

TITLE I. THE ADMINISTRATIVE CODE

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CHAPTER 100. GENERAL PROVISIONS
PART 1. INCORPORATION AND SEAL

SECTION 100.100: MUNICIPAL INCORPORATION

The inhabitants of the City of Crane, as its limits now are or may hereafter be defined by law, shall be and continue a body corporate by the name of "The City of Crane" and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatever; may receive and hold property, both real and personal, within such City and may purchase, receive and hold real estate within or without such City for the burial of the dead; and may purchase, hold, lease, sell or otherwise dispose of any property, real or personal, it now owns or may hereafter acquire; may receive bequests, gifts and donations of all kinds of property; and may have and hold one (1) common Seal and may break, change or alter the same at pleasure; and may do any act, exercise any power and render any service which contributes to the general welfare, and all courts of this State shall take judicial notice thereof.

SECTION 100.105: CITY SEAL

- A. The Seal of the City of Crane shall be circular in form, one and seven-eighths (1 7/8) inches in diameter, with the words "Stone County, Missouri" engraved across the face thereof, and the words "Seal of the City of Crane" engraved on the face thereof and near the outer edge of said Seal, and the same is hereby declared to be adopted as the Seal of the City of Crane.
- B. The City Clerk shall be the keeper of the common Seal of the City of Crane, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City.

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CHAPTER 100. GENERAL PROVISIONS
PART 2. CITY CODE PROVISIONS

SECTION 100.200: “THE CODE OF ORDINANCES OF THE CITY OF CRANE, MISSOURI”

This ordinance shall constitute and be designated as “The Code of Ordinances of the City of Crane, Missouri” and may be cited as the "Code of the City of Crane, Missouri". Any additions or amendments to said Code, when passed in such form as to indicate the intention of the City Board of Aldermen to make them a part hereof should be deemed to be incorporated so that reference to this Code shall be understood as including them.

SECTION 100.205: OFFICIAL COPY OF CODE

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption, shall be kept on file in the office of the City Clerk. Two (2) additional copies of this Code shall be kept in the City Clerk's office available for public inspection.

SECTION 100.210: SEVERABILITY OF CODE PROVISIONS

It is the legislative intent of the Board of Aldermen, in adopting this code, that all provisions of this code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City; that the Title, Chapters, Articles, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section, Article, Chapter or Title of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections, Articles, Chapters or Title of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

SECTION 100.215: TENSE

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition.

SECTION 100.220: CONSIDERATION AND ENACTMENT OF ORDINANCES

In the transaction of legislative business the Board of Aldermen shall act by ordinance and the following procedure shall be used:

- A. Every ordinance shall be by bill, which shall be in written or printed form, and the enacting clause shall be “BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRANE.” No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal.
- B. No bill, except those making appropriations and those codifying or rearranging existing ordinances, shall relate to more than one subject, which subject shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject matter of the appropriation.
- C. Every proposed ordinance shall be read by title or in full two (2) times prior to passage, and at least one week shall elapse between the time a bill is introduced and its final passage; however a bill may be passed on the day the bill is introduced if there is a compelling reason to do so as determined by the unanimous vote of all members of the Board of Aldermen present and voting. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen.
- D. Every bill introduced shall be filed with the City Clerk and shall be posted at City Hall for public inspection at least 24 hours in advance of its consideration by the Board of Aldermen, unless otherwise permitted by Chapter 610 of the Revised Statutes of Missouri.
- E. A bill shall remain on file in the office of the City Clerk for public inspection until it is finally adopted or fails passage. Prior to the final passage of any bill, all persons interested therein shall be given an opportunity to be heard before the Board of Aldermen in accordance with such rules and regulations as the Board of Aldermen may adopt.
- F. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided.

Unless otherwise specified, every ordinance shall become effective upon final passage. Any legislative ordinance submitted at a referendum election shall become effective upon the certification of the favorable vote of a majority of those voting thereon.

SECTION 100.225: NUMBER

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

SECTION 100.230: BILLS MUST BE SIGNED – MAYOR'S VETO

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds (2/3) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature.

SECTION 100.235: SAME – EFFECT ON FAILURE TO SIGN

When the Mayor shall neglect or refuse to sign any bill, he shall return the same with his objections thereto in writing, at the next regular meeting after the same shall have been passed by the Board of Aldermen. Such ordinance shall be authenticated as having become a law by a certificate endorsed thereon as follows:

“This ordinance having passed by the Board of Aldermen on the ____ day of _____, 20__ , and the Mayor having neglected or refused to sign and return the same with his objections thereto in writing, at the next regular meeting of the Board of Aldermen, the same has become a law without his signature this ____ day of _____, 20__.”

Such ordinances, after being signed by the City Clerk and properly attested by the City seal, shall be sufficient authentication thereof; and such ordinances shall be published and filed in the Office of the City Clerk, in the same manner as the other ordinances.

SECTION 100.240: AMENDMENTS TO CODE

- A. All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted are readopted as a new Code of Ordinances by the Board of Aldermen.
- B. Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of this Code in substantially the following language: “That section _____ of the Code of Ordinances of the City of Crane, Missouri, is hereby amended to read as follows: ... (Set out new provisions in full)....”
- C. In the event a new section not heretofore existing in the Code to be added, the following language may be used: “That the Code of Ordinances of the City of Crane, Missouri, is hereby amended by adding a section (or article, chapter or other designation, as the case may be), to be numbered _____, which reads as follows: ... (Set out new provisions in full)”
- D. In lieu of the foregoing paragraph, when the Board of Aldermen desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, which the Board of Aldermen desires to incorporate into the Code, a provision in substantially the following language may be made a part of the ordinance: “It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of Crane, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.”
- E. All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter or other number, as the case may be.

SECTION 100.245: ALTERING OR AMENDING CODE

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Sections 100.400 – 100.430 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which on or before the end of each fiscal year, the City Clerk shall cause to be printed into the Code all such additions or amendments adopted prior to such time.

SECTION 100.250: EFFECT OF REPEAL OF ORDINANCE

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

- A. All such proceedings shall be conducted according to existing procedural laws; and
- B. If the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

SECTION 100.255: REPEALING ORDINANCE REPEALED – FORMER ORDINANCE NOT REVIVED – WHEN

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.

SECTION 100.260: EFFECT OF TITLE HEADINGS; PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES

The headings of the sections in bold face or capital letters are intended as mere section headings and are not a part of this code; they are for convenience only and are not to be used in the construction or interpretation of any part of this code.

The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the adoption of “The Code of the City of Crane, Missouri” shall be considered as a continuation thereof and not as new enactments.

CHAPTER 100. GENERAL PROVISION
PART 3. DEFINITIONS AND RULES OF CONSTRUCTION**SECTION 100.300: DEFINITIONS**

- A. In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

BOARD OF ALDERMEN: The Board of Aldermen of the City of Crane, Missouri.

CITY: The words "the City" or "this City" or "City" shall mean the City of Crane, Missouri.

