remove causes leading to excessive numbers of resignations of capable employees;
- (q) *Roster of employees.* For maintenance of a complete official roster of employees showing for each employee, ~~his~~ such employee's name, address, class title, rate of pay, and changes in any of them, and such other information as may be deemed desirable;
- (r) *Retirement system.* For recommendation if and when permissible under the Constitution and Laws of the ~~s~~ State of Missouri, to the ~~m~~ Mayor and ~~Alderpersons~~ aldermen by the ~~e~~ Civil ~~s~~ Service ~~e~~ Commission of a suitable system for the retirement of employees who, by reason of injury, ill health or age, have become incapacitated for rendering satisfactory service, and for administration by the ~~d~~ Department of ~~p~~ Personnel of such retirement system as may be adopted by ordinance;
- (s) *Reports by appointing officers.* For reports by appointing officers of new positions and changes in the positions authorized and in the employments therein, and of attendance and absence, which upon approval by the ~~d~~ Director shall form bases for audit and approval of pay rolls by the ~~e~~ Comptroller as to compliance with this ~~a~~ Article and the rules and ordinance thereunder;
- (t) *Audit of pay rolls.* For audit of pay rolls by the ~~e~~ Comptroller as a condition precedent to payment by the ~~t~~ Treasurer or any other disbursing officer of any claim or account for personal services. The ~~e~~ Comptroller shall not approve any item of a pay roll or account for payment of any employee, or issue ~~his~~ a warrant for any payment ~~for such~~ therefor, except on evidence satisfactory ~~to him~~ that the person named has been lawfully employed in a position duly authorized and is entitled to payment for actual service in such position or authorized absences therefrom at the rates, for the periods, and in the amounts, covered by such pay roll or account;
- (u) *List of nonessential positions.* For the listing of positions deemed nonessential for effective administration of the ~~e~~ City's affairs, and for seeing that, as occasion arises, steps be taken toward transfer of the employees therein to any other vacant positions to which they are eligible to be transferred under the provisions of this ~~a~~ Article, and for prevention of filling of any vacancy occurring therein;
- (v) *Administration.* For the administration and enforcement of the provisions of this ~~a~~ Article and all provisions of ordinances and rules adopted in pursuance thereof, by the ~~d~~ Director, subject to the rules of the ~~e~~ Commission and subject to appeal to and review on appeal by the ~~e~~ Commission;
- (w) *Examination fees.* Such rules may provide for the charging and collection of reasonable fees from applicants for examinations, as prerequisites to the acceptance of their applications, and in such amounts as are calculated to pay part or all of the cost of preparing and holding the examinations and rating the results

thereof.

#### Section 4 - Ordinances to be enacted.

The [m]Mayor and Alders[aldermen] shall provide, by ordinance:

- a) *Compensation plan.* For adoption of a comprehensive compensation plan for the fixing of rates of pay of all employees in the classified service, and amendments thereto, on recommendation of the [e]Civil [s]Service [e]Commission, and for its application and interpretation. Every appropriation and expenditure for personal services in any position in the classified service thereafter shall be made in accordance with the compensation plan so adopted and not otherwise;
- b) *Retirement system.* For a contributory retirement system on a sound actuarial basis, if and when permissible under the Constitution and Laws of the State of Missouri, to provide for retirement of employees in the classified service who have become unable to render satisfactory service by reason of physical or mental incapacity;
- c) *Hours of duty and holidays.* For regulating hours of duty, holidays, attendance, and absence, in the classified service;
- d) *Appropriations for the [d]Department of [p]Personnel.* For appropriations for the purposes of the [d]Department of [p]Personnel, adequate to provide for the effective administration and enforcement of the provisions of this [a]Article and the rules and ordinances adopted thereunder. In each fiscal year, such appropriations shall aggregate not less than one-half (.5) of one percent (1) of the amount of all expenditures for personal services in the [e]City service in the fiscal year next preceding, and in default of such minimum appropriations or any part thereof, such minimum appropriations or any deficiency therein, nevertheless shall be deemed to have been made;
- e) *Veterans' preference.* For a preference to be granted to honorably discharged members of the armed services of the United States who successfully pass an examination for a civil service position;
- f) *City Residents' Preference.* For a preference to be granted to residents of the City of St. Louis who successfully pass an examination for a civil service position.

#### Section 5 - Department of [p]Personnel.

There is hereby created a [d]Department of [p]Personnel of the government of the [e]City which shall consist of a [d]Director of [p]Personnel as head thereof, a [e]Civil [s]Service [e]Commission, and such other employees as may be needed.

#### Section 6 - Civil [s]Service [e]Commission.

- (a) *Qualifications, appointment and term of members.* The [e]Civil [s]Service [e]Commission shall consist of three (3) members who, on the dates of their appointment, shall have been citizens of the United States and residents of the City of St. Louis for at least two (2) years next preceding. They shall be persons whose past records indicate that they favor the merit system of personnel administration. No person shall be eligible to appointment as a member of the [e]Civil [s]Service [e]Commission who holds any other salaried public office

or who has held any elective public office or elective position in any political party, or any paid position in any political party, within the four (4) years next preceding the date of ~~his~~*their* appointment. Members shall be appointed by the ~~m~~*M*ayor without regard to any political consideration. Within thirty (30) days after the adoption of this ~~s~~*S*ection, the ~~m~~*M*ayor shall appoint the first ~~e~~*C*ivil ~~s~~*S*ervice ~~e~~*C*ommission, designating one (1) member to serve for a term of two (2) years, a second member for a term of four (4) years and the third member for a term of six (6) years from the first day of July, next preceding. All subsequent appointments of members of the ~~e~~*C*ommission shall be for six (6) years, except that any vacancy in the membership of the ~~e~~*C*ommission occurring at a time other than the expiration of a term shall be filled by the appointment of a member to serve for the unexpired portion of the term.

- (b) *Removal of members.* The ~~m~~*M*ayor may remove a member of the ~~e~~*C*ommission only upon charges of nonfeasance, malfeasance, or misfeasance in office and after a public hearing to be held not less than ten (10) days after notice to the member so charged, accompanied by a statement in writing of the specific acts charged. At the hearing, the member may be represented by an attorney and shall be entitled to present witnesses in his defense.
- (c) *Compensation.* Each member of the ~~e~~*C*ommission shall be paid fifteen (\$15.00) dollars for each day on which ~~they have~~ ~~he has~~ actually attended a meeting of the ~~e~~*C*ommission officially held, as a member thereof, but in no case shall any member be paid more than sixteen hundred eighty dollars (\$1,680.00) in any one (1) fiscal year.

#### Section 7 - Commission powers and duties.

The ~~e~~*C*ommission shall have power, and it shall be its duty:

- (a) *Administration.* To prescribe, and to amend from time to time as such action is deemed to be desirable, rules for the administration and enforcement of the provisions of this ~~a~~*A*rticle, and of any ordinance adopted in pursuance thereof, and not inconsistent therewith;
- (b) *Ordinances.* To recommend to the ~~m~~*M*ayor and Alder~~persons~~~~men~~ in accordance with this Article, ordinances to provide for:
  - (1) a compensation plan providing properly related scales of pay for all grades of positions, and rules for its interpretation and application;
  - (2) a plan for a system for retirement of superannuated and otherwise incapacitated employees, if and when permissible under the Constitution and Laws of the State of Missouri;
  - (3) regulation of hours of duty, holidays, attendance and absence;
  - (4) such other matters within the scope of this ~~a~~*A*rticle as require action by the ~~m~~*M*ayor and Alder~~persons~~~~men~~;
  - (5) such changes in any such matters from time to time as may be deemed to be warranted;
- (c) *Investigations.* To make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of this ~~a~~*A*rticle and of ordinances and rules adopted in accordance therewith, and to make such recommendations to the ~~d~~*D*irector and to the ~~m~~*M*ayor and Alder~~persons~~~~men~~ as in its judgment may be warranted in the premises;
- (d) *Decisions.* To consider and determine any matter involved in the administration and enforcement of this ~~a~~*A*rticle and the rules and ordinances adopted in accordance therewith that may be referred to it

for decision by the [d]Director, or on appeal by any appointing authority, employee, or taxpayer of the [e]City, from any act of the [d]Director or of any appointing authority. The decision of the [e]Commission in all such matters shall be final, subject, however, to any right of action under any law of the [s]State or of the United States;

- (e) *Director.* To hold an examination for the position of [d]Director, whenever eligibles therefor are needed, and to certify eligibles resulting therefrom to the [m]Mayor, and also to perform all such duties with reference to that position as are assigned to the [d]Director as to all other positions in the classified service; and
- (f) *Reports.* To transmit to the [m]Mayor and Alderpersons[men], with such additions and comments as it may desire to make, such annual and special reports as the [d]Director of [p]Personnel may submit for its action;
- (g) *Reinstatement of employees.* To order the reinstatement without loss of pay of any employee who has been discharged, demoted, or reduced in rank or compensation for religious, racial or political reasons;
- (h) *Limitations.* Except as provided in this [s]Section, the [e]Commission shall have no administrative powers or duties. Except as so provided, it shall have no power to direct or control any employee of the [d]Department of [p]Personnel or other employee of the [e]City, or the action to be taken by any of them in any matter or case. Neither the [e]Commission nor any of its members shall have power to take any action except by majority vote in meetings assembled.

#### Section 8 - Director of [p]Personnel—Appointment; qualifications; compensation.

The [d]Director of [p]Personnel shall be appointed by the [m]Mayor from a certification of eligibles made by the [e]Civil [s]Service [e]Commission from an eligible list established by means of competitive tests of fitness conducted by the [e]Civil [s]Service [e]Commission, within thirty (30) days after such certification. One (1) of the three (3) eligibles standing highest on such certification who have indicated their willingness to accept appointment shall be appointed by the [m]Mayor. The [e]Commission shall secure such information and assistance as may be practicable in formulating the fitness tests for [d]Director and rating the results, from persons experienced in public personnel administration. Any person to become eligible for appointment as [d]Director shall have had not less than five (5) years' experience in personnel administration, of which not less than two (2) years shall have been in public personnel administration, and shall be conversant with the principles and techniques of modern public personnel administration[; ~~he need not be at the time of examination or appointment, a resident of the City of St. Louis~~]. All action under this [s]Section shall be subject to the other provisions of this [a]Article and the rules adopted in pursuance thereof, so far as consistent with this [s]Section. [~~The Commission shall fix t~~]The [initial] salary of the [d]Director [~~at not less than six thousand (\$6,000) dollars a year to be in effect until a compensation plan is adopted hereunder~~]*shall be set by provisions of the compensation ordinance.* [~~Thereafter the salary of the Director shall conform to such compensation plan.~~]

#### Section 9 - Director's powers and duties generally; removal from office.

The [d]Director shall be the head of the [d]Department of [p]Personnel, responsible for the conduct of all of its affairs except as to such powers and duties as are vested in the [e]Commission by this [a]Article. [~~He~~]*The Personnel Director* shall have power and it shall be [~~his~~]*their* duty, in person or through the [d]Department of

**[p]Personnel:**

- (a) *Secretary of [e]Commission.* To serve as [s]Secretary of the [e]Commission, to see to the keeping of the minutes and records thereof, to conduct investigations and prepare reports for the [e]Commission in matters under its consideration, and in all other proper ways to facilitate the actions and proceedings of the [e]Commission;
- (b) *Appointment of employees; administration.* To appoint all employees of the [d]Department of [p]Personnel except the [d]Director and the members of the [e]Commission, and to direct and control their work and, under customary financial procedures of the [e]City, the expenditures from appropriations for the [d]Department;
- (c) *Roster of employees.* To establish and maintain a roster of all [e]City employees showing the salient facts of the employment history of each employee;
- (d) *Preparation of rules.* To prepare and recommend, for action by the [e]Commission, rules, including a classification plan and a service rating plan, drafts of ordinances for recommendation to the [m]Mayor and Alderpersons[men] in matters requiring such ordinances, including a compensation plan, and changes as deemed desirable from time to time in such rules and ordinances;
- (e) *Classification of positions.* To allocate each position in the classified service to its appropriate class in the classification plan adopted under the provisions of this [a]Article, and reallocate positions as conditions warrant, from class to class;
- (f) *Definitions of classes and grades.* To prepare and maintain appropriate definitions of classes and grades in the classification plan and amend them from time to time as [he]the **Personnel Director** may deem such action warranted;
- (g) *Eligible lists.* To hold examinations, pass upon the qualifications of applicants, and establish eligible lists, as needed, and to certify names of eligibles to appointing authorities for filling vacancies in competitive positions;
- (h) *Employee programs.* To cooperate with appointing officers and others in providing programs of training for employees, for employee welfare, for promoting of employee morale, and for otherwise raising of standards of performance in the service in every practicable way;
- (i) *Employment transactions.* To pass upon, for compliance with the provisions of the [e]Charter and ordinances and these rules, and approve or disapprove as to compliance therewith, all appointments, demotions, transfers, promotions, service ratings, leaves of absence, changes in rates of pay, suspensions, separations, and other employment transactions affecting the status of employees;
- (j) *Investigations.* To make such investigations as [he]the **Personnel Director** may deem desirable with respect to the enforcement and effect of the personnel provisions of the [e]Charter and ordinances and of the rules, and such special investigations as the [e]Commission or the [m]Mayor may request and make special reports relative thereto;
- (k) *Compensation plan.* To devise and recommend to the [e]Commission a compensation plan consisting of scales of pay for the several grades or classes in due relation to each other and to rates prevailing for like employment in private industry, rules for the interpretation and application of the plan, and changes in such plan and rules from time to time as deemed desirable;
- (l) *Administrative regulations.* To make such administrative regulations as [he]the **Personnel Director** may deem necessary, not inconsistent with the [e]Charter, ordinances applicable, and these rules, relative to

matters involved in the administration of the personnel provisions of such [e]Charter, ordinances, and rules;