CITY COUNCIL: The term "City Council" shall refer to the Mayor and Board of Aldermen.

COMPUTATION OF TIME. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Sunday or a legal holiday, that shall be excluded.

COUNTY: The words "the County" or "this County" or "County" shall mean the County of Stone, Missouri.

DAY: A day of twenty-four (24) hours beginning at 12:00 Midnight.

GENDER. When any subject matter, party or person is described or referred to be words importing the masculine, females as well as males, and association and bodies corporate as well as individuals, shall be deemed to be included.

JOINT AUTHORITY. Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.

MAY: Is permissive.

MAYOR: An officer of the City known as the Mayor of the Board of Aldermen of the City of Crane, Missouri.

MONTH: A calendar month.

OATH: Includes an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OWNER: The word "owner", as applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

PERSON: The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

PERSONAL PROPERTY: Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING, FOLLOWING: When used by way of reference to any Section of this Code, shall mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY: The word "property" shall include real and tangible and intangible personal property, real and personal property.

PUBLIC WAY: Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY: The terms "real property", "premises", "real estate" or "lands" shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL: Is mandatory.

SIDEWALK: That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

STATE: The words "the State" or "this State" or "State" shall mean the State of Missouri.

STREET: Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TANGIBLE PERSONAL PROPERTY. "Tangible personal property" shall include goods, chattels and all personal property, except intangible personal property.

TENANT, OCCUPANT: The words "tenant" or "occupant", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

WRITING, WRITTEN, IN WRITING AND WRITING WORD FOR WORD: Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR: A calendar year, unless otherwise expressed, and the word "year" shall be equivalent to the words "year of our Lord".

- B. *Newspaper*. Whenever in this Code or other ordinance of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City", and if there is no newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.

SECTION 100.305: RULES OF CONSTRUCTION

Unless otherwise specifically provided or unless inconsistent with the manifest intent of the Board of Aldermen, the following rules of construction shall be applied:

- A. The singular includes the plural and vice versa.
- B. Where a word imports gender it includes the opposite and the neuter gender.
- C. The word "person" includes bodies politic and corporate, and partnerships and other unincorporated associations, as well as individuals.
- D. Except as otherwise specifically provided, the provisions of this Code will be construed to be operative only within the corporate limits of the City of Crane, and the term "City" will mean the City of Crane.
- E. Whenever by the provisions of this Code, any officer of the City is assigned any duty or empowered to perform any act, the designation of the officer includes not only that officer, but also his deputy or authorized subordinate or agent unless the contrary is expressly stated

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CHAPTER 100. GENERAL PROVISION
PART 4. NOTICE AND PENALTY

SECTION 100.400: NOTICE

Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:

- A. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
- B. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
- C. If the person to be served is unknown or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

SECTION 100.405: NOTICE - EXCEPTIONS

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

SECTION 100.410: GENERAL PENALTY

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.
- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

SECTION 100.415: PENALTY, CONTINUING VIOLATION

Whenever any offense against the ordinances of the City continues for more than twenty-four (24) hours, each day of offense shall be deemed a separate offense and may be separately prosecuted and punished.

CHAPTER 100. GENERAL PROVISION
PART 5. WARDS

SECTION 100.500: DESIGNATION OF WARDS

For City and corporate purposes, the City of Crane, Missouri, shall be and is hereby divided into two (2) wards to be designated and known as Ward Number One and Ward Number Two.

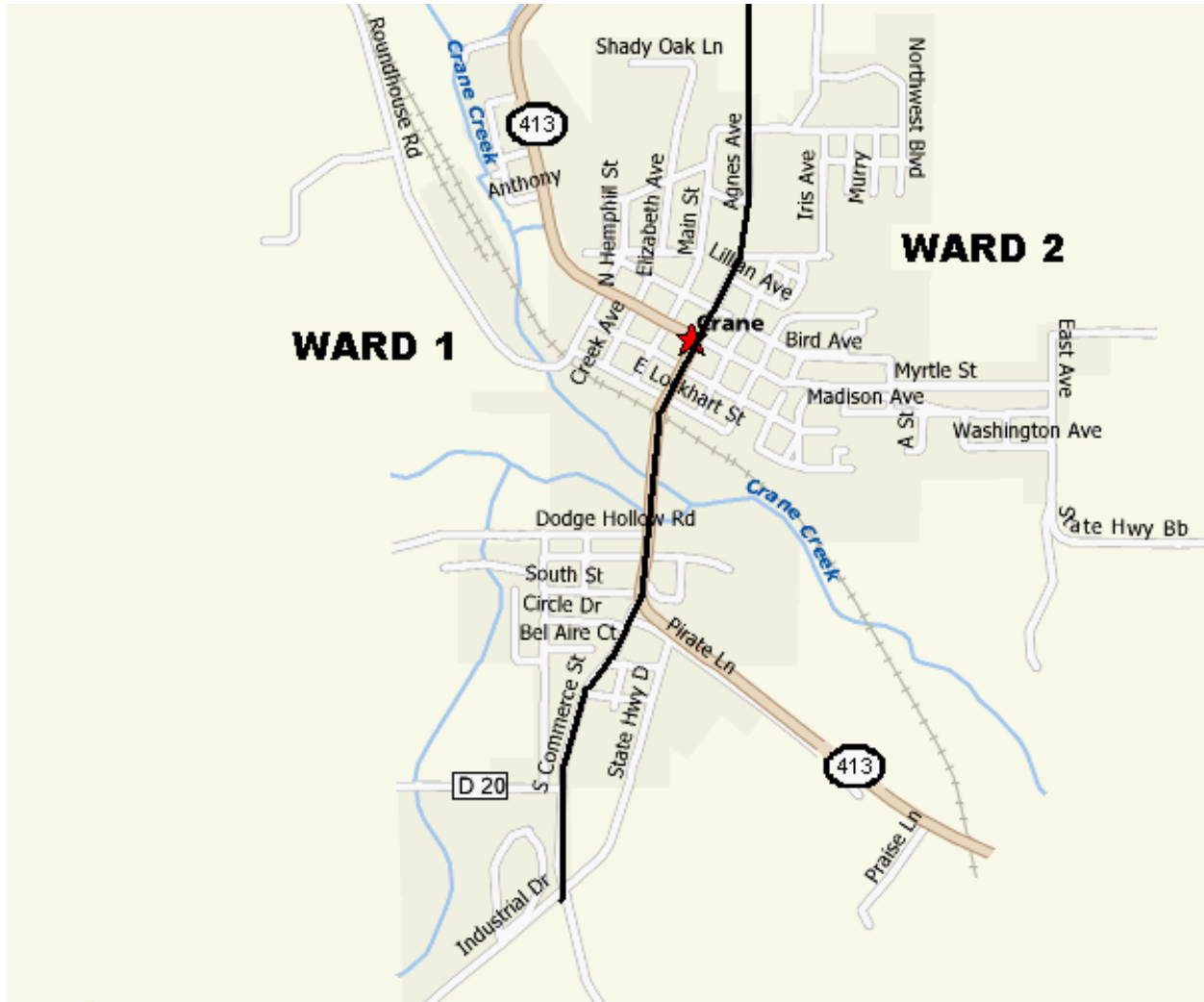
In accordance with section 79.060 RSMo., as amended from time to time, two aldermen shall be elected from each ward by the qualified voters thereof: two (2) aldermen from Ward One, and two (2) aldermen from Ward Two.