- (m) *Reports.* To make annual reports to the [e]Commission for its approval and transmission to the [m]Mayor and Alderp[er]sons[men] on the work of the [d]Department and the administration and effect of this [a]Article, with such recommendations for action as [he]the Personnel Director may deem desirable, and such special reports as may be requested by the [e]Commission or the [m]Mayor. Such reports shall be public records;
- (n) *Nonessential positions.* To aid the [m]Mayor and Alderp[er]sons[aldermen], and the several appointing officers, in determining the numbers and kinds of positions needed to carry on the [e]City's business and in discovering and labeling unnecessary positions in order that they may be designated as supernumerary, so that they may be eliminated as opportunity affords for transfer of the employees to other positions, under the provisions of this [a]Article, and so that, as they become vacant, steps may be taken to keep them from being filled;
- (o) *Assistance to appointing authorities.* To aid the [m]Mayor and Alderp[er]sons[aldermen], and appointing authorities in all practicable ways in handling other personnel matters relating to positions under their jurisdictions; and
- (p) *Additional powers and duties.* To do all other and further things necessary or proper for making effective the provisions of this [a]Article and all rules and ordinances adopted in pursuance thereof, and not inconsistent therewith, whether of the same kinds as those specified in this [s]Section, or of different kinds. The power of the [d]Director to make effective the provisions of this [a]Article and of ordinances shall not be deemed to be contingent on the adoption of rules but, in the absence of rules that are applicable, [he]the Personnel Director shall have power to take such action, not inconsistent with this [a]Article or with ordinances pursuant thereto, as may be reasonably necessary and proper to effectuate the purposes thereof.
- (q) The [p]Personnel [d]Director may be removed from office only upon charges of nonfeasance, malfeasance, or misfeasance in office and after a public hearing to be held not less than ten days after notice to the [d]Director accompanied by a statement in writing of the specific acts charged. The [p]Personnel [d]Director may be represented by an attorney and shall be entitled to present witnesses in [his]the Personnel Director's defense. The public hearing shall be conducted by the [e]Civil [s]Service [e]Commission. At the conclusion of the hearing, the [e]Commission shall recommend to the [m]Mayor whether or not the [p]Personnel [d]Director shall be removed from office. The [m]Mayor shall have the power to accept or reject the recommendation of the [e]Civil [s]Service [e]Commission and the Mayor's [his] decision shall be final.

#### Section 10 - Selection of examiners and assistants; qualifications of employees.

The [d]Director of [p]Personnel may select suitable persons in the service of the [e]City, with the consent of the appointing authorities, under whom such persons serve, to act as examiners under [his]the Personnel Director's direction or otherwise to assist in the administration of this [a]Article and the rules and ordinances adopted thereunder. It shall be deemed part of the official duties of all employees so selected, to render such services without extra compensation for such[therefor] and in addition to other qualifications required by this [e]Charter, all officers and employees, except day laborers, and except in such cases requiring scientific, mechanical, professional, or educational qualifications as may be determined by the [e]Civil [s]Service [e]Commission, must have resided in the [e]City for at least one (1) year and failing or ceasing so to reside, shall forfeit their office or employment.

#### Section 11 - Offices and facilities to be provided; unauthorized compensation.

It shall be the duty of all employees of the [e]City to allow the reasonable use of public buildings, and to heat and light them as conditions may require, for holding examinations, and in all other proper ways to facilitate the holding of such examinations. All employees of the [e]City shall grant the [d]Director of [p]Personnel and any agent authorized by ~~[him]~~*the Director* free access to the premises, and the records relating to employees, under their control, during the usual business hours, and shall furnish them such facilities, assistance, and information as may be required in carrying into effect the provisions of this [a]Article and the rules and ordinances adopted thereunder. After notice to the [e]Comptroller by the [d]Director that any person is employed or is proposed to be paid as an employee in the classified service in any amount not provided for under the provisions of this [a]Article and any rules and ordinances in effect not inconsistent therewith, the [e]Comptroller shall be charged with notice thereof and shall not approve any further payment to such person except in accordance with such provisions.

Section 12 - Status of persons employed by *the* [e]City when [a]Article takes effect.

Every person who, when this [a]Article takes effect, is legally occupying, by regular appointment thereto, a position placed by this [a]Article in the classified service, shall be entitled to continue to occupy such position, without further examination for such employment, and shall become subject to the provisions of this [a]Article, including the provisions relating to service rating, with the same effect as though ~~[he]~~*such person* had been appointed to the position occupied, under the provisions of this [a]Article. The provisions of this [s]Section also shall apply to all persons who, on the date of acquisition of any public utility hereafter acquired by the [e]City, are regularly employed by such utility.

Section 13 - Liability of officers and sureties for payment of unauthorized compensation.

No claim of any person appointed or employed contrary to the provisions of this [a]Article or the rules and ordinances thereunder, whose payroll or account is refused approval or payment, shall be paid by the [e]City, but the officer or officers appointing or employing, or attempting to appoint or employ any such person, and the sureties on ~~[his or their]~~*the officer's or officers'* official bonds, shall be liable jointly and severally for the amount due to such person by reason of such employment or purported employment. No officer, during the time of ~~[his]~~*the officer's* official service or thereafter, or ~~[his]~~*the officer's* surety, or other person on behalf of either, shall be reimbursed by the [e]City for any sum so paid or recovered. The [e]City [e]Counselor, or special counsel designated *as* ~~such~~*[therefor]* by the [b]Board of [a]Aldermen, shall prosecute such actions as may be necessary to recover any sums paid contrary to the provisions of this [a]Article from any officer or officers making the appointment or continuing the employment on which such payment was based, in contravention of the provisions of this [a]Article or of the rules and ordinances made in pursuance thereof, or any officer signing or countersigning or authorizing the signing or countersigning of any order or warrant for payment, or making any payment, ~~[therefor,]~~ or from the sureties of any such officer or officers on their official bonds.

Section 14 - Examinations for licenses.

The [d]Department of [p]Personnel, by agreement with any other department or other agency of the [e]City government, may conduct examinations to determine the qualifications of applicants for licenses issued by such department or other agency, and certify the results thereof, subject to reimbursement of the reasonable costs of such service by transfer from the appropriations of the agency served to those of the [d]Department of [p]Personnel.

Section 15 - Unlawful conduct relating to examinations.

No person shall willfully, ~~[by himself]~~alone or in cooperation with any other, defeat, deceive or obstruct any person in respect to ~~[his]~~such person's rights in relation to any tests of fitness or appointment to any position under the provisions of this ~~[a]~~Article, and any rules or ordinances made thereunder, or shall willfully and falsely mark, grade, estimate or report upon the tests of fitness or proper standing of any person tested or certified pursuant to the provisions of this ~~[a]~~Article or the service ratings of any employee, or aid in so doing, or shall willfully make any false representation concerning the same, or concerning any person tested, or shall willfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospect or chances of any person in connection with any test or appointment, or shall impersonate any other person or permit or aid in any manner any other person to impersonate ~~them~~him, in connection with any test or appointment, or application or request to be examined.

Section 16 - Racial, political and religious discrimination forbidden.

No recommendation or question under the authority of this ~~[a]~~Article shall relate to the race, political or religious opinions, affiliations or service, of any person. No person shall be appointed to a position in the classified service hereunder, nor be demoted, re-employed, promoted, removed, increased or reduced in compensation, nor in any other way be favored or discriminated against in any matter within the purview of this ~~[a]~~Article, because of ~~[his]~~such person's race, political or religious opinions, affiliations or service.

Section 17 - Political assessments and contributions.

No person in the classified service shall be under any obligation to contribute to any political fund or to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the ~~[e]~~City service shall discharge or promote or reduce, or in any manner change the official rank or compensation of any other person in such service, or promise or threaten so to do, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or in any other manner, directly or indirectly, use ~~[his]~~ official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution, or service. Every such person who may have charge or control of any building, office or room occupied for any purpose of the government of the ~~[e]~~City, is hereby authorized to prohibit the entry of any person, and ~~[he]~~such person in charge or control shall not knowingly permit the entry of any person, for the purpose of therein making, collecting, receiving, or giving notice of, any political assessment, subscription or contribution; and no person shall enter or remain in any such office, building, or room, or send or direct any correspondence~~[letter or other writing]~~ thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription, or contribution, nor shall any person therein give notice of, demand, collect, or receive any such assessment, subscription, or contribution; no person shall prepare or make out, or take any part in preparing or making out, any political assessment, subscription, or contribution with the intent that it shall be sent or presented to or collected from any employee in the classified service, and no person shall knowingly send or present any political assessment, subscription, or contribution to, or request its payment of, any such employee.

Section 18 - Promises of official influence to affect political action.

No person, while holding any ~~[e]~~City office, or while in nomination or seeking nomination to appointment to any such office, shall corruptly use or promise to use, directly or indirectly, any official authority or influence,

possessed or anticipated, to confer upon any person, or to secure or aid any person in securing, any office or public employment, or any nomination, confirmation, promotion, or increase of salary, upon the consideration or condition that the vote or political influence or action of any person shall be given or used in behalf of any candidate, officer, or party, or upon any other corrupt condition or consideration. No person, being an officer of the [e]City, or having or claiming any such authority or influence, in relation to the nomination, employment, confirmation, promotion, removal or increase or decrease of salary, of any employee, shall corruptly use, or promise or threaten to use, any such authority or influence, directly or indirectly, to coerce or persuade the vote or political action of any person, or the removal, discharge, or promotion of any employee of the [e]City.

#### Section 19 - Political activity of classified employees.

No person holding a position in the classified service shall use [his] official authority or influence to coerce the political action of any person or body, or to interfere with any election, or shall take an active part in a political campaign, or shall seek or accept nomination, election, or appointment as an officer of a political club or organization, or serve as a member of a committee of any such club or organization, or circulate or seek signatures to any petition provided for by any primary or election law, or act as a worker at the polls, or distribute badges, color, or indicia favoring or opposing a candidate for election or nomination to a public office, whether federal, state, county, or municipal. But nothing in this [s]Section shall be construed to prohibit or prevent any such person from becoming or continuing to be a member of a political club or organization or from attendance upon political meetings, from enjoying entire freedom from all interference in casting their[his] vote, from expressing privately their[his] opinions on all political questions, or from seeking or accepting election or appointment to public office, provided, however, that no active campaign for election shall be conducted by any employee unless [he]the employee shall first resign from [his]the employee's position with the City.

#### Section 20 - Leave to be granted for the purpose of voting.

On any election day which is not a state or national holiday, the offices of the [e]City shall remain open for business. All employees shall be entitled to vote and whenever necessary may be granted not more than four (4) hours' leave with pay for the purpose of voting.

#### Section 21 - False statements under oath.

No person knowingly and willfully shall make under oath any false statement in any application or other statement filed with, or in any proceeding before, the [d]Director of [p]Personnel, or the [e]Civil [s]Service [e]Commission, or in any investigation conducted by the [d]Director or the [e]Commission.

#### Section 22 - Penalties for violation.

Any person who shall willfully or through culpable negligence violate or conspire to violate any provision of this Article or of any ordinance made pursuant theretofore which no other punishment is provided herein, shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or by imprisonment for not to exceed six (6) months, or both, in the discretion of the [e]Court. The conviction of any employee of any such offense shall operate automatically to terminate [his]the employee's service and to vacate

*their*~~[his]~~ position. Any employee so removed from the service shall not be reinstated, reemployed or reappointed, or in any other manner re-enter the service of the City of St. Louis for a period of five (5) years from the date of such conviction, and the ~~[e]~~Comptroller and any other fiscal officers responsible for payment of any compensation to such person are hereby charged with notice thereof. Nothing in this ~~[s]~~Section shall be construed to supplant or in any way affect any prosecution that may be elected to be initiated under any other provision of law relating to the nonfeasance, malfeasance, or misfeasance of public officers.

Section 23 - Compliance with ~~[a]~~Article and civil service rules.

It shall be the duty of all employees to conform to and comply with, and to aid in all proper ways in carrying into effect, the provisions of this ~~[a]~~Article, and the rules and ordinances prescribed thereunder. Whenever the ~~[d]~~Director of ~~[p]~~Personnel shall make any order under the provisions of this ~~[a]~~Article or in accordance with any rules or ordinance thereunder, the employee to whom such order is directed shall forthwith comply with the terms and provisions thereof, and any failure or neglect on the part of such employee properly to satisfy or meet the requirements of such order without sufficient justification~~[therefor]~~, shall be construed as grounds for ~~[his]~~an employee's removal, subject to all rights of appeal and review provided by this ~~[a]~~Article or by ordinance or law.

Section 24 - Legal remedies for payment of unauthorized compensation.