The dividing line mentioned herein is described as; Beginning at the intersection of the centerline of Commerce Street and the centerline of State Highway D: thence Northerly along said centerline of Commerce Street to its Northernmost point at the intersection with the centerline of Maud Avenue; thence North to the Southernmost point of Agnes Avenue at the centerline thereof and continuing Northerly along the centerline of Agnes Avenue and then along an extension of said centerline North to the North boundary of the City of Crane, Missouri, In the event of a future extension of the boundaries of the City of Crane, Missouri, the said dividing line shall be extended North from the Northernmost point of such dividing line and South from the Southernmost point of such dividing line, unless otherwise provided by action of the Board of Aldermen.

Ward One shall be comprised of all that part of the City of Crane, Missouri, lying West of the dividing line.

Ward Two shall be comprised of all that part of the City of Crane, Missouri, lying East of the dividing line.

The dividing line has been determined after investigation and survey of the number and distribution of residents of the City of Crane, Missouri, and has been determined after consideration of all relevant information available to the City so as to create two wards which contain substantially equal population. (Ord 929, April 14, 2003)



CHAPTER 100. GENERAL PROVISION
PART 6. MUNICIPAL ELECTIONS

SECTION 100.600: CONFORMANCE OF CITY ELECTIONS WITH STATE LAW

All City elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

SECTION 100.605: DATE OF MUNICIPAL ELECTION

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Crane shall be held for the purpose of electing a Mayor who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Crane shall be held for the purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- D. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Crane shall be held for the purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.

SECTION 100.610: DECLARATION OF CANDIDACY – DATES FOR FILING

Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the sixteenth (16th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

SECTION 100.630: NOTICE OF ELECTIONS

In City elections, the City Clerk shall notify the County Clerk prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Aldermen is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The written notice shall be executed on behalf of the Board of Aldermen by the Mayor of the Board and shall include the attestation of the City Clerk and shall have affixed thereto the Seal of the City of Crane. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

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CHAPTER 110. ADMINISTRATION
PART 1. MAYOR

SECTION 110.100: MAYOR – QUALIFICATIONS

No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election. The person shall be a voter under the laws and constitution of the State of Missouri and the Ordinances of the City of Crane. No person shall be sworn into office who shall at the time be in arrears for any unpaid City taxes or municipal user fees.

SECTION 110.105: MAYOR TO SIT IN BOARD

The Mayor shall have a seat in and preside over the Board of Aldermen but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

SECTION 110.110: PRESIDING OFFICER OF THE BOARD OF ALDERMEN

The Mayor shall preside at all meetings of the Board of Aldermen; provided, that in case of his absence the Mayor Pro Tem of the Board of Aldermen shall preside.

SECTION 110.115: SIGNER OF DOCUMENTS

All commissions for officers elected or appointed to office in the City of Crane shall be signed by the Mayor. The Mayor shall sign all orders and drafts upon the Treasury for money and require the City Clerk to attest the same, and to keep an accurate record thereof in a book provided for that purpose.

SECTION 110.120: MAYOR TO SIGN COMMISSIONS

The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance.

SECTION 110.125: MAYOR – COMMUNICATIONS TO BOARD

The Mayor shall, from time to time, communicate to the Board of Aldermen such information and recommend such measures as, in his opinion, tend to the improvement of the finances, the police, the health, security, and general prosperity of the City.

State law references: State-conferred jurisdiction, RSMo 79.210

SECTION 110.130: REPORTS OF CITY BUSINESS AFFAIRS

The Mayor or Board of Aldermen shall have power, when he or they deem it necessary, to require any officer of the City to exhibit his accounts or other papers and to make a report to the Board of Aldermen in writing touching any subject or matter pertaining to his office.

SECTION 110.135: MAYOR – DUTIES

The Mayor of each City governed by this Chapter shall have the care, management and control of the City and its finances and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect and to alter, modify or repeal the same.

SECTION 110.140: ENFORCER OF HEALTH REGULATIONS

The Mayor shall have such jurisdiction as may be vested in him by ordinance over all places within the City Limits and the extent allowed by State or Federal laws, for the enforcement of any health or quarantine ordinance or regulation thereof.

SECTION 110.145: MAYOR SHALL HAVE THE POWER TO ENFORCE LAWS

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws.

State law references: State-conferred jurisdiction, RSMo 79.200

SECTION 110.150: MAYOR MAY REMIT FINE – GRANT PARDON

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

State law references: State-conferred jurisdiction, RSMo 79.220

SECTION 110.155: VACANCY IN MAYOR’S OFFICE

When any vacancy shall occur in the office of Mayor, by death, resignation, removal from the City, or removal or suspension from office, refusal to qualify, or otherwise, the Mayor Pro Tem of the Board of Aldermen for the time being shall perform the duties of Mayor, with all the rights, privileges, and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed.

SECTION 110.160: APPROVAL OF BILLS

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor’s objections thereto in writing, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: “Shall the bill pass the objection of the Mayor thereto notwithstanding?”

The vote on this question shall be taken by the ayes and nays, and the names entered upon the journal, and if two-thirds (2/3) of all members elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the Clerk, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have the power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he neglect or refuse to sign any ordinance and return the same with his objections in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his signature.

SECTION 110.165: POWER TO APPOINT OFFICIALS

The Mayor, with the advice and consent of the Board of Aldermen, shall have power to appoint a Chief of Police, Fire Chief, City Attorney, Prosecuting Attorney, City Engineer and such other officers as he may be authorized by ordinance to appoint.

State law references: State-conferred jurisdiction, RSMo 79.230

SECTION 110.170: POWER TO ADMINISTER OATHS

The Mayor shall have power to administer oaths and issue and process, civil or criminal, in the discharge of his official duties and in conducting the affairs of the City.

SECTION 110.175: ANNUAL BUDGET

The Mayor shall make a written report to the Board of Aldermen on or before the first day of July in each year, which report shall contain his estimate of the necessary appropriations to meet all current expenses of the year, and the estimated receipts of licenses, and shall also report the financial condition of the City.

SECTION 110.180: ANNUAL ELECTION PROCLAMATIONS

The Mayor shall issue proclamations and notices of regular or special elections in such manner as the ordinances of the City or statutes of the State of Missouri, concerning cities of the fourth class, may provide.

SECTION 110.185: ISSUANCE OF WARRANTS

All warrants issued by the Mayor shall be directed to the Chief of Police, Sheriff, or any Constable of the county, and may be executed at any place within the limits of said county, and not elsewhere unless endorsed in the manner provided for warrants in criminal cases, and when so endorsed may be served in other counties.

**CHAPTER 110. ADMINISTRATION
PART 2. BOARD OF ALDERMEN**

SECTION 110.200: ALDERMEN – QUALIFICATIONS

No person shall be an Alderman unless he/she be at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the ward from which he/she is elected. He shall be a voter under the laws and constitution of the State of Missouri and the Ordinances of the City of Crane. No person shall be sworn into office who shall at the time be in arrears for any unpaid City taxes or municipal user fees.

SECTION 110.205: DATE SWORN INTO OFFICE

At the last meeting of the Board of Aldermen in the month of April of each year, all newly elected aldermen shall be sworn into office.

SECTION 110.210: COMPOSITION

The Board of Aldermen shall consist of two (2) members from each ward, to be elected in the manner provided by law.

SECTION 110.215: ALDERMEN – DUTIES

The Board of Aldermen of each City governed by this Chapter shall have the care, management and control of the City and its finances and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect and to alter, modify or repeal the same.

SECTION 110.220: PROTESTS BY MEMBERS AGAINST BOARD ACTION

Any member of the Board of Aldermen shall have the right to express dissent from or protest against any ordinance or resolution of the Board of Aldermen and have the reason therefore entered upon the journal. Such dissent or protest must be filed in writing couched in respectful language and presented to the Board not later than the next regular meeting following the date of passage of the ordinance or resolution objected to, and such written dissent or protest shall be entered in the journal.

SECTION 110.225: BOARD MAY COMPEL ATTENDANCE OF WITNESSES – MAYOR TO ADMINISTER OATHS

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. The officer making such service shall be allowed to receive therefore such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Mayor Pro Tem of the Board of Aldermen shall have power to administer oaths to witnesses.

SECTION 110.230: BOARD SHALL PUBLISH SEMI – ANNUAL STATEMENTS

The Board of Aldermen shall semi-annually each year, at times to be set by the Board of Aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City.

SECTION 110.235: NO MONEY OF CITY TO BE DISBURSED UNTIL STATEMENT IS PUBLISHED – PENALTY

In the event the financial statement of the City is not published as required by Section 110.260, the Treasurer of the City shall not pay out any money of the City on any warrant or order of the Board of Aldermen after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of an ordinance violation.

SECTION 110.240: BOARD TO SELECT AN MAYOR PRO TEM – TERM

The Board shall elect one (1) of their own number who shall be styled "*Mayor Pro Tem of the Board of Aldermen*" and who shall serve for a term of one (1) year.

SECTION 110.245: MAYOR PRO TEM TO PERFORM DUTIES OF MAYOR – WHEN

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Mayor Pro Tem of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the Mayor's return.

SECTION 110.250: LIABILITY OF CITY FOR COURT COSTS

In no case will the City be liable for costs in any case brought by any city official where it is apparent that the suit was brought without probable cause.

SECTION 110.255: VACANCY OF OFFICE

When a vacancy shall occur in any elective office, the Mayor, or person exercising the duties of Mayor, shall order a special meeting of the Board of Aldermen where a successor to the vacant office shall be selected. The Mayor or person exercising the duties of Mayor, by and with the consent of the Board of Aldermen, shall appoint some person duly qualified to fill such vacancy. The successor shall serve until the next regular City election. If a vacancy occurs in any office not elected, the Mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled. (This subsection updated by Ordinance 1017, 2/17/2009)

State law references: Similar provisions, RSMo 79.280

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CHAPTER 110. ADMINISTRATION
PART 3. BOARD OF ALDERMEN MEETINGS

SECTION 110.300: REGULAR MEETINGS

The Board of Aldermen shall meet regularly, every other Monday, beginning April 17, 2006 at 7:00 p.m. in the Board of Aldermen Chamber of the City Hall. When the day of meeting falls on a legal holiday, the meeting shall be held on the day following, unless the Board of Aldermen shall decide otherwise.

SECTION 110.305: CALLING OF SPECIAL OR EMERGENCY MEETINGS

Special meetings of the Board of Aldermen may be called at any time by the Mayor or a majority of the Board of Aldermen by written request filed with the City Clerk. Notice of the time, date and place of each meeting, and shall be given to each member at least one day in advance of the meeting, stating the purpose of the special meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of a particular meeting and posting the notice on a bulletin board or other prominent place, which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting. Notice conforming with all of these requirements shall be given at least twenty-four hours prior to the commencement of any meeting unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. When it is necessary to hold a meeting on less than twenty-four hours notice, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes. By consent of the Board of Aldermen or for reason of lack of a quorum, a meeting may be adjourned to another date, no later than the next regular meeting date.

SECTION 110.310: ALDERMEN TO ATTEND ALL MEETINGS; EXCEPTIONS

It shall be the duty of each and all Aldermen to attend all regular meetings of the City Council and all special meetings when each has been duly notified of the date and place of such meeting; provided that the foregoing shall not apply when any member is absent from such meeting or meetings because of sickness or unavoidable event.

SECTION 110.315: FEE FOR CONVENING SPECIAL MEETING

Each Alderman shall receive an expense allowance for his/her services as such the sum of twenty dollars (\$20.00) for each regular meeting of the Board of Aldermen attended. The Mayor shall receive an expense allowance for his/her services as such the sum of thirty dollars (\$30.00) for each regular meeting of the Board of Aldermen attended. In addition, the Mayor and each Alderman shall receive the sum of ten dollars (\$10.00) for each special meeting of the Board of Aldermen attended, which is convened at the request or instigation of any person, persons, entity or the City of Crane, Missouri. Said expense allowance shall be effective when the respective aldermanic terms presently being served expire and after such time the respective Aldermen shall receive the full compensation set forth above.

The payment of a fee of one hundred sixty dollars (\$160.00) to the City of Crane shall be a condition precedent to the convening of any special meeting of the Board of Aldermen of the City of Crane when requested or instigated by any person, persons or entity other than the City of Crane.

SECTION 110.320: QUORUM TO DO BUSINESS

At the hour appointed, the Mayor, or in his/her absence the Mayor Pro Tem of the Board of Aldermen, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present. Three (3) Aldermen shall constitute a quorum. If a quorum not be present, a smaller number may lawfully adjourn the meeting from day to day until a quorum is present. The Mayor and any two (2) members, or any three (3) members, without the Mayor, may at any regular, adjourned or special meeting compel the attendance of absent members by attachment and under such penalties as they may determine. No member of the Board of Aldermen shall leave the meeting without requesting permission from the presiding officer. Each member present shall vote upon every question or announce "present but not voting," and such vote or announcement shall be recorded by the City Clerk. (This subsection updated by Ordinance 1018, 2/17/2009)

SECTION 110.325: BOARD TO KEEP JOURNAL OF PROCEEDINGS

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

SECTION 110.330: REPORTS AND RESOLUTIONS TO BE FILED WITH CLERK

All reports and resolutions shall be filed with the clerk and entered in the minutes.