The ~~[e]~~City ~~[e]~~Counselor, or special counselor designated *as such*~~[therefor]~~ by the ~~[b]~~Board of ~~[a]~~Aldermen, on complaint of any officer or employee of the ~~[e]~~City or of any taxpayer, shall prosecute, and of *the City Counselor's* ~~[his]~~ own motion may prosecute, such action as may be appropriate to restrain the payment of salary or other compensation to any person appointed to or holding any position in violation of any of the provisions of this ~~[a]~~Article or the rules and ordinances thereunder, or to recover any payment so made, and such right shall not be limited or denied by reason of the fact that such position shall have been classified as, or determined to be, not subject to competitive tests. All money recovered in any action brought under the provisions of this ~~[s]~~Section shall, when collected, be paid into the treasury of the ~~[e]~~City.

Section 25 - Investigatory powers of ~~[d]~~Director; payment of witnesses.

In the course of any hearing, investigation, or tests of fitness conducted under the provisions of this ~~[a]~~Article, the ~~[d]~~Director of ~~[p]~~Personnel and any other person authorized by ~~[him]~~the Director as ~~[his]~~the Director's representative for such purposes, shall have power to administer oaths, to subpoena and require the attendance of witnesses within the ~~[e]~~City and the production by them of documents~~[books and papers]~~ pertinent to any matter of inquiry and to examine such witnesses under oath, in relation to any matter properly involved in such proceeding. For such purposes, the ~~[d]~~Director or ~~[his]~~the Director's authorized representative may invoke the power of any court of record in the ~~[e]~~City, or judge thereof, in term time or vacation, to compel the attendance and testifying of witnesses and the production of documents~~[books and papers]~~ in compliance with such subpoenas. All witnesses so subpoenaed, who are not employees of the ~~[e]~~City, shall be entitled to the same fees as are allowed in civil cases in courts of record, which shall be paid upon vouchers approved by the ~~[d]~~Director of ~~[p]~~Personnel from the appropriations of the ~~[d]~~Department of ~~[p]~~Personnel on the audit and warrant of the ~~[e]~~Comptroller.

Section 26 - Effect of established titles and rates of pay.

The titles and rates of pay of any positions in the classified service, as set forth in any ordinance or appropriation now or hereafter in effect, shall be deemed to be permissive only, authorizing positions that might properly be designated by such titles and compensated at such rates if so constituted that such titles and rates would apply under the provisions of this [a]Article, but not as mandatory in requiring that such titles shall be used to designate such positions to the exclusion of all others or that payments shall be made at such rates, irrespective of the true nature of the positions existing by virtue of such authority and of whether such titles and rates are appropriate to the positions as actually constituted.

Section 27 - Partial invalidity of provisions.

If any part of this amendment is held by competent authority to be invalid, every other part thereof not so held, shall continue in full force and effect as though such invalid part had not been included therein.

Section 28 - Repeal of inconsistent provisions.

All provisions of the [e]City [e]Charter and ordinances and rules thereunder, or parts thereof, inconsistent with this amendment, are hereby repealed.

Section 29 - Powers and duties of [e]Efficiency [b]Board[-vested in personnel board].

All powers and duties delegated to the [e]Efficiency [b]Board by this [e]Charter which are not specifically repealed by this amendment are preserved in full force and effect to the [p]Personnel [d]Department.

~~Section 30 - Effective date.~~

~~This amendment shall take effect immediately, except that payrolls may be certified and payments be made thereon, under the provisions of previously existing charter provisions, and ordinances and rules, applicable thereto, during such temporary period not to exceed one year as is necessary, in the opinion of the civil service Commission, to provide for the Director of Personnel, the rules, the classification and compensation plans, the ordinances, the allocation of the existing positions to their appropriate classes and the fixing of the rates of compensation thereunder, and the forms and procedures, necessary for full compliance with the provisions of this Article.~~

Section 30 - Fire [d]Department.

- (a) Notwithstanding any other provisions of this [e]Charter or ordinances of the City of St. Louis to the contrary or in conflict herewith, the following designated ranks and positions of members and employees of the [f]Fire [d]Department of the City of St. Louis shall for the purposes of compensating said members and employees of said [f]Fire [d]Department by salaries for their duties be equivalent to and correspond with the ranks and positions of officers of the police force of the City of St. Louis hereinafter set forth beside each respectively, and the salaries of said designated ranks and positions of members of the [f]Fire [d]Department of the City of St. Louis shall from and after the effective date of this [s]Section and thereafter not be less than the salaries provided by law for the said equivalent and corresponding ranks and positions of officers of the police force of the City of St. Louis, set forth beside each respectively:

<i>Fire Department Rank or Position</i>	<i>Police Force Rank or Position</i>
Fire Chief	Chief of Police
Deputy Fire Chief	Lieutenant Colonel, other than Assistant Chief of Police
Battalion Fire Chief	Major
Fire Captain	Lieutenant
Fire Equipment Dispatcher III	Lieutenant
Fire Fighter, Fire Equipment Dispatcher I and II and Fire Prevention Inspector who has served more than twenty <u>(20)</u> years in the Fire Department	<b>[Patrolman]Police officer</b> who has served more than twenty <u>(20)</u> years as a <b>[patrolman]police officer</b>
Fire Fighter, Fire Equipment Dispatcher I and II and Fire Prevention Inspector who has served more than fifteen <u>(15)</u> years in the Fire Department.	<b>[Patrolman]Police officer</b> who has served more than fifteen <u>(15)</u> years as a <b>[patrolman]police officer</b>
Fire Fighter, Fire Equipment Dispatcher I and II and Fire Prevention Inspector who has served more than ten <u>(10)</u> years in the Fire Department.	<b>[Patrolman]Police officer</b> who has served more than ten <u>(10)</u> years as a <b>[patrolman]police officer</b>
Fire Fighter, Fire Equipment Dispatcher I and II and Fire Prevention Inspector who has served more than five <u>(5)</u> years in the Fire Department	<b>[Patrolman]Police officer</b> who has served more than five <u>(5)</u> years as a <b>[patrolman]police officer</b>
Fire Fighter, Fire Equipment Dispatcher I and II and Fire Prevention Inspector who has served more than four <u>(4)</u> years in the Fire Department.	<b>[Patrolman]Police officer</b> who has served more than four <u>(4)</u> years as a <b>[patrolman]police officer</b>
Fire Fighter, Fire Equipment Dispatcher I and II and Fire Prevention Inspector who has served more than three <u>(3)</u> years in the Fire Department.	<b>[Patrolman]Police officer</b> who has served more than three <u>(3)</u> years as a <b>[patrolman]police officer</b>
Fire Fighter, Fire Equipment Dispatcher I and II and Fire Prevention Inspector who has served more than two <u>(2)</u> years in the Fire Department	<b>[Patrolman]Police officer</b> who has served more than two <u>(2)</u> years as a <b>[patrolman]police officer</b>

Fire Fighter, Fire Equipment Dispatcher I and II and Fire Prevention Inspector who has served more than one <u>(1)</u> year in the Fire Department	<del>[Patrolman]</del> <i>Police officer</i> who has served more than one <u>(1)</u> year as a <del>[patrolman]</del> <i>police officer</i>
Fire Fighter, Fire Equipment Dispatcher I and II and Fire Prevention Inspector who is serving in <i>their</i> <del>[his or her]</del> first year in the Fire Department	<del>[Patrolman]</del> <i>Police officer</i> who is beginning <i>their</i> <del>[his or her]</del> first year as a <del>[patrolman]</del> <i>police officer</i>

(b) All provisions of the ~~[e]~~City ~~[e]~~Charter and ordinances and rules thereunder or parts thereof, inconsistent with this amendment are hereby repealed.

### Article XIX - FRANCHISES

Section 1 - Limitations on grant; powers reserved to ~~[e]~~City; ordinances required; incidental regulations.

All grants or renewals of franchises shall be subject to the right to amend, alter or repeal the same in whole or in part, and to forfeit the same at any time for misuse or nonuse; and subject always to the ~~[e]~~City's power of taxation and its authority to regulate rates, quality of use, service, and products and methods of conduct and operation; subject also to the right of the ~~[e]~~City at the end of ten (10) years after the beginning of operation and at the end of every five (5) year period thereafter, at its option to be exercised by ordinance, to acquire the plant and property used in the operation of the franchise, upon terms and conditions to be ascertained in the manner provided in the granting or renewing ordinance, but in no event is the franchise itself to enter as an element into such compensation. Upon such acquisition the franchise shall cease. Every such grant shall cease unless construction thereunder is begun within the time specified in the ordinance and completed with reasonable speed, and no grant shall be exclusive or for a longer term than fifty (50) years.

Any ordinance granting or renewing a franchise may also provide for regulating, from time to time, the amount of capitalization, indebtedness and expenditure of the grantee or assignee in operating thereunder. Such ordinance may also provide that the franchise shall be sold at public sale, and nothing in any such ordinance shall prevent the ~~[e]~~City from acquiring the property of any such utility by condemnation proceedings or in any other lawful way subject to the limitation of time herein provided.

Every grantee of a franchise for any public utility shall keep such reports of its finances and operation as may be prescribed by ordinance, and the ~~[e]~~City may at any time examine its records and accounts.

No ordinance granting or renewing a franchise shall be adopted until a report thereon in the form in which it is put upon its adoption has been made to the ~~[b]~~Board of ~~[a]~~Aldermen by the ~~[b]~~Board of ~~[p]~~Public ~~[s]~~Service with its recommendations as to the action that should be had thereon, nor until the bill and the report of the ~~[b]~~Board of ~~[p]~~Public ~~[s]~~Service, or a fair summary thereof, shall have been published as provided by ordinance.

No franchise shall be assignable except with the ~~[e]~~City's approval expressed by ordinance.

Section 2 - Control of public utilities.

The ~~[b]~~Board of ~~[a]~~Aldermen shall at all times have full power, to be exercised by ordinance, over all public

utilities now or hereafter existing in the [e]City, and may regulate the charges for the use, service or product thereof and establish whatever requirements may be necessary to secure efficient use, service or products, and no terms or conditions contained in any grant shall limit or impair this power.

### Section 3 - Conditions of grant or renewal.

The [b]Board of [a]Aldermen shall, in the granting or renewal of any franchise as herein provided, prescribe or provide for the character of construction and equipment; the kind and quality of use, service or product to be furnished; the rate to be charged ~~for such~~[therefor]; manner in which the streets, public grounds or other public property shall be used or occupied; and any other terms and conditions in the interest of the public, including, among others, provision for compensation to the [e]City for the use of such streets, public grounds or property based on a share in the gross or net receipts or on the number of passengers transported or number of cars owned or operated or on any one (1) or more of such bases or any other basis or bases.

### Section 4 - Maintenance of streets by street railroads.

Street railroad companies shall keep the street between the rails and between the tracks and to the extent of at least twelve (12) inches outside of each rail in perfect repair, and as nearly on a level with such rails as practicable, and that portion outside the rails shall be of the same material as the street itself or such other material as may be approved by the [b]Board of [p]Public [s]Service, and give such bond or other security for compliance with the provisions of this [s]Section as may be provided by ordinance.

### Section 5 - Use of tracks of one street railroad by another.

Any street railroad company shall have the right to run its cars over the track of any other street railroad company in whole or in part, upon the payment of just compensation for the use thereof, under such rules and regulations as may be provided by ordinance.

## Article XX - LICENSES TAXES

### Section 1 - Subjects of taxation.

License taxes may be imposed by ordinance upon the following business avocations, pursuits, callings, animals, or things, and upon agents, agencies, brokers, contractors, or subcontractors connected therewith; and upon any sale, rental, leasing, hiring, or services rendered in connection with any of the subjects, objects, or classifications thereof hereinafter enumerated:

abstractors, certifiers, or guarantors of land titles; accountants; acetylene gas; accounting machines; acides; acoustical supplies; addressing businesses; adjusters of claims; advertising advisors, composers, or writers; advertising of any kind or by any means; aerial surveying; air compressors; air conditioning equipment or systems; aircraft; aircraft transportation; airports or airstations; alleys; aluminum products; ambulances; amusement devices; amusement parks; amusement ticket brokers or sellers; animal shows; antique dealers; appraisers; apron supply; aquariums; architects; arenas; armature rewinding; art galleries; art glass; artists; asphalt work; assayers; athletic,

boxing, sparring, or wrestling exhibitions of contests; auction criers; auctioneers; automobiles; automobile dealers; automobile livery; automobile shows; awnings;

baby sitter agencies; badminton or tennis courts; bail bondsmen; bankers; banks and bankers; barber or beauty shops; barge lines and terminals; baseball parks; bath houses; battery charging; beds; bees; beer depots or store rooms; beer or wine gardens or taverns; bicycles; billboards or bill posters; billiard or pool tables, or other tables or instruments used for amusement; blacksmith shops; bleaching, cleaning, dyeing, or pressing; blue print or photostat makers; board, livery, or sales stables; boarding, lodging, or rooming houses; boilers; boiler cleaning, inspecting, or setting; bond brokers; bonding or surety companies; books; bookbinding; bookkeeping; bottle exchanges; bottling plants; bowling or ball alleys; brewers or breweries; brickwork; bridges; buffing, grinding, or polishing; building; building, house, or window cleaners; building management, operation, or maintenance; building materials; building or house moving, raising, shoring, or wrecking; buildings, or savings and loan associations; building reports; burial vaults; buses; business machinery; business brokers; butane and butane appliances; buyers' agents or agencies;

cables; calculating and tabulating machines; cameras; carnivals; carpentry; carpets; carters or draymen; cash registers; caterers; caulking; cement or concrete work; cemeteries; chairs or tables; charity solicitation; chauffeurs; check cashing; check rooms; chemicals; chemists; children's nurseries; chimney cleaning; chiropodists; chiropractors; cigarettes and tobacco of all kinds; circuses; claim agents; clairvoyants; clearing houses; clinics; clothing; coal; coin-operated dispensing machines; cold, garment, household goods, locker, lot, or merchandising storage; collectors of accounts or claims; commission merchants or agents; commodity brokers; compressed air; concerts; confections; contract haulers; contract tailors; contractor's equipment; convalescent or nursing homes; correspondence schools; cosmetics; costumes; cranes; credit associations, bureaus, or agencies; crematories; culverts; curb market merchants; customhouse brokers;

dairies; dance halls and studios; dealers or distributors of goods, wares, or merchandise; decorating; delivery of goods, baggage, or parcels; dentists; desiccating; designers; desks; detectives, detective agencies, investigators, or finders of missing persons; development companies; diapers; die cutting; dish washing machines; distillers or distilleries; docks, piers, wharves, or other landing places; dogs; dog kennels; dramshops; dredging; drilling; drivers of motor vehicles; druggists; drummers or salesmen; duplicating and duplicating machines and processes; electricity and electric appliances;

electric or compressed hammers; electrical transcription; electrical work; electrologists; electronics; electronic equipment; electroplating; embossing; enameling elevators; embalmers; employment agencies; engines; engineers, when not covered by State license; engravers; escrow service in land transfers; excavating; excursion boats; exhibitions; exporters or importers; express companies;

fans; farmers' markets; feather renovating; feed brokers; ferries or other boats; fertilizers; filling or service stations; film developing; filters; finance or loan companies; financial brokers; financing; firearms; fire escapes; fire or burglar alarm systems; florists; floor refinishing or maintenance; floor surfacing machines; flooring; fluorescent lighting maintenance; food markets; food processors; food product brokers or peddlers; foundations; freight or other forwarders; freight transfer, or other warehousing; fruit brokers or peddlers; fumigators; funeral directors; furnaces; furniture; furniture refinishing; furriers;

galvanizing; garages, garbage removers; gas and gas appliances; gasoline; gauges; gaugers; geologists; gift, premium, or trading stamp enterprises; gold refiners, or goldsmiths or silversmiths; golf courses, driving ranges, and any other golf enterprises; grading; grain brokers; grain elevators; grinding or sharpening; gunsmiths; guttering or spouting; gymnasiums, health institutes, or reducing parlors;

halls; hardware; hauling; hawkers; hucksters, or peddlers; heating; hoisting; home building; horses; horse shoers; hospitals, sanatoriums, or sanitariums; hotels; hotel or restaurant equipment;

ice; incinerators; income or other tax returns or tax services; industrial, professional, and technical instruments; information or inspection bureaus; inspectors; installation, with or without sale; insurance companies; insurance inspection bureaus; insurance, railroad and other rating bureaus; inter-communicating systems; interpreters; investment brokers; investment or trust companies; itinerant vendors, traveling, or auction stores; itinerant wholesale produce dealers;

janitor service; jewelry; job wagons; jobbers; junk dealers, merchants, or peddlers;

kalsomining; kitchen equipment;

labor or public relations counselors; laboratories; laboratory equipment; lamps; landscaping; land clearing; lathing; laundries, and self-service laundries; lawnmowers; leather goods; lenders on chattel mortgages; lifting jacks; lightning rods; linen supply; linoleum laying; linotyping; liquor; liquor dealers, wholesale or retail; lithographers; loan brokers; locksmith; lumber; lumber measurers; lunch stands, counters, or wagons;

machine shops; machinery of all kinds; machinery designing; magazines; mail order houses; mailing; manicurists; manufacturing; market places; market research; masseurs; mattress renovators; mausoleums; meat brokers; meat choppers; medical supplies; mercantile agents or agencies; merchandise brokers; merchants; merry-go-rounds; messengers; metal finishing,

spraying, or stamping; microfilming; midwives; millwrighting; mimeographing; mining companies; mirror resilvering; money transportation; monuments; motels; moth proofing; motion picture projecting equipment; motors; motor scooters; motor vehicles or parts thereof; motor vehicle oiling, repossessing, steam cleaning, towing, washing, wheel aligning, or wrecks; motorcycles; moving picture exhibitions or shows; moving picture film producers, distributors, exchanges, or rental establishments; multigraphing; multilithing; museums; music arrangers or bureaus; musical instruments;

natural gas companies; navigation companies or steamboat lines; news agents, dealers, or distributors; news service or bureaus; newspapers, newspaper publishers, agents, dealers, or distributors; nuclear or atomic devices or services; numbering machines; nursery schools; nurseries or nurserymen; nursery stock; nursing service;

office buildings; office coats, overalls, towels, uniforms, or work clothes supply; office equipment; oil companies; oil cutting or reclaiming; oil, mining, or other stocks; oil or gas burners or stockers; operatic, theatrical, or other performances; opticians; orchestras or bands; organs; ornamental work; oxygen; oxygen tents; optometrists; osteopaths;

packing or slaughter houses; paint sprayers; painting; paper; paper hanging; parades; parking facilities; parking lots; passenger stations or terminals; patent right brokers; patrol, guard, or watchman services; pattern making; paving; pawnbrokers; payroll service; pension plan services; pest exterminators; pharmaceutical supplies; pharmacists; phonographs; photocopying; photograph finishing; photographers; physical therapy; physicists; pianos; pile driving; pipe bending, cleaning, cutting, or threading; pipe lines; pipes, poles, wires, or conduits of public utility companies; planographers; plants and seeds; plastering; plastics; plating; plumbing or gas fitting; pneumatic tubes; portable saws; postage stamp and coin dealers; poultry shows; power piping; power plants; prefabricated buildings; press clipping bureaus; printing establishments; printing presses; private institutions; processors; produce brokers; propane and propane appliances; public address systems; public amusements and entertainments; public carriers; public garages; public halls; public lecturers; public movers; public scales and weighers; public utilities; public vehicles; publishing companies; pumps; push carts;

quarries;

race tracks; radios; radio equipment; radio or television broadcasting stations; railroads; railroad or tank cars;

railway traffic; ready-mixed concrete; real estate management; real or personal property; recording equipment; rectifiers; refineries; refrigerating companies; refrigeration or refrigeration systems; rendering plants; rentals; research bureaus; restaurants; rigging; roads; road oiling; roofing; rubber products; rugs; runners;

safes; safe depositories; salary brokers or buyers; sales counseling; sand blasting; sash metal; sashing; saws; scaffolds; scales; scalp treaters; schools and academies of art, business, dancing, dramatics, expression, language, music, and riding; scrap metal brokers; sellers' agents or agencies; selling or storing gasoline; service cars; service car drivers; sewers; sewing machines; sheet metal stamping or other work; shippers; shoes; shoe machinery; shoe shining parlors; shooting galleries; sidewalks; sidewalk markets; sightseeing tours; signs; silverware; skating rinks; slicing machines; slot machines; smelters; smoke stacks; soda fountains; soft drinks; solicitors; sport events or exhibitions; sporting good; sprinkler systems; stairs; statisticians; statuary; steam-fitting; steamships; steel brokers; steel erection; steel shearing; stock or merchants' exchanges; stock brokers; stockyards; stokers; stone work; storage houses; store or office fixtures; stoves; streets; street lighting; street railways; street railway cars; street stands; surgical instruments; surveying instruments; surveyors; swimming pools;

tailors; tanks; tanners; tape machines; tariff bureaus; tattooing; taxicabs; taxicab drivers; taxidermists; technical and trade schools or colleges; television ~~sets or~~ equipment; tents; terrazzo or tile work; textiles; theatre sound equipment; theatrical bookings; therapeutic devices; ticket agents; tile; tin work; tires; toll bridges or viaducts; tools; trailers; trailer or tourist camps or courts; transfer companies; translating services; transportation companies; transportation tickets; travel or traffic bureaus; trenches; trucks; truck terminals; trust companies; tube cleaning or expanding; tuck pointing; turbines; typewriters; typing or secretarial work; typographers or typesetters;

umbrellas; underwriters; upholsterers; upholstering; ushering;

vacuum cleaners; vaults; vehicles; vending machines; ventilation; veterinary hospitals; vulcanizing; veterinarians;

wall paper cleaning; washing machines; watches; watchmen; water coolers; waterproofing; water works; weather stripping; welding; welding equipment; windows; window displays; window equipment; wine manufacturers; wineries; wire products; wood workers; wreckers; and wrought iron.

## Section 2 - Tax on branch establishments.

A separate license tax may be imposed for each place of business conducted or maintained by the same person, firm or corporation.

## Section 3 - Uniform tax for each class.

Any ordinance imposing a license tax may divide and classify any subject of such taxation, and may impose a different tax upon each class, but the tax shall be uniform for each class.

## Article XXI - EMINENT DOMAIN

### Section 1 - Initiation of proceedings.

~~[Condemnation of (and) or damage to]~~The City may condemn private property, real or personal, or any easement or use therein or restriction of the use thereof for public use, ~~[shall be effected]~~through the procedures as herein provided and as may be further provided by ordinance not inconsistent with this ~~[e]C~~harter or through any statutory procedures available to the City.

- (a) *Petition.* Upon the ~~[b]B~~oard of ~~[a]A~~ldermen providing by ordinance recommended by the ~~[b]B~~oard of ~~[p]P~~ublic ~~[s]S~~ervice, (1) for the appropriation of any private property or any easement, use, right or interest therein, or (2) damage by reason of establishing or changing the established grade of any public street or alley or restriction of the use thereof, for any public use, or (3) for any public improvement or work which will damage private property, the ~~[e]C~~ity ~~[e]C~~ounselor, in the name of the ~~[e]C~~ity, shall apply promptly and in no event later than six ~~(6)~~(6) months after such ordinance is effective to the ~~[e]C~~ircuit ~~[e]C~~court ~~[of the eighth judicial circuit]~~, or to any judge thereof in vacation by petition setting forth the general nature of the public use for which the property is to be appropriated, damaged or restricted, a description of the property and the estate or interest therein or restriction of the use thereof in each instance which the ~~[e]C~~ity seeks to appropriate, damage or impose, and praying the appointment of three ~~(3)~~(3) disinterested ~~[e]C~~ommissioners to assess damages and benefits as hereinafter provided, to which petition the owners shall be made defendants by name, if known, and if unknown, by describing their claims and interests in such property and how derived by them.
- (b) *Parties defendant.* If the action affects the property of persons under guardianship, the guardians shall be made defendants; if the property of married persons, their consorts shall be made defendants; if an estate or interest less than a fee, the persons having the next vested estate in remainder or reversion shall be made defendants or their interests will not be bound; but only persons in actual possession of and claiming title or who have record title appearing upon the proper records of the ~~[e]C~~ity to property affected, need be made defendants.
- (c) *Notice.* Notice of the filing of the petition, describing the property to be taken, damaged or restricted, shall be filed and recorded in the ~~[o]O~~ffice of the ~~[r]R~~ecorder of ~~[d]D~~eeds, otherwise purchasers of such property shall not be bound by the proceedings under the petition, provided that whenever the ~~[b]B~~oard of ~~[p]P~~ublic ~~[s]S~~ervice of said ~~[e]C~~ity shall by order designate the established grade of any street, boulevard, parkway, alley or other highway proposed in said ordinance to be opened, established or widened, damages and benefits, because of the establishment of such grade, may be ascertained and determined together with and in the same proceeding as the damages and benefits with respect to said opening, establishment or widening; in which case said established grade shall be set forth in the petition or in an amended petition.
- (d) *Resubmission of ordinance.* Where the improvement is a major highway or traffic artery, and is so designated in the ordinance, said ordinance may provide that in case the total damages, as finally determined by the ~~[e]C~~court, to be awarded for property damaged or taken, shall exceed a sum stated in such ordinance then said ordinance shall be resubmitted to the ~~[b]B~~oard of ~~[a]A~~ldermen. Pending action by them, final judgment in the cause shall not be entered for at least four ~~(4)~~(4) months after such final determination of damages.

Section 1-A Information to be filed by the~~[b]B~~oard of ~~[p]P~~ublic ~~[s]S~~ervice.

Whenever an ordinance providing for the appropriation, taking, damaging, or restricting the use of private property is pending before the ~~[b]B~~oard of ~~[a]A~~ldermen, the ~~[b]B~~oard of ~~[p]P~~ublic ~~[s]S~~ervice shall upon request of the ~~[b]B~~oard of ~~[a]A~~ldermen cause to be prepared an estimate of the total damages to be occasioned by said public

work or improvement, an outline of the suggested benefit or taxing district, and an estimate of the probable maximum aggregate of benefits to be assessed therein, together with a general explanation of the manner in which such aggregate of benefits was determined.