SECTION 110.335: RULES FOR GOVERNING

The Board, in its deliberations, shall be governed by Robert's Rules of Order.

SECTION 110.340: CALL TO ORDER

The mayor, or in his absence, the Mayor Pro Tem of the Board of Aldermen, shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Board to order.

SECTION 110.345: BOARD OF ALDERMEN OFFICERS

- A. The Mayor shall serve as Chairman of the Board of Aldermen. The Board of Aldermen shall designate a member to serve as “Mayor Pro tempore” who shall act during the absence of the Mayor. If both are absent, the Board of Aldermen shall select from their number a temporary presiding officer.
- B. The City Clerk shall be ex-officio Clerk of the Board of Aldermen and shall perform such duties as may be provided by the Charter or by these ordinances, and shall perform such other and further duties as may be ordered by the Board of Aldermen. The Clerk shall furnish each Board of Aldermen with a copy of the minutes of the preceding meeting.

SECTION 110.350: ORDER OF BUSINESS; CONDUCT OF MEETINGS

- A. Before proceeding with the business of the Board of Aldermen, the City Clerk or his deputy shall call the roll of members. The names of those present and absent shall be entered in the minutes. Unless the reading of the minutes of the Board of Aldermen meeting is requested by a member, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof. At all meetings of the Board of Aldermen, the usual order of business will be as follows;
1. Call to order;
 2. Roll call;
 3. Approval of Minutes
 4. Remarks of Visitors;
 5. Public Hearings;
 6. Department Reports;
 7. Consent Agenda;
 - a. Bills
 - b. Resolutions
 - c. Business
 8. Unfinished Business;
 9. New Business and Reports;
 10. Mayor and Aldermen's Reports;
 11. Appointments to Boards and Commissions
 12. Closed Sessions as Permitted by the Open Meetings Act
 13. Adjournment;
- B. All meetings of the Board of Aldermen shall be open to the public, but the Presiding Officer may call the Board of Aldermen together for conferences, preliminary discussions, or executive sessions as permitted by law.
- C. The Mayor or other Presiding Officer shall be entitled to debate all questions presented for the Board of Aldermen's consideration, and shall be entitled to vote the same as other members of the Board of Aldermen.
- D. Depositions may be taken under and governed by the provisions and rules of law relating to depositions in courts of law and may be read on behalf of the City, or of any interested party in any matter pending before the Board of Aldermen, in the same manner as in courts of law.
- E. The Board of Aldermen may compel the attendance of witnesses and the production of papers and records relating to any subject under investigation in which the interest of the City is involved, by issuing subpoenas over the signature of the City Clerk, which subpoenas shall be served in the manner provided by law for process issuing from the Municipal Court.

SECTION 110.355: FORM OF AGENDA; TIME LIMITS

- A. Each agenda for each regular meeting of the Board of Aldermen shall contain an introduction in substantially the following format:

“Welcome to the regular meeting of the Crane Board of Aldermen. We welcome questions, ideas, and comments from persons in attendance. Members of the audience may, however, comment only when recognized by the Mayor or Mayor Pro Tem if the Mayor is absent. We ask that comments be limited to five (5) minutes in order to complete the agenda within a reasonable time. Comments concerning items not on the agenda should be made during the Remarks of Visitors Section of the agenda, near the beginning of the meeting.”

- B. The Board of Aldermen may, by motion or resolution, change the time limits on comments of visitors where necessary to accommodate the schedule of the Board of Aldermen or to facilitate discussion of items of special interest to the Board of Aldermen.
- C. Each agenda should include a list of upcoming meetings for the month immediately following the meeting for which the agenda was prepared.

SECTION 110.360: READINGS OF MINUTES

Unless a reading of the minutes of a Board meeting is requested by a member of the Board, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof.

SECTION 110.365: ADDRESSING THE BOARD

Any person desiring to address the Board shall first secure the permission of the presiding officer to do so; provided however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified person may address the Board without securing such prior permission:

- A. *Written communications.* Interested parties or their authorized representatives may address the Board by written communications in regard to matters then under discussion.
- B. *Oral communications.* Taxpayers or residents of the City, or their authorized legal representatives, may address the Board by oral communications on any matter concerning the city's business, or any matter over which the Board has control; provided however, that preference shall be given to those persons who may have notified the City Clerk in advance of their desire to speak in order that the same may appear on the agenda of the Board.

- C. *Reading of protests, etc.* Interested persons or their authorized representatives may address the Board by reading protests, petitions or communications relating to zoning, sewer, and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration.

SECTION 110.370: ADDRESSING THE BOARD AFTER MOTION MADE

After a motion is made by the Board no person shall address the Board without first securing the permission of the Board to do so.

SECTION 110.375: MANNER OF ADDRESSING BOARD; TIME LIMIT

Each person addressing the Board shall step up in front of the Board, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Board, shall limit his address to five (5) minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the presiding officer. No question shall be asked an Alderman except through the presiding officer.

- A. *Conflict of interest.* In the event a member of the Board of Aldermen states that he has a conflict of interest on an agenda item, he shall remove himself from the Board chamber prior to any discussion on the item and shall not participate in discussion or voting.
- B. *Change of vote.* A member of the Board of Aldermen voting on any motion, issue or question shall have the right to change his vote thereon at any time prior to the declaration by the presiding officer of the Board of the final vote upon said motion, question or issue. After such declaration by the presiding officer, a member shall be allowed to change his vote only pursuant to a motion to reconsider.

SECTION 110.380: DECORUM REQUIRED

- A. *By aldermen.* While the Board is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board nor disturb any member while speaking or refuse to obey the orders of the Board or its presiding officer, except as otherwise herein provided.
- B. *By others.* Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Board, shall be forthwith, by the presiding officer, barred from further audience before the Board unless permission to continue is granted by a majority vote of the Board.

SECTION 110.385: ENFORCEMENT OF DECORUM

The Chief of Police or such member or members of the police department as he may designate, shall be sergeant at arms of the Board meetings. However, said attendance and functions shall be subject to the discretion of the presiding officer of the Board. As sergeant of arms, said member or members of the police department shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Board meeting.

SECTION 110.390: CONSIDERATION AND ENACTMENT OF RESOLUTIONS

In the transaction of administrative business the Board of Aldermen shall act by resolution and the following procedure shall be used:

- A. Every resolution shall be in written or printed form and the enacting clause shall be “BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF CRANE.”
- B. No resolution shall relate to more than one subject, which subject shall be clearly expressed in the title.
- C. Each resolution shall be read by title at least once, except resolutions that have been placed on a Consent Agenda as defined in and provided for in subsection D below, and may be passed on the day of its introduction.
- D. Resolutions authorizing contracts, purchases, and other routine matters may be placed on a Consent Agenda if copies of such resolutions have been distributed to each member of the Board of Aldermen before the meeting at which such resolutions are considered. Resolutions on a Consent Agenda may be enacted by one motion and vote without separate consideration of each such resolution; provided, however, that any one Board of Aldermen member may remove any such resolution from the Consent Agenda by an oral or written request made before a vote is taken on such resolution.