## Section 2 - Issuance and service of summons.

Upon the filing of the petition, summons shall be issued, giving the defendants at least ten (10) days' notice of the hearing on the petition; and ~~[the city marshal shall serve such]~~ summons **shall be served in the manner of civil suits** and make return as required by law for service and return of writs of summons. If the name or residence of any owner be unknown, or if any owner does not reside in the [s]State, or cannot be found within the [s]State, a notice giving the general nature of the petition, with a description of the property of such unknown or nonresident owners, or owners who cannot be found within the [s]State, and the day fixed for the hearing, shall be published once each week for four (4) consecutive weeks, the last publication to be at least ten (10) days before the hearing in a newspaper qualified by law to publish such notices and advertisements, **or such notice may be published in the manner required by statute for condemnations by municipalities.**

## Section 3 - Commissioners, appointment, duties.

The permanent condemnation [e]Commission and the offices thereof are hereby abolished, provided, however, that any present duly appointed and acting [e]Commissioners shall continue to serve as though appointed as provided hereunder for the purposes of carrying out the responsibilities and duties of such [e]Commissioners in any proceeding instituted under [a]Article XXI of this [e]Charter prior to the effective date of this amendment.

The [e]Court, or a judge thereof in vacation, when notice has been given as herein above provided, shall appoint three (3) disinterested [e]Commissioners **freeholders who have been** residents in the City of St. Louis for five (5) years ~~[next]~~ before their appointment to assess the damages and benefits in said condemnation proceeding.

The [e]Commissioners shall familiarize themselves with the property involved in the said condemnation proceeding pending in the [e]Circuit [e]Court. They shall confer among themselves regarding the damages and benefits respectively involved in the said proceeding to the end that the greatest possible uniformity in the awarding of damages and the assessment of benefits may be achieved. The [e]Court, or the judge thereof in vacation shall make such rules and regulations for the government of said [e]Commission and the proceedings thereof as it may deem proper which said rules and regulations may from time to time be altered, amended, modified or rescinded. The [e]Commissioners shall keep such records as they may determine advisable and shall hold their hearings publicly in some suitable place or places designated by the [e]Court. It shall be the duty of the proper authorities to prepare and furnish said place or places and to provide for the proper lighting, heating and care of same and to furnish such facilities for the proper preservation of their files and records and do such other things as shall be proper to enable said [e]Commissioners to properly discharge their duties. The court or judge, in designating such [e]Commissioners, shall exclude from their consideration the assessment of all damages for the trial of which a jury has been duly demanded.

Such [e]Commissioners shall enter upon their duties without delay, and shall make report within the time fixed by the [e]Court, which time shall in no event exceed ninety (90) days, unless the [e]Court is satisfied upon written application of the [e]Commissioners, and a hearing thereof to be held by the [e]Court within five (5) days after the filing of such application, that additional time be granted for good cause shown.

Any party entitled to and desiring trial by jury of its rights to compensation shall file in the cause, before the

assignment of the [e]Commissioners in each case, written demand ~~for such~~[therefor], including therein a description of its property to be taken or damaged, and failure so to do shall be a waiver of the right of trial by jury. Upon such demand being filed, the [e]Court shall award a jury trial and proceed therewith as in trial of civil actions; but before final judgment shall be rendered on the verdict of the jury and before the [e]Commissioners shall make their report, the [e]Court shall certify the verdict of the jury to the [e]Commissioners, and they shall include in their report, with their separate findings, assessments and awards, the damages as assessed by the jury, reciting the fact. The claims for damages of all parties demanding jury trial in any action under this [a]Article shall be heard at the same time before one (1) jury. The [e]Commissioners shall assess damages for property appropriated or damaged for the trial of which a jury is not demanded, as aforesaid.

#### Section 4 - Determination of damages; liability of benefited property.

It shall be the duty of the [e]Commissioners, except as herein otherwise provided, in the condemnation or the damaging of property for highways, streets, boulevards, parkways, alleys, wharves, sewers, markets, public squares and parks, or widening or enlarging the same, or in the changing of grade of streets or other public ways or restricting the use of property or the making of other public work or improvements, to ascertain the value of property proposed to be taken and the actual damage done to private property or restriction of the use thereof, but no allowance shall be made for improvements begun on property after service of summons on or notice by publications to the owner thereof as herein provided; and the public work, improvement or use contemplated shall not be considered in determining the value of property taken. For the payment of all such damages the [e]Commissioners shall assess against all the lots or parcels of property or interests therein especially benefited by the proposed public work or improvement, separately, and in the name of the several owners thereof, the amount that each such lot or parcel of property or interest therein so assessed shall be especially benefited by the proposed public work or improvement, and against the [e]City the balance of the damages over and above the aforesaid special benefits assessed; provided, that in the opening of an alley there shall be assessed against the lots or parcels in the blocks in which the alley is opened benefits sufficient to pay all damages.

#### Section 5 - Property to be viewed; establishment of benefit or taxing district; publication of boundaries; report of assessment.

The [e]Commissioners shall view the property to be taken, damaged, restricted or assessed; fix the benefit or taxing district; publish, for ten (10) days before beginning their assessment, in said newspaper qualified by law to publish, such notices and advertisements the last insertion being at least five (5) days before the time named in such notice; and publish once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of St. Louis, published for at least one (1) year, and printed in the English language, a notice of the boundaries of the benefit or taxing district and of the time and place at which they will assess such damages and benefits, and shall cause to be posted ~~by the city marshal~~, at least fifteen (15) days prior to the time designated, a copy of said notice in at least six (6) places exposed to public view within said district; they shall hear the evidence submitted by the parties interested; assess the damages as of the date said ordinance became effective, or as to any property added by an amendment to such ordinance as of the date upon which said amendment became effective; they shall have authority to examine under oath such witnesses as may appear; they shall make report, in which at least two (2) [e]Commissioners shall concur, of such assessment in writing and under oath to the [e]Circuit [e]Court. Such report shall be filed within the limit of the time fixed by the [e]Court, and shall set forth in brief and concise paragraphic form all findings of fact, when so directed by the [e]Court upon application of any interested party. In such report the compensation allowed and the benefits assessed against each owner shall be separately stated. When the [e]Commissioners both assess benefits and allow damages against any one (1) property owner they shall deduct the

lesser from the greater.

Section 6 - Rights of [e]City upon payment of damages into court.

At any time after the [e]Commissioners file their report the [e]City may pay into court the amount of damages assessed, less benefits, if any, and thereupon it shall be entitled to take possession of or damage the property, assuming the lien of all general taxes not then payable on property actually appropriated.

Section 7 - Exceptions, review by court.

Within twenty (20) days from the filing of the [e]Commissioners' report, exceptions in writing thereto may be filed by any party interested, and upon such exceptions the [e]Court shall review the report, and may order, on cause shown, a new assessment by other [e]Commissioners, or make such other orders thereon as justice may require. The [e]Court shall hear and dispose of such exceptions with all reasonable speed, and may itself assess benefits anew.

Section 8 - Entry of judgment; payment of damages; collection where [e]City fails to pay.

The [e]Court upon approving the [e]Commissioners' report shall render final judgment thereon reciting the report and adjudging that the [e]City have and hold the property petitioned for, describing the same, for the purposes specified, upon payment of the damages less the benefits assessed in each instance; that so much of the report as is a judgment for benefits against specific property be a lien on such property for ten (10) years from entry of the judgment, and prior to all other liens thereon; and that the [e]City recover the respective benefits in excess of damages assessed in each instance against private property with interest from date of judgment, or at the termination of such period of grace, not to exceed one (1) year, as may be granted by the [b]Board of [a]Aldermen in the ordinance authorizing the public work or improvement, and have execution for such~~[therefor]~~.

The [e]Clerk shall forthwith make and deliver a certified copy of such judgment to the [e]Comptroller, who shall record the same in a record ~~[book]~~ kept and conveniently indexed for that purpose. The [e]Comptroller may, forthwith, and if no appeal be taken from such final judgment, ~~[he]~~the Comptroller shall, at the expiration of the time for such appeal, forward a copy of the judgment to the [b]Board of [a]Aldermen; and within sixty (60) days after the receipt of such copy, unless an appeal is pending, and, in no event later than sixty (60) days after disposition of all appeals, the [b]Board of [a]Aldermen shall make an appropriation for the payment out of the [e]City treasury of the damages assessed in favor of each party entitled thereto less ~~[his]~~such party's benefits as determined by such final judgment, and the [e]City [t]Treasurer, on warrant of the [e]Comptroller, shall cause payment to be made to the several parties entitled or into court for their use, as the case may require. Should the [b]Board of [a]Aldermen fail to make such an appropriation the judgment for damages shall be collected by the owners concerned as other judgments against the [e]City are collected and if any part of such assessment of benefits be not paid when due, special execution shall issue on request of the [e]Comptroller against the property charged with the lien and proceedings thereunder shall conform, as near as may be, to the proceedings under special executions on ordinary judgments foreclosing liens on lands.

Should any such final judgment be reversed on appeal and a new assessment be ordered, the [e]City or any defendant shall have judgment for any excess due by reason of payment having been made by such party under a prior final judgment in the cause.

Section 9 - Cost of litigation, compensation of [e]Commissioners.

The losing party shall pay the cost caused by litigation subsequent to the filing of the [e]Commissioners' report, and the [e]City shall pay all other costs, including the compensation of the [e]Commissioners, which shall be one hundred dollars (\$100.00) per day for each [e]Commissioner for not exceeding five (5) days in any one (1) action unless the [e]Court makes an order allowing further time at like compensation.

Section 10 - Limitation on subsequent action where proceedings are dismissed.

If the [e]City dismisses any action for the appropriation, damaging or restriction of the use of any property for any reason other than defect in the proceedings, it shall not begin a like action within ten (10) years after such dismissal, unless upon the petition of the owners of three-fifths ( $\frac{3}{5}$ ) of the property proposed to be taken, damaged or restricted, measured by frontage upon the proposed improvement, or upon condition that the [e]City shall pay all of the damages assessed therein.

Section 11 - Effect on abutting property of establishment of boulevards and parkways; power of [e]City.

In establishing, opening and widening boulevards and converting streets into boulevards or parkways, compensation shall be allowed to owners of property abutting thereon for damages occasioned by any limitation that may be put upon the owner's use of such property; and the [e]City may regulate by ordinance the character of traffic and vehicles that shall be permitted on boulevards or parkways, prohibit the erection of any structure on property abutting on a boulevard or parkway outside a specified building line, and forbid the use of any property so abutting for all or any business purposes. An ordinance establishing a boulevard or parkway may be repealed, upon recommendation of the [b]Board of [p]Public [s]Service, and thereupon the boulevard or parkway shall become a street, which, together with the property abutting thereon, shall be free from all restrictions imposed by the repealed ordinance. Damages and benefits resulting from such repeal after the boulevard or parkway has been opened shall be ascertained and paid as herein provided for establishing boulevards or parkways.

Section 12 - Procedure in condemnations for miscellaneous purposes.

When the [e]City takes or damages private property for a public use other than those enumerated in [s]Section 4 of this [a]Article all damages shall be ascertained as hereinbefore provided and shall be paid by the [e]City.

Section 13 - When assessment for benefits to equal amount of damages.

The vacation of highways, streets, boulevards, parkways and alleys shall be provided for by ordinance recommended by the [b]Board of [p]Public [s]Service, and easements and rights therein shall be condemned and the special damage and benefits caused thereby shall be ascertained and assessed, in the manner, by the proceedings, and according to the rules hereinbefore prescribed as to other appropriating or damaging; provided, that benefits sufficient to pay all damages shall be assessed against the lots or parcels of land abutting the highway, street, boulevard, parkway or alley to be vacated.

Section 14 - Acquisition of property by private purchase; vacation of streets, etc.

Nothing herein shall limit the power of the [e]City by ordinance recommended by the [b]Board of [p]Public [s]Service to acquire property by private purchase, or to vacate any highway, street, boulevard, parkway or alley without proceeding hereunder when the owners of all property specially damaged petition for such~~[therefor]~~ and waive all damages.

Section 15 - When assessments may be paid in installments; issuance of bonds in anticipation of unpaid installments.

Ordinances for appropriating or damaging property for markets, public squares, public parks and other like public uses and improvements may provide for payment of the special assessments made on lands specially benefited by such uses and improvements in one (1) installment or in equal annual installments not to exceed seven (7) in number, in which event the judgments shall so recite; such judgments shall bear interest payable annually at the rate of six (6) per centum per annum on any unpaid part thereof from entry until paid but any part thereof not paid when due shall thereafter bear interest at the rate of eight (8) per centum per annum; and for the purpose of anticipating the collection of such judgments the [e]City may issue and sell local improvement bonds, following the procedure, as far as the same is applicable, provided in [a]Article XXIV, for bonds issued in anticipation of the collection of special assessments to pay for local improvements; provided, that the [e]City shall not be liable to pay bonds herein provided for, but the same shall be payable solely out of the collections of the particular judgments.

Section 16 - Appropriation of private property in excess of actual requirements.