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**CHAPTER 110. ADMINISTRATION
PART 4. CONFLICTS OF INTEREST**

SECTION 110.400: DECLARATION OF POLICY

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

SECTION 110.405: CONFLICTS OF INTEREST

The Mayor or any member of the Board of Aldermen, who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the records of the Board of Aldermen the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

SECTION 110.410: DISCLOSURE REPORTS

Each elected official, the Chief Administrative Officer and the Chief Purchasing Officer shall disclose in writing the following information by May first (1st) if any such transactions were engaged in during the previous calendar year:

- A. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and
- B. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

- C. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose in writing by May first (1st) for the previous calendar year the following information:
1. The names and addresses of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 2. The name and address of each sole proprietorship that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Ethics Commission; the name, address and general nature of the business conducted by any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
 3. The names and addresses of each corporation for which such person served in the capacity of a director, officer or receiver.

SECTION 110.415: FILING OF REPORTS

The reports shall be filed with the City Clerk and with the Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

SECTION 110.420: FINANCIAL INTEREST STATEMENT – WHEN FILED

The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial statement in any calendar year:

- A. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;
- B. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

CHAPTER 110. ADMINISTRATION
PART 5. CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

SECTION 110.500: INTRODUCTION

The purpose of this Code of Conduct is to define the role of elected and appointed officials (the Mayor, members of the Board of Aldermen and its subsidiary Commissions and Boards) in the governance of the City. This Code of Conduct consists of policies and implementing rules intended to advance the City’s goals of providing efficient and high quality services to its residents and providing a safe and productive work environment for its employees.

Within this Code of Conduct, the term “*City officials*” or “*officials*” shall refer to collectively, the Mayor, Board of Aldermen, and its subsidiary Commissions and Boards. The term “*City Council*” shall include the Mayor and Board of Aldermen. “*Board members*” shall include those individual members of the Board of Aldermen and its subsidiary Commissions and Boards

SECTION 110.505: BACKGROUND

Crane’s city government consists of the Office of the Mayor, the Board of Aldermen, a number of appointed boards and commissions, and the executive departments, such as the Department of Public Works, the Police Department, Fire Department, Emergency Management, Parks and Recreation, etc., the Treasurer/Collector, etc.

The Mayor is responsible for all executive decision making. All city departments report to the Mayor and he appoints all members of boards and commissions with the approval of the Board of Aldermen.

The Board of Aldermen is the city’s legislative branch, representing individual wards. The City Council passes ordinances on a broad range of issues, from setting zoning laws to creating boards and commissions. It also has the power to cut funds from the budget presented yearly.

The various boards and commissions exist to advise or, in some cases, rule on important city business. Members are appointed by the Mayor and approved by the Board of Aldermen.

Day-to-day city operations are run by a number of departments, each with a department head reporting to the Mayor.

This Code establishes rules that contribute to the success of this basic structure and to maintaining positive and effective working relationships between officials and employees.

SECTION 110.510: LIMITATIONS

This Code of Conduct addresses selective aspects of the governance of the City and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials. Those include, among others, the Missouri Constitution, various provisions of the Revised Statutes of Missouri, the Labor Code, Federal laws and the provisions of the City's own City Code. Elected and appointed officials should be familiar with these laws to assure that they exercise their responsibilities properly. In addition, the City Attorney is available to respond to questions about these matters.

It is not possible for a code of this kind to anticipate and provide a rule of conduct for all situations. At bottom, it is expected that officials will manage their behavior in a manner consistent with the rules that follow, respect the chain of command and behave within the bounds of their authority. It is also expected that officials will treat each other, City employees, residents and business-people with courtesy and respect in a manner that reflects well on the City.

SECTION 110.520: POLICIES AND RULES

What follows are general policies governing the conduct of City officials. Following each policy is a set of rules that give specific application to the policy. In *italics* following each rule, is an explanation of the rule and guidance for interpreting and applying the rule.

SECTION 110.521: POLICY ONE

Board members should deal with the administrative service solely through the Mayor or his/her delegee.

Rules:**1.1 Individual Board members shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research.**

City staff is organized in a hierarchical structure, and City employees work under the direction and control of management. Individual Board members are not part of that management structure and have no authority to direct employees. When an individual Board members attempt to give an employee direction, the employee is put in an awkward position and the management structure is undermined. In some cases such actions have the potential for liability. Individual Board members are not authorized directly to give work assignments to Employees. Employees are instructed not to take directions or work assignments from individual Board members and to report any such attempts to their Department head. An individual Board member may ask a routine question of staff; beyond that, concerns about work assignment should be addressed to the Mayor or to the appropriate Department Head.

1.2 Individual Board members shall not attempt to reorganize an employee's priorities or influence the manner by which City staff perform their assigned functions or duties.

City employees are directed in their everyday tasks by their immediate supervisor in accordance with approved work plans. Interference with an employee's work routine, priorities or decision making processes by an individual Board member creates confusion and stress and places the employee in the difficult position of either disregarding his or her assigned work or appearing to disrespect the official's wishes. All requests for work or research should be directed to the appropriate Department Head. From time to time an individual Board member may believe that a problem must be looked into immediately, and is tempted to direct an employee to drop everything and focus on that problem. Individual Board member must, however, communicate their concern to the appropriate Department Head or the Mayor.

1.3 Individual Board members shall not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations.

It is critical to the success of the City that its employees enjoy a workplace free of the fear of retaliation. The City takes great pride in its creativity and its receptivity to new and different ideas; creativity is fostered by an open and nonjudgmental atmosphere where candor is not penalized. City employees are hired to offer their professional judgments and opinions. Officials are certainly free to disagree with those judgments; indeed, those officials ultimately may have the final word. But, those disagreements must not extend to threats or generate fear of reprisal. Individual Board members enjoy substantial authority within City Hall; this authority must not be exercised in a manner that intimidates staff and degrades morale with resulting damage to the fabric of the organization.

1.4 Board members shall not threaten a City employee with disciplinary action.

If a Board member is concerned about the performance of a City employee, that concern should be expressed privately to the Mayor or to the employee's Department Head. Such criticisms can then be addressed in accordance with the City's personnel rules, in a manner that protects the employee's rights and protects the City's authority properly to discipline its employees. It is never acceptable for an official directly to threaten disciplinary action of any kind. And, rarely, if ever, is it appropriate to criticize publicly a non-managerial employee. Officials should certainly have high expectations of employees' work performance; but, there is no room in the City organization for public humiliation of any person.

SECTION 110.522: POLICY TWO

City boards shall act collectively in a properly noticed and constituted meeting; officials have no authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.

Rules:**2.1 Officials shall not make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless such representation or promise has been duly authorized by the appropriate body.**

When officials engage in conversations with residents, applicants, developers, lobbyists and officials of other governmental agencies, they should be cautious not to make representations or promises that they cannot legally make or keep. Future actions of a legislative body cannot be promised or predicted with certainty. Individual officials do not have authority to make commitments on behalf of the City unless expressly authorized to do so by the body of which they are a member.