Whenever it may lawfully be done, the [b]Board of [a]Aldermen, in the ordinance providing for the appropriation of private property or any easement or use therein for any highway, street, boulevard, parkway, park, wharf, bridge, viaduct, subway, tunnel or sewer, or providing for any public work or improvement which will damage or benefit private property, may provide for the appropriation in fee by the [e]City of private property or any easement or use therein in excess of that actually required for such specific purpose, and in the same or a different ordinance may authorize the sale of such excess for value with or without restrictions. Such excess shall be condemned and compensation ~~[therefor]~~ ascertained and rendered in the same proceeding, and in the same manner as near as may be, as the property, easement or use actually needed as aforesaid; provided, that the value of such excess shall be paid for by the [e]City.

Section 17 - Payment of benefits in installments; issuance of anticipation bonds.

The [b]Board of [a]Aldermen, in the ordinance establishing the public work or improvement or by a subsequent ordinance recommended by the [b]Board of [p]Public [s]Service, may provide for payment of the special assessments levied against land especially benefited by such public work or improvement, in equal annual installments not to exceed ten (10) in number, in which event the judgments shall so recite; provided that any such judgment may be paid in full at any time, except that, when bonds shall be issued as hereinafter provided, such payment may be made only within thirty (30) days after the entry of judgment, or within any period of grace granted as provided in Section Eight (8). The deferred installments of said judgment shall bear interest at the rate of six (6) percent per annum, commencing thirty (30) days after the date of entry thereof, unless otherwise provided by ordinance in accordance with Section Eight (8), until due, and if not paid when due, at the rate of eight (8) percent per annum thereafter.

For the purpose of anticipating the collection of such judgments, the [e]City may issue and sell improvement bonds to an amount not exceeding eighty-five (85) percent of the aggregate of such judgments, such aggregate not including any assessments paid in full as herein provided or not then finally determined judicially. The [e]City shall not be liable for the payment of said bonds, but the same shall be payable solely out of the collection of the particular

judgments. Said bonds may be made payable serially. The ordinance authorizing the particular issue shall prescribe the form and denomination thereof; the date of maturity or maturities thereof, not to exceed ten (10) years in any instance; the rate of interest thereon and date and place of its payment; by what officers and in what manner they shall be executed and attested; and the place and method of payment, save only the fund out of which payment shall be made, together with other provisions and regulations concerning such bonds and not inconsistent herewith. The [b]Board of [a]Aldermen by ordinance, recommended by the [b]Board of [p]Public [s]Service, may appropriate out of the general revenue, sufficient money to pay or to provide a fund in advance to pay such part of any improvement bonds issued as the proceeds of special assessments securing the same may prove insufficient to pay as they become due, not exceeding ten (10) percent of the amount of the bond issue, and provide for reimbursement, out of the proceeds of said special assessments after all such bonds and interest have been fully paid.

All such judgments shall be collected by the [e]City and the proceeds thereof shall be preserved and applied solely to the payment of the interest and principal of said bonds as the same shall become due and shall be used for no other purpose until the whole of said interest and principal shall have been paid.

The [b]Board of [a]Aldermen may by ordinance provide for the issuance of a single bond issue to anticipate the collection of special benefit judgments rendered in two (2) or more proceedings in the manner herein provided, such bond issue being secured by all of such special benefit judgments.

#### Section 18 - Sale of unpaid judgments for benefit assessments.

The [e]City may also sell, assign or transfer, for not less than ninety (90) percent of the face value thereof, the whole or any part of any unpaid judgments for such benefit assessments, and apply the proceeds to the payment of such damage awards.

#### Section 19 - Division of assessment against joint owners.

Whenever title to distinct portions of any lot or parcel of property assessed for benefits in accordance herewith, shall vest in different owners, on application in writing of any one (1) or more of such owners, the [b]Board of [e]Commissioners first having given notice by mail addressed to the owners in fee, if known, of the other portions of said property, at their last known address, shall determine the amount of said assessment chargeable to such distinct portion in accordance with the original assessment; and the parties charged with the collection thereof shall accept payment of said amount with interest due thereon. The lien of the judgment shall then terminate as to such portion, proper entries thereof being made on the records of the [e]Court.

#### Section 20 - Application of amendment to prior proceedings.

That no amendment adopted April 4, 1933, to Article XXI of this charter shall apply to any proceeding instituted prior to that date except as follows: (1) any such proceeding in which commissioners to assess benefits and damages have not been appointed prior to said April 4, 1933, shall be referred to the permanent commission and further proceedings had in accordance with the provisions of this [a]Article as amended; (2) the provisions of [s]Sections 17 and 18 shall apply to any proceedings at present pending in the [e]Circuit [e]Court.

## Article XXII - PUBLIC WORKS AND IMPROVEMENTS

### Section 1 - Ordinance initiating public work -- Recommendations required.

No ordinance for public work or improvements of any kind, or repairs thereof, shall be adopted, unless prepared and recommended by the [b]Board of [p]Public [s]Service with an estimate of the cost endorsed thereon.

### Section 2 - Ordinance -- Contents; authorization for subsequent appropriations.

Such ordinances shall authorize the particular work or improvement; specify the general character and extent thereof, the material to be used therein and in the alternative if desirable; the manner and regulations under which it shall be executed; the term for which it shall be guaranteed, if at all; the fund or source from which payment shall be made; that it shall be done in accordance with detailed plans and specifications finally adopted and approved by the [b]Board of [p]Public [s]Service before bids are advertised *for such*~~[therefor]~~; and shall contain a specific appropriation of an amount sufficient to pay the [e]City's part of the estimated cost; provided, that emergency work and repairs requiring prompt attention may be done under supervision of the [b]Board of [p]Public [s]Service as provided by general ordinance. Ordinances may provide for a greater work or improvement than can be paid for at the time out of an available fund in the [e]City treasury, in which event they shall provide that the work be let and done in parts as appropriations are made *for such*~~[therefor]~~. Provided further that where any part of the cost of a particular work or improvement is to be paid out of funds to be derived from the sale of bonds previously authorized at an election held for that purpose and the sale of which has been directed or authorized by ordinance, it shall not be necessary that any of such bonds shall first be sold nor that an appropriation out of funds derived from their sale should first be made, but any contract for such work or improvement which shall be authorized by ordinance and entered into as otherwise required in this [e]Charter shall be valid where the ordinance authorizing such contract shall have made an appropriation *for such*~~[therefor]~~ out of such bonds or out of the proceeds of the sale thereof already made or thereafter to be made; and such contract shall recite that it is subject to the charter and that payment thereon out of such bonds or funds to be derived from the sale thereof shall be limited to the amount specified in the ordinance authorizing the contract.

### Section 3 - Establishment of benefit, taxing and sewer districts, etc.

Before the [b]Board of [p]Public [s]Service shall recommend any ordinance for any public work or improvement, including the construction or other improvement of any public highway, street, boulevard, parkway, alley, sidewalk or sewer, or any part thereof, to be paid for, in whole or in part, by special assessment, it shall lay out, or shall have laid out, a proposed benefit or taxing district, and as to a sewer, it shall lay out, or shall have laid out, a proposed sewer district or joint sewer district, and shall include therein all property against which it is proposed to assess benefits for the payment, in whole or in part, of the cost and expense of such work or improvement; and the [b]Board of [p]Public [s]Service shall thereafter designate a day upon which it will consider the proposed district and

the boundaries thereof and the projected work or improvement at a public hearing, and shall give two (2) weeks' public notice in the paper or papers doing the city publishing or by a method that is consistent with best governmental practices, which shall include electronic means including the City's website, of the time and place of such hearing, which notice shall set forth that a proposed district to pay the cost of the work or improvement has been laid out by said [b]Board, and that the boundaries thereof may be ascertained at the time and place specified for such hearing. Such notice shall indicate, in a general way, the location of such district by reference to adjoining streets, and shall designate the matters to be considered and the estimated cost of the work or improvement, which estimate may cover several classes of materials. At such hearing all persons interested may appear and be heard with regard to what property shall be included in said district, and as to all matters connected with the work proposed. Within three (3) days after such hearing is concluded, the [b]Board shall file in its office its decision, stating its determination as to the exact boundaries of the district, the work or improvement determined upon, if any, and the class or classes of material to be used. If within eighteen (18) days after such decision the owners of the greater area of the land in such district as determined shall file in the office of the [b]Board of [p]Public [s]Service their written remonstrance against the district as determined, or the proposed work or improvement, the [b]Board, at its next meeting, shall reconsider and either reverse its action or transmit to the [b]Board of [a]Aldermen, together with such remonstrance, an ordinance establishing the benefit or taxing district or sewer district or joint sewer district as determined, and authorizing the proposed work to be done or improvement to be made. Nothing herein contained shall be construed as invalidating ordinances for public work ordained prior to the enactment of this amendment, and contracts hereafter made in pursuance of such ordinances shall be valid, notwithstanding anything to the contrary herein contained.

#### Section 4 - Letting of contracts for public work.~~[How contracts to be let.]~~

All public work, except emergency work or repairs requiring prompt attention, shall be let by the [b]Board of [p]Public [s]Service in pursuance of the ordinance authorizing the same. It shall advertise for bids [~~in the paper or papers doing the city publishing three time, the last publication to be~~] by a method that is consistent with best governmental practices, which shall include electronic means including the City's website, at least ten (10) days before the day appointed for opening the bids (unless a different time and medium of advertising are prescribed in the ordinance), stating the general nature of the work and the time and place of receiving bids [~~therefor~~]. Bids submitted shall be sealed and accompanied by an appropriate bid bond~~[a cashier's or Treasurer's check of a bank or trust company in the city payable to the city Treasurer, or a surety bond approved by the Comptroller, in the amount of the deposit required]~~. Said [b]Board shall let the work by contract to the lowest responsible bidder on the plans and specifications finally adopted except as herein otherwise provided, first requiring a bond to be approved by it and the [e]Comptroller. Said [b]Board may reject any or all bids submitted and readvertise the work. Provided, that any ordinance for any public work or improvement to be paid for by special assessment or otherwise may authorize the [b]Board of [p]Public [s]Service to do the same in a manner prescribed in such ordinance without letting a contract for such~~[therefor]~~.

#### Section 5 - Form and limitations of contracts.

All contracts shall recite that they are subject to the [e]Charter and that payments thereon of the [e]City's portion shall be limited to the amount of the particular appropriation.

Section 6 - Contracts for sewers to contain provisions for connections.

All contracts for the construction of sewers shall provide that owners of property, with approval of the [d]Director of [s]Streets[-and sewers], may make a connection during construction with the sewer or any temporary drain made by the contractor, payment to be made to [him]them for such connection equal to the extra cost caused to [him]them thereby.

**Any such connection shall be made in compliance with applicable requirements of the Metropolitan St. Louis Sewer District (MSD) or its successor agency, including any required approvals, fees, or capacity determinations. The property owner shall pay to the City only those costs incurred by the City as a result of such connection, including but not limited to street opening, excavation, traffic control, inspection, and restoration, as determined by the Streets Department or other appropriate City department.**

**Nothing in this Section shall be construed to authorize the City to collect sewer system connection or capacity fees, except where expressly permitted by law or agreement with MSD.**

Section 7 - Complaints as to execution of contract.

The [b]Board of [p]Public [s]Service shall investigate written complaints that any public work or improvement is not being done according to contract and if well founded the [b]Board shall immediately require the contractor to comply with the contract and pay the costs of such investigation.

Section 8 - Separate contracts for grading and improvement.

The [b]Board of [p]Public [s]Service may let contracts for the grading and for the improvement of any public highway, street, boulevard, parkway, alley or sidewalk or portions thereof separately, in which event the [e]City may either impose one (1) special assessment to pay for the grading and another to pay for the improvement, or it may pay the cost of the grading and add the same to the cost of such improvement and include the cost of both the grading and improvement in one (1) special assessment, the contractor reimbursing the [e]City for the grading.

Section 9 - City to pay assessments where property exempt.

If any property in a benefit or assessment district other than public highways, is **exempt from**[not liable to] any special assessment herein provided for, the [e]City shall pay the part of the cost of the work or improvement which would otherwise have been assessed against such property.

Section 10 - How cost of work or improvement levied and assessed—In general.

Ordinances for the improvement of public highways, streets, boulevards and parkways, which may include

grading, regrading, preparing roadbed, placing foundation, building of superstructure, resurfacing, repaving, construction and reconstruction of curb, gutters, roadway, paving and crosswalks and intersections, may ~~[shall]~~ provide for payment for such ~~[therefor]~~ by special assessment, in which case ~~[as follows]~~: One-fourth (1/4) of the entire cost shall be levied and assessed against the lots or parcels of ground abutting on the work or improvement ratably by lineal feet so abutting, and the remainder of the cost shall be levied and assessed ratably by area against all the lots or parcels of ground, exclusive of public highways, within the benefit or taxing district; provided, however, that such improvement ordinances may provide for the payment of a portion of the cost of such improvements by the [e]City, and for the assessment of the remainder thereof against the property in such benefit district, in the manner specified. The improvement of thirty (30) feet of any wharf farthest from the stream may be paid for in like manner or at the [e]City's expense. Nothing herein contained shall be construed as invalidating ordinances for public work ordained prior to the enactment of this amendment, and contracts hereafter made in pursuance of such ordinances shall be valid, notwithstanding anything to the contrary herein contained.