2.2 When making public utterances, officials shall make it clear whether they are authorized to speak on behalf of the body of which they are a member, or whether they are presenting their own views.

Officials occasionally speak before other public bodies, neighborhood groups or to the press. When doing so, they should always make it clear whether they are presenting their own point of view or whether they have been authorized by the body of which they are a member to present a particular view. They should be clear in all oral and written utterances whether they are using their title for identification purposes or because they are speaking in an official capacity. Use of City letterhead shall comply with Rule 4.1 herein. The actions and recommendations of subsidiary bodies are presented to the City Council as part of the staff report, and often memorialized in a resolution. If a subsidiary body feels it necessary to supplement these written transmittals, it should expressly authorize one of its members to speak on its behalf. Seldom should an individual member of a commission or board feel it necessary to explain his or her votes at a City Council meeting.

2.3 Individual Board members shall not interfere with the manner by which the Department Head performs his or her duties.

The Department Head takes direction from the Council acting as a body, not from individual members. And, while the Council as a body may offer its views on matters within the Manager's area of authority.. The Manager cannot function effectively if he or she receives inconsistent direction from individual Board members or is not given the support and independence necessary to administer the City.

2.4 Individual Board members shall not interfere with the implementation by City staff of approved projects and programs.

The Department Head is charged with the implementation of approved projects or programs. City Board members must avoid interfering with or directing the Manager's method of carrying out the Board's decisions, even if the project or program was conceived and initiated by an individual Board member. Once a project or program receives Board approval, it is an official activity of the City, not of any individual Board member. Individual Board members do not have authority and should refrain from giving directions or instructions to City contractors or consultants working on City projects or programs.

SECTION 110.523: POLICY THREE

Appointed legislative bodies shall limit their activities to matters within their subject matter jurisdiction.

Rules:

3.1 Commissions and Boards shall address only those matters determined by the City Code or by the City Council to be within their subject matter jurisdiction; staff need not place on an agenda, provide resources for or implement requests, directions or actions outside that jurisdiction. Unless directed otherwise by the City Council, Commissions and Boards shall refrain from consideration of policy issues that are under active consideration by the City Council.

The City Code sets forth the subject area jurisdiction of the City's Boards and Commissions. The City Council establishes the duties of its advisory boards. These subsidiary bodies are limited to acting and/or making recommendations within the area of their jurisdiction, and in accordance with by-laws approved by the City Council.

3.2 The City Council as a whole shall provide direction and guidance to its subsidiary bodies.

There may be times when the City Council feels that an advisory body is straying from its mission or making decisions or recommendations inconsistent with the City Council's vision for the City. It is preferable for the City Council to communicate its concerns to such bodies in a joint study session.

SECTION 110.524: POLICY FOUR

City resources shall be used solely for proper governmental purposes, and only with proper authorization.

Rules:**4.1 City letterhead may be used by City Council members for official City business.**

City letterhead must be used with care to avoid misunderstandings. Letterhead may be used to communicate official City policy or actions. It is also routinely used by City Council members to respond to inquiries or communicate their individual opinions, in which event the author should be clear about whose view is being presented.

4.2 City employees shall not be asked or directed to spend time on non-City business.

It is improper to ask or require a City employee to engage in non-City related activities. Non-City activities include, among other things, election campaign-related activities and personal errands. City employees should not be solicited to engage in political activity on behalf of a City official; they may, of course, choose to do so when off-duty and away from City Hall.

4.3 When traveling on City business, officials holding a City credit card shall adhere to the City's credit card use policy.

The City has adopted a policy governing the use of City credit cards for official business, and otherwise obtaining reimbursement for business-related expenses. It is expected that all officials holding City credit cards will adhere strictly to this policy.

4.4 Officials shall not use or disclose information obtained through City service for improper purposes.

Officials often acquire information in performing their duties that is not generally available to the public, including information received in closed sessions. Sometimes this information is confidential or highly sensitive. Information that is not generally available to the public must remain confidential and be used only for the purposes for which it was divulged. In particular, this information can never be used for personal gain.

SECTION 110.525: POLICY FIVE

When representing the City, officials shall conduct themselves in a dignified manner and in accordance with all legal requirements.

Rules:**5.1 When representing the City on official business, officials shall behave responsibly and in a manner as to project a positive image for the City.**

Whenever an official is representing the City, in or out-of-town, the official is “on-duty” and should behave in a manner that will reflect well on the City. When out-of-town or at social events there is a temptation to behave more informally than one might in City Hall, which can lead to awkward or embarrassing situations, and in extreme cases to improper or illegal behavior.

5.2 Officials shall exercise best efforts to avoid the appearance of impropriety in the performance of their official duties.

The public’s confidence in the integrity and fairness of City government often hinges on the behavior of City officials. Real or perceived ethical lapses by City officials undermine the effectiveness of the City and cast a shadow on the decisions of its legislative bodies. Often, ethical considerations extend beyond the legal requirements of conflict of interest law.

SECTION 110.530: ENFORCEMENT

The City is committed to maintaining a healthy, fulfilling and humane workplace. To that end, every City official is expected to observe the foregoing policies and rules when engaged in City business.

Complaints alleging a violation of this Code of Conduct by a City official should be directed to the Mayor (unless the Mayor is the subject of the complaint, in which event they shall consult with the Mayor Pro Tem or other Councilmember, in order of seniority, as is appropriate under the circumstances) or the City Attorney. Upon receipt of a complaint of a minor nature, the Mayor and the City Attorney shall together determine a course of action. The Mayor and the City Attorney shall, should they fail to resolve the complaint or should the complaint be of a serious nature, consult with the Board of Aldermen in order to determine an appropriate course of action.

The goal of enforcement of this Code of Conduct is corrective, rather than penal, and a progressive approach to curing violations should be employed, beginning with informal methods and proceeding to more formal methods as necessary.

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CHAPTER 110. ADMINISTRATION
PART 6. PURCHASING AND PROCUREMENT POLICY**SECTION 110.600: COMPETITIVE BIDDING**

When the City negotiates any purchase, sale, or other contract, including contracts for public improvements, there shall be provided ample opportunity for competitive bidding in the following manner and with due regard to obtaining products, resources, terms and conditions most advantageous to the City:

If the consideration is not more than \$1,000, bids shall be solicited in the most expedient manner or in such a manner as prescribed by the Board of Aldermen, with due regard for competitive prices and quality.

If the consideration is for more than \$1,000, but not more than \$25,000, at least three (3) written bids shall be solicited from which the Board of Aldermen shall accept the most advantageous bid. If the lowest bid is not accepted, the transaction and the reasons therefore must be recorded.

If the consideration is for more than \$25,000, request for bids shall be promulgated through the media at least once, such that it is known in the Crane and adjacent areas and to the known potential bidders and suppliers. Whenever possible, bids should be obtained from at least three (3) prospective qualified vendors. The Board of Aldermen shall award the contract or purchase to the most advantageous bidder. If the lowest bid is not accepted, the transaction and the reasons therefore must be recorded.