#### Section 11 - Alleys.

Ordinances for the improvement of alleys, which may include grading, regrading, preparing roadbeds, placing foundations, repaving, resurfacing and reconstruction of alleys, all intersections of alleys and the crossing of sidewalks in the continuation of alleys, may ~~[shall]~~ provide for payment for such ~~[therefor]~~ by special assessment, in which case ~~[as follows]~~: One-fourth (1/4) of the entire cost shall be levied and assessed against the lots or parcels of ground abutting on the work or improvement ratably by lineal feet so abutting, and the remainder of the cost shall be levied and assessed ratably by area against all the lots or parcels of ground abutting on such alleys or having access thereto, exclusive of public highways. Nothing herein contained shall be construed as invalidating ordinances for public work ordained prior to the enactment of this amendment, and contracts hereafter made in pursuance of such ordinances shall be valid, notwithstanding anything to the contrary herein contained.

#### Section 12 - Sidewalks.

Ordinances for the grading and preparing for and placing the superstructure of sidewalks, or for the re-paving or reconstruction thereof, with necessary intersections, shall provide for payment ~~[therefore [therefor]]~~ by special assessment, as follows: The entire cost shall be levied and assessed against the lots or parcels of ground abutting on the work or improvement, the amount to be assessed against each lot or parcel of ground to be the cost of the actual work done in front of, adjoining or bordering on said lot or parcel of ground; provided, however, that such sidewalk ordinances may provide for the payment of a portion of such cost by the [e]City, and for the assessment of the remainder thereof against the property abutting on said improvement, in the manner specified; and provided, further, that ordinances for grading, regrading or for the improvement or reconstruction of any public highway, street, boulevard, or parkway, may include, as a part thereof, the cost of grading and regrading of the sidewalk spaces thereon, in which case the cost of grading and regrading of the sidewalk spaces shall be a part of the cost of improving or reconstructing such public highway, street, boulevard, or parkway, and shall be assessed in the manner provided in Section Ten (10) of this ~~[a]~~ Article. Nothing herein contained shall be construed as invalidating ordinances for public work ordained prior to the enactment of this amendment, and contracts hereafter made in pursuance of such ordinances shall be valid, notwithstanding anything to the contrary herein contained.

Section 13 - When reconstruction costs to be borne by the [e]City.

At least one-fourth (1/4) of the cost of reconstruction of any public highway, street, boulevard, parkway, sidewalk or alley done within ten (10) years after the same has been fully paved shall be paid by the [e]City.

Section 14 - Classification of sewers.

There shall be four (4) classes of sewers, viz: public, district, joint-district, and private sewers, as hereinafter defined, but otherwise without regard to the area drained, the size, character, or purpose of the sewer. Public sewers are those which have been or may be constructed or acquired and paid for wholly out of general revenue. District sewers are those which have been or may be constructed or acquired, under authority of ordinance, within the limits of an established sewer district, and paid for by special assessments upon the property in the district. Joint-district sewers are those which have been or may be constructed or acquired under the authority of ordinances uniting one (1) or more districts and unorganized territory, or uniting districts or unorganized territory, into a joint sewer district, for the purpose of providing main, outlet or intercepting sewers, for the benefit of such joint sewer district, and paid for by special assessment upon the property in such joint sewer district.

Private sewers are those paid for by private parties constructing the same.

- (a) Coordination with Metropolitan St. Louis Sewer District. Notwithstanding any provision of this Article to the contrary, all matters relating to the planning, design, construction, connection, operation, capacity, and financing of sewer infrastructure shall be carried out in coordination with the Metropolitan St. Louis Sewer District (MSD) or any successor entity, to the extent required by law, intergovernmental agreement, or established practice.
- (b) Nothing in this Article shall be construed to:
  - (i) Alter or diminish the statutory authority of MSD;
  - (ii) Transfer ownership or operational responsibility for sewer facilities from MSD to the City; or
  - (iii) Authorize the City to impose or collect sewer service, connection, or capacity charges except as expressly permitted by law or agreement.
- (c) The City's authority under this Article with respect to sewers shall be limited to matters within municipal jurisdiction, including public way management, permitting, coordination of construction activities, special assessments as authorized herein, and reimbursement of City-incurred costs.

Section 15 - Location and connection of sewers.

All public, district and joint-district sewers shall be constructed along streets, alleys and other public ways whenever practicable; and no such sewer shall be built or acquired by the [e]City except it be on a public way or a right-of-way owned by the [e]City. Such sewers may be connected with any other sewer of any class or with a natural

course of drainage.

#### Section 16 - Levy and assessment of special tax for sewers.

All ordinances for constructing, reconstructing or acquiring district and joint-district sewers shall provide for payment thereof by special assessment as follows: The entire cost and expense shall be levied and assessed as a special tax ratably by area on all the lots or parcels of ground within the district or joint-district, excluding public highways only.

Ordinances creating a joint-district sewer may provide for the construction of the sewer or sewers therein in one (L) or more sections and for the levy and assessment of the cost of any section upon the completion thereof as a special tax in the manner herein provided.

If any district or joint-district sewer shall drain territory lying outside the [e]City limits and not included in the district or joint-district, the [e]City shall pay so much of the cost of such sewer as would have been assessed ratably against such territory if it were included in the district or joint-district.

#### Section 17 - Acquisition of private sewers by *the* [e]City.

The [e]City may by ordinance recommended by the [b]Board of [p]Public [s]Service acquire any private sewer by gift, condemnation or purchase, and provide for reimbursement by special assessment in the manner hereinbefore provided to be levied against the property in the district or joint-district for which such private sewer is acquired; and an ordinance making a private sewer or any part thereof a part of a proposed district or joint-district sewer may provide that the contractor shall pay for such private sewer at the price fixed in such ordinance and the cost thereof shall be included in the total cost of constructing such district or joint-district sewer.

#### Section 18 - Special tax bills to be issued on completion of work.

When any public work or improvement, to be paid for in whole or in part by special assessment, is completed, the [b]Board of [p]Public [s]Service shall cause the entire cost and expense thereof to be computed, and shall levy and assess such cost and expense or the part to be paid by special assessment, as a special tax, in accordance with the requirements of this [a]Article, and shall cause to be issued a special tax bill against each lot or parcel of ground liable in the manner provided by [a]Article XXIII, or by ordinance not inconsistent therewith.

#### Section 19 - Reconstruction or alteration of district and joint-district sewers.

Should it be necessary for any reason to reconstruct any district or joint-district sewer, the [b]Board of [a]Aldermen, by ordinance recommended by the [b]Board of [p]Public [s]Service, may establish the same or a different district for such reconstruction. It may also alter any district or joint-district at any time before the construction of the sewers therein is completed.

Section 20 - Construction, repair and maintenance of private sewers.

Private sewers shall be constructed, repaired and maintained and connected with other sewers at private expense under such restrictions and regulations as the [b]Board of [p]Public [s]Service may prescribe, the [e]City reserving the right to connect with, utilize and acquire such sewers.

Section 21 - Public improvements by individuals— Permit required.

The [b]Board of [p]Public [s]Service may grant permits for the improvement of public highways, streets, boulevards, parkways, alleys and sidewalks by property owners, and such improvement shall conform to the established or proposed grades and to specifications approved by the [b]Board. Such permit shall specify that the grantee thereof shall not be entitled to any credit or rebate from tax bills which may be issued for further improvement of the public highway, street, boulevard, parkway, alley and sidewalk, when carried out under the provisions of this [e]Charter, on account of any improvements that he may make in pursuance of such permit.

Section 22 - Utilization by [e]City of material put into improvement.

Any part of the work or material put into the improvement of a public highway, street, boulevard, parkway, alley or sidewalk, which is usable and conforms to the [e]City's plans for the further improvement of the public highway, street, boulevard, parkway, alley or sidewalk may be used by the [e]City in its further improvement thereof. If such work or material shall have been put into such improvement in pursuance of a permit, as provided in Section Twenty-one (21) hereof, the grantee of such permit ~~his~~ *or the grantee's* assigns or successors in title shall not become entitled to any credit or rebate for the use of such work or material in the issuance of special tax bills for the cost of such further improvement.

Section 23 - Insufficient and excessive assessments.

The ordinance for any public work or improvement may require the [b]Board of [p]Public [s]Service to levy the special assessment ~~for such~~ ~~therefor~~ immediately upon such ordinance becoming effective, such assessment to be based on the estimated cost and expenses of such work or improvement; and should any assessment so levied be insufficient to pay the entire cost and expenses of the work or improvement required to be paid for by special assessment, the [b]Board of [p]Public [s]Service shall, on the completion of the work or improvement, levy a supplemental special assessment to pay the deficiency, in the same manner as nearly as may be as in the first special assessment; and should the whole of the original special assessment not be required to pay the cost and expenses of the work or improvement, the excess shall be credited ratably on the special tax bills or refunded to the parties who paid them.

## Article XXIII - SPECIAL TAX BILLS

### Section 1 - Preparation, certification and delivery.

For all special assessments for public work or improvements under this [e]C~~h~~arter and ordinances adopted in pursuance thereof, special tax bills shall be prepared and signed by a person designated by the [b]B~~o~~ard of [p]P~~u~~blic [s]S~~e~~rvice by resolution entered on its records and shall be made payable to the parties entitled, either at the [e]C~~o~~llector's office or at some bank or trust company in the [e]C~~i~~ty, at the option of the party so entitled. They shall be promptly registered and certified both in the office of said [b]B~~o~~ard and of the [e]C~~o~~mptroller by persons designated by said [b]B~~o~~ard and by the [e]C~~o~~mptroller respectively to make such registration and certificate, and then delivered by the [e]C~~o~~mptroller to the parties entitled and their receipts taken *for such*~~[therefor]~~; and the [e]C~~i~~ty shall not be liable in any manner for any work or improvement to be paid for in special tax bills.

### Section 2 - Installments authorized; maturity.

Any special tax bills may be divided, if the ordinance authorizing the particular work or improvement so provides, into any number of equal annual installments, not to exceed ten (10), whereof the first shall be due upon service of the notice hereinafter provided for or upon a "not found" return by the *process server*~~[marshal]~~ as hereinafter mentioned, and the other installments successively on the corresponding day of each subsequent year, with interest payable annually on each installment at the rate of six (6) per centum per annum from such notice or "not found" return until maturity or prior payment and at the rate of eight (8) per centum per annum after maturity. All such special tax bills not payable in installments shall mature upon notice or "not found" return as aforesaid and draw interest at the rate of eight (8) per centum per annum after maturity; provided, that the entire bill or any number of installments may be paid within thirty days after such notice or "not found" return without any interest.

### Section 3 - Service of notice of issuance; return.

The owner of any special tax bill shall serve a written notice of the issuance thereof on the parties named therein~~[, or the city marshal at such owner's request shall serve such notice]~~ and make return of such service in the manner provided as to writs of summons in civil causes~~[- and he shall receive therefor the fees then allowed for serving such writs]~~. Such ~~[marshal's]~~ return *of service* shall be conclusive of the facts therein stated~~[- and any person injured by a false return on any such notice shall have his right of action for damages resulting therefrom against the marshal on his official bond]~~.

### Section 4 - Effect as evidence of liability.

All special tax bills shall be prima facie evidence of what they contain and of their own validity, and no mere informality or clerical mistake in any of the proceedings leading to the issuance of or in any special tax bill shall be a defense thereto; provided that if the work was not done in a good *competent*~~[workmanlike]~~ manner according to the class of work mentioned in the contract the property charged with the payment of said bill shall be liable only for the

value of such work done, and the recovery on the special tax bill shall be reduced accordingly.

#### Section 5 - Lien; priority; legal remedies for collection.

All special tax bills shall be a first lien on the property charged therewith from the day of issuance thereof; provided, there shall be no priority between special tax bills issued under this [e]Charter, regardless of the date of such bills.

The entire bill or any installment thereof, together with interest, may be collected by action in any court of competent jurisdiction; and such action may be brought by attachment when the owner of the land affected is a nonresident of the [s]State or after a "not found" return is made by a process server~~[the city marshal]~~ on any such notice, in either which event the suit shall be equivalent to notice and demand of payment.

#### Section 6 - Right of acceleration; interest on judgment.

If any installment of any special tax bill or any interest thereon be not paid when due, then all remaining installments, together with interest thereon as aforesaid, shall, at the option of the holder if exercised by suit thereon, immediately become due; and a judgment on such bill shall bear interest at the rate of eight (8) per centum per annum.

#### Section 7 - Assignment and change of place of payment.

Special tax bills and the lien thereof may be assigned and the place of payment thereof changed to the office of the [e]Collector or to any bank or trust company in the [e]City. But any such assignment or change of place of payment to be valid must be in writing, countersigned by the [e]Comptroller or by a Comptroller deputy~~[one of his deputies]~~, acknowledged before an officer authorized to take acknowledgments, and registered in the office of the [e]Comptroller.

#### Section 8 - Receipt of payments by [e]Collector; bills to be marked satisfied; expiration of lien.

It shall be the duty of the [e]Collector to receive payment of all special tax bills made payable at the Collector's~~[his]~~ office and thereupon deliver the same receipted; and the Collector~~[he]~~ shall, upon warrants of the [e]Comptroller, pay over all such collections to the parties entitled. The persons paying any such bill shall be entitled to have the same satisfied on the register in the [e]Comptroller's office, in whole or in part, as the case may be, immediately on presentation to the [e]Comptroller of either the receipted tax bill or a receipt from the [e]Collector or the proper bank or trust company showing such payment thereof; and the lien of any bill shall cease and be of no effect against the land charged therewith at the end of two (2) years after the maturity of the bill or the last installment thereof, unless proceedings at law shall then be pending to collect the same, and written notice of the institution thereof setting forth when and in what court such proceedings were brought shall have been filed in the office of the [e]Comptroller within ten (10) days after the institution of such suit.

Section 9 - Ordinance ratifying irregularities.

If any ordinance authorizing a public work or improvement or fixing a benefit or taxing district, shall be irregular, defective or invalid by reason of any omission, error or irregularity therein or in the proceedings leading to its adoption, or if for any reason it shall be necessary to the validity of any special assessment, the [b]Board of [a]Aldermen may, on recommendation of the [b]Board of [p]Public [s]Service, adopt an ordinance ratifying all things done under or in pursuance of the original ordinance, and supplying, correcting and curing all such omissions, errors, defects and irregularities, and making such special assessment valid.

Section 10 - New assessment to be made and tax bills issued where original assessment invalid.

Where public work or improvement has been done under an ordinance providing that it should be paid for by special assessment and the whole or part of such special assessment has been adjudged invalid for any reason other than the failure of the contractor to perform their[his] contract, the [b]Board of [p]Public [s]Service shall levy a new assessment and evidence the same by tax bills in the same manner and with like effect as if validly done hereunder in the first instance.

Section 11 - Amendment of assessment and tax bills.

Special assessments or tax bills evidencing the same may be amended by the officer or officers authorized at the time to prepare special tax bills or by the courts in proceedings to enforce the same, to correct or supply descriptions, names and other errors, omissions and irregularities on the part of the [e]City, and may be divided by said officer or officers at the request of any of the parties concerned according to divisions of the property made subsequent to the bills being prepared, and without affecting the interest on such amended or divided bill.

Section 12 - Additional provisions authorized.

The [e]City by ordinance recommended by the [b]Board of [p]Public [s]Service may, from time to time, make further provision by ordinance, not inconsistent with this [e]Charter, for special assessments, the issuance of special tax bills for such[therefor], the collection thereof, and all matters incidental thereto.

## Article XXIV - IMPROVEMENT BONDS AND FUNDS

Section 1 - Issuance; source of payment; provisions to be supplied by ordinance.

The [b]Board of [a]Aldermen, by ordinance recommended by the [b]Board of [p]Public [s]Service, in anticipation of the collection of a special assessment for any public work or improvement, may provide for the

issuance of improvement bonds to be delivered to the contractor in payment for so much of the work or improvement as is payable by such special assessment or to be sold by the [e]City and the proceeds paid to the contractor in full for such work and improvement; provided, the [e]City shall not be liable either to pay such bonds or to pay for such part of the work or improvement, but the bonds shall be paid only out of the particular special assessment in anticipation of which they were issued, and no such issue shall be in excess of the cost and expenses or estimated cost and expenses of the work and improvement and the interest on the bonds, which may be treated as a part of such cost, and all proceeds of said bonds shall be applied in payment of the cost and expenses of such work and improvement.

If the special assessment in anticipation of which such bonds are issued shall be payable in equal annual installments the particular bonds shall be payable serially, each series maturing with approximate regard to the several maturities of such installments; and all such special assessments shall be collected promptly by the [e]City at its expense and applied, whenever sufficient thereto after paying accrued interest on all such issue of bonds, to the redemption of any one (1) or more of such bonds in numerical order at maturity.

The form and denomination of such bonds; the date of maturity or maturities thereof, not to exceed eleven (11) years in any instance; the rate of interest thereon and the date and place of its payment; the price at which they shall be sold, if to be sold; by what officers and in what manner they shall be executed and attested; and the place and method of payment, save only the fund out of which payment shall be made, together with other provisions and regulations concerning such bonds and not inconsistent herewith, shall be prescribed by the ordinance authorizing the particular issue.

Section 2 - Appropriations for payment from general revenue.

The [b]Board of [a]Aldermen, by ordinance recommended by the [b]Board of [p]Public [s]Service, may appropriate out of the general revenue sufficient money to pay, or to provide a fund in advance to pay, such part of any improvement bond issue as the proceeds of special assessments securing same may prove insufficient to pay as they become due, not exceeding ten (10) per centum of the amount of such bond issue, and provide for reimbursement, if possible, out of the proceeds of such special assessments after all such bonds and interest have been fully paid.

Section 3 - Local improvement fund authorized.

The [b]Board of [a]Aldermen may, by ordinance recommended by the [b]Board of [p]Public [s]Service, provide for the creation of a local improvement fund out of which the [e]City shall pay in cash, to contractors or otherwise, the cost and expense of local improvements, and for the levy, assessment and collection of special assessments to cover cost and expenses, the proceeds of which assessments shall be paid into such fund or funds.

Section 4 - Appropriation of funds for payment as work progresses.

For the purpose of anticipating the levy and collection of any special assessment for any public work or improvement, the [b]Board of [a]Aldermen may, by ordinance recommended by the [b]Board of [p]Public [s]Service, appropriate a fund to pay for the work or improvement as it progresses, and reimburse the [e]City either by the issue and sale of local improvement bonds, as in this [a]Article provided, or by the collection of such special assessments.

Section 5 - Special tax bills issued under provisions of this Article.

All special assessments contemplated by this [a]Article shall be evidenced by special tax bills in accordance with the provisions of [a]Article XXIII, so far as applicable, such bills to be made payable to the [e]City, which shall be deemed the owner thereof, at the office of the [e]Collector, to whom the [e]Comptroller shall deliver the same and take *the Comptroller's*[his] receipts *for such bills*[therefor]. The [e]City *shall cause a process server to*[~~marshal shall~~]serve the notice of the issuance of such bills and make return of such service *in the manner provided as to writs of summons in civil causes*[~~without receiving any fees therefor~~].

## Article XXV - MISCELLANEOUS PROVISIONS

### Section 1 - Changes in administrative provisions.

The [b]Board of [a]Aldermen may by ordinance adopted by vote of two-thirds ( $\frac{2}{3}$ ) of all the members, on the recommendation of the [b]Board of [e]Estimate and [a]Apportionment, discontinue any division established by this [e]Charter, create new or additional divisions, and determine, combine and distribute the functions and duties of divisions, officers and employees.

### Section 2 - Taxation of raw materials and finished products, tools and machinery, and sales.

The raw material and finished products of manufacturers in the [e]City, as well as all tools, machinery and appliances used by them and the stock in trade and appliances of merchants in the [e]City, may be taxed as a separate class under the laws of the [s]State and a lower rate may be levied by the [e]City on such property so classified than on real estate and other property, and the [e]City may by ordinance levy a tax upon the sales made by manufacturers and merchants in the [e]City.

### Section 3 - Assessments for planting shade trees and removal of snow, ice, rubbish and weeds.

The [b]Board of [a]Aldermen may provide by ordinance for assessing against the abutting property the cost of planting shade trees and of removing from sidewalks accumulations of snow, ice and earth and for assessing against property the cost of cutting and removing therefrom noxious weeds and rubbish.

### Section 4 - Approval of official bonds; faithful performance required.

Unless otherwise provided in this [e]Charter all bonds shall be approved as to their sufficiency by the [e]Comptroller. The bond of the [e]Comptroller as to its sufficiency shall be approved by the [m]Mayor. All official bonds shall, among other things, be conditioned for the faithful performance of the duties of the office. For any breach of the condition of any bond, suit may be instituted thereon by the [e]City, or any person or persons in the name of the [e]City, for the use of such person or persons.

### Section 5 - When additional official bond required.

If at any time it appears to the [m]Mayor or [e]Comptroller that the surety or sureties of any official bond are insufficient, *the Mayor or Comptroller*[he] shall require the officer or employee to give additional bond, and, if such

officer or employee fails to give such additional bond within ten (10) days after the officer or employee~~[he]~~ shall have been notified, ~~[his]~~the office shall be vacant.

Section 6 - Mayor's contingent fund.

A contingent fund shall be provided by ordinance for the ~~[m]~~Mayor, to be used by the Mayor~~[him]~~ at the Mayor's~~[his]~~ discretion, and at the end of the~~[his]~~ term the Mayor~~[he]~~ shall make a report in general terms to the ~~[b]~~Board of ~~[a]~~Aldermen of the disposition thereof.

Section 7 - Construction of title "~~[b]~~Board of ~~[e]~~Election ~~[e]~~Commissioners."

Any reference in this ~~[e]~~Charter to the ~~[b]~~Board of ~~[e]~~Election ~~[e]~~Commissioners shall be taken to include any board or persons having charge of elections in the ~~[e]~~City.

Section 8 - Appeals by ~~[e]~~City in judicial proceedings.

The ~~[e]~~City in taking an appeal in any judicial proceeding shall give bond as required by law, but need not furnish security for such~~[therefor]~~.

Section 9 - Execution of ~~[e]~~City's contracts.

All contracts relating to ~~[e]~~City affairs shall be in writing, signed and executed in the name of the ~~[e]~~City. In cases not otherwise provided by law or ordinance, they shall be made by the ~~[e]~~Comptroller, and in no case by the ~~[b]~~Board of ~~[a]~~Aldermen or any committee thereof. Contracts not made by the ~~[e]~~Comptroller shall be counter-signed by the Comptroller~~[him]~~, and all contracts shall be filed and registered by number, date and contents with the ~~[r]~~Register.

Section 10 - City records to be open to ~~[m]~~Mayor, ~~[e]~~Comptroller and ~~[b]~~Board of ~~[a]~~Aldermen.

All books, records, papers, and documents in any department, office or division shall be open to the ~~[m]~~Mayor, ~~[e]~~Comptroller or any committee of the ~~[b]~~Board of ~~[a]~~Aldermen.

Section 11 - City ~~[s]~~Surveyors.

The ~~[m]~~Mayor may appoint any number of civil engineers as ~~[e]~~City ~~[s]~~Surveyors for a term of four (4) years, whose duties and powers shall be as provided by law in regard to county surveyors. Each ~~[e]~~City ~~[s]~~Surveyor shall when appointed give bond to the ~~[e]~~City for fifteen thousand dollars (\$15,000.00), conditioned for the faithful performance of the surveyor's~~[his]~~ duties. Such bond may be sued upon by any person injured by the official acts of such ~~[s]~~Surveyor.

Section 12 - Where ~~[e]~~City's notices, etc., published.

All publications not otherwise herein provided for shall be published ~~[in the paper or papers having the contract to do the city publishing at the time]~~ by a method that is consistent with best governmental practices.

Section 13 -City [m]Marshal to execute process for boards and officers.

Any board or officer authorized by this [e]Charter to subpoena witnesses and order the production of documents ~~[books and papers]~~ shall have the services of the [e]City [m]Marshal to execute the process, and provisions shall be made by ordinance for punishing failure to obey any such subpoena or order.

Section 14 - Maximum work day and minimum wage for mechanics and laborers.

Except in case of emergency, not to exceed eight (8) hours shall constitute a day's work for all mechanics and laborers employed by the [e]City, and not less than the prevailing rate of wages shall be paid.

Section 15 - Construction of word "office."

Where the word "office" is used in this [e]Charter to indicate a branch of the [e]City government, it shall be construed to refer to any branch not in or under any department, and shall include the office of the [m]Mayor, [r]Register, [m]Marshal, [e]City [e]Court judges and [e]Clerk of the [e]City [e]Courts.

Section 16 - Construction of words "person" or "persons."

Unless the context indicates a different intent and except when referring to a person holding an office of employment under the [e]City, the words "person" or "persons" in this [e]Charter will be construed to include person, firm, corporation, company or association, and the plurals thereof.

Section 17 - Ordinances in aid of [s]State law.

The [b]Board of [a]Aldermen may by ordinance make any provision necessary to carry into execution the laws of the [s]State relating to state, school, city and other revenue, and any power, duty or trust under any of the laws of the [s]State, vested in or imposed upon any body or officer of any county or of this [e]City by the laws of the [s]State may be exercised by such body or officer of the [e]City as may be provided by ordinance consistent with the provisions of this [e]Charter.

## Article XXVI - CITY PARKS PROTECTION

Section 1 - Real estate for use as a public park.

Any real estate, now or hereafter owned by the [e]City or any agency or instrumentality of the [e]City, which is principally used or held out for use as a public park, shall not be sold, leased, given away or otherwise disposed of, and shall be used only as a public park, nor shall any structure be built in any such park to accommodate activities not

customarily associated with park use or outdoor recreation, unless such sale, lease, disposal, gift or structure is approved by a majority of the qualified electors voting thereon.

Section 2 - Intention of [b]Board of [a]Aldermen.

The [e]Clerk of the [b]Board of [a]Aldermen shall certify to the [b]Board of [e]Election [e]Commissioners the intention of *the* [b]Board of [a]Aldermen to authorize such sale, lease, disposal or change of use, together with the proposed ordinance for that purpose, to the [b]Board of [e]Election [e]Commissioners. Said [b]Board of [e]Election [e]Commissioners shall thereupon provide for submitting said proposed ordinance, in its original form, to the voters at the first election at which such submission may lawfully be had, but not less than thirty (30) days after such certification to it by the [e]Clerk of the [b]Board of [a]Aldermen.