Individual contracts, purchases, or sales for goods, supplies, commodities, or services shall not be excluded from the requirement of competitive bidding described herein.

Individual contracts or purchases shall not be subdivided for the purpose of evading the requirement of competitive bidding.

SECTION 110.605: EXCEPTIONS

Professional Services. Contracts for services of professional persons, including, but not limited to, attorneys, physicians, accountants, or other services requiring expert or special knowledge or skill, including, but not limited to, planning consultants, insurance advisors and brokers, auditors, public relations consultants, real estate brokers, and landscape architects shall be exempt from the requirement of competitive bidding.

Cooperative Purchasing. Contracts with any other governmental units or agencies for the purpose of cooperative purchasing, when it would best serve the interests of the city, shall be exempt from the requirement of competitive bidding.

Exclusive Supplier. Where it shall be determined that there exists a sole supplier without a substitute which would reasonably satisfy the needs of the city, supplies, materials, and equipment may be secured in a manner other than competitive bidding.

Per Unit Pricing. When it shall be deemed more appropriate to obtain per unit pricing at the beginning of the fiscal year, at which time items shall be subject to Board of Aldermen approval, supplies, materials, and equipment may be secured from that same supplier throughout the fiscal year.

Emergency Purchases. In the event of an emergency, where it is deemed necessary to purchase supplies or services immediately, the Mayor shall authorize the procurement of the necessary commodities or services foregoing the requirement of competitive bidding. A report of such action shall be filed with the City Clerk and the Board of Aldermen.

**SECTION 110.610: POLICY AND PROCEDURE FOR THE PROCUREMENT OF
ENGINEERING, ARCHITECTURAL AND LAND SURVEYING
SERVICES**

The following shall be the policy and procedures for selecting architectural, engineering, and land surveying services for the City of Crane.

A. Definitions;

The term “*firm*” shall mean any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, or land surveying, or other professional services and provide said services.

The term “*architectural services*” shall mean those services within the scope of practice of architecture as defined by the laws of the State of Missouri, section 327.091 RSMO, and to include landscape architects.

The term “*engineering services*” shall mean those services within the scope of practice of engineering as defined by the laws of the State of Missouri, section 321.181 RSMo.

The term “*land surveying services*” shall mean those services within the scope of practice of land surveying services as defined by the laws of the State of Missouri, section 321.272 RSMo.

The term “*selection committee*” shall mean the Mayor, City Clerk, and department head of the using department.

B. Selection:

1. Three (3) written proposals should be secured when possible. Proposals may be solicited by mail or telephone. The selection committee will review the proposals, interview the prospective consultant, if desirable, and make a recommendation or selection in accordance with subparagraph (2), class of service, below.

2. Class of service: Projects will be divided into two (2) classes as follows:

Class A. Services for projects where fees will exceed five thousand dollars (\$5,000.00). The selection committee’s recommendation shall be presented to the city Board of Aldermen for approval or rejection. The Board of Aldermen has the right to approve or reject any and all proposals.

Class B. Services for projects which are provided for in the approved city budget and where fees will be less than five thousand dollars (\$5,000.00). The selection committee will have full authority to select the consultant.

C. Prohibition against contingent fees:

1. Each contract entered into by the Board of Aldermen for professional services shall contain a prohibition against contingent fees as follows:

“The architect, engineer, or land surveyor (as applicable) warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the architect, engineer, or land surveyor, to solicit or secure person, company, corporation, individual, or firm other than a bona fide employee working solely for the architect, engineer, or land surveyor, any fees, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this agreement.”

2. For the breach or violation of the foregoing provision, the Board of Aldermen shall have the right to terminate the agreement without liability and at its discretion to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration.

- D. The Board of Aldermen in its sole and absolute discretion may waive any and all aforementioned procedural requirements.

**CHAPTER 120. CITY OFFICIALS
PART 1. GENERAL PROVISIONS**

SECTION 120.100: APPOINTMENT OF CITY OFFICIALS

The Mayor, with the approval of the majority of the Board of Aldermen, shall have the power to appoint the Fire Chief, Chief of Police, City Collector, City Treasurer, City Counselor, City Prosecuting Attorney, Municipal Judge, Street Commissioner and such other officers as he/she may be authorized by ordinance to appoint from time to time. The offices of City Counselor and City Prosecuting Attorney may be separate and distinct and the appointees thereof shall be duly licensed attorneys at law.

SECTION 120.105: REMOVAL OF ELECTED OFFICERS

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds (2/3) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals.

SECTION 120.110: REFUSAL, NEGLECT OF OFFICERS TO PERFORM DUTIES

It shall be unlawful for any officer or employee of the City to neglect or willfully refuse to discharge any of the duties imposed upon such officer.

SECTION 120.115: OFFICERS TO BE VOTERS AND RESIDENTS – EXCEPTIONS

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

SECTION 120.120: OFFICERS' OATH – BOND

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

SECTION 120.125: SALARIES FIXED BY ORDINANCE

The Board of Aldermen shall fix the compensation of all the officers and employees of the City by ordinance.

SECTION 120.130: VACANCIES IN CERTAIN OFFICES – HOW FILLED

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

SECTION 120.135: POWERS AND DUTIES OF OFFICERS TO BE PRESCRIBED BY ORDINANCE

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

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CHAPTER 120. CITY OFFICIALS
PART 2. CITY CLERK

SECTION 120.200: APPOINTMENT

The City Clerk will be appointed from time to time by the Board of Aldermen. He shall hold office at the pleasure of the Board of Aldermen, and shall perform all duties required bylaw, by the City Charter, or by the Mayor and Board of Aldermen.

SECTION 120.205: COMPENSATION OF THE CITY CLERK

Compensation shall be set within the annual budget as adopted by ordinance.

SECTION 120.210: DUTIES AND RESPONSIBILITIES

A. Proceedings of the Board of Aldermen.

It shall be the duty of the City Clerk to attend the meetings of the Board of Aldermen, at the hour appointed for meeting. The City Clerk shall keep the journal of the proceedings of the City Board of Aldermen, authenticate by his signature every ordinance and resolution, and file and preserve them in his office. He shall notify all members of the Board of Aldermen of all special meetings of the Board of Aldermen.

The City Clerk shall make a written index of the subject of each ordinance, the number, and the date it was passed or otherwise became a law. He shall keep a copy of every ordinance in an appropriate file in his office.

B. Custody of Public Records, Documents, and Miscellaneous Papers.

The City Clerk shall keep the public records of the City, and all such other papers, records and documents as may be entrusted to his care and the same shall be safely and properly kept. He shall prepare, affix the City Seal to, and countersign, all such public instruments, documents and papers, including all commissions, as are required to be attested with the Seal of the City. He shall record the substance of all such documents in an appropriate register. He shall record the official bonds of all City officers, and all other bonds executed to the City and filed in his office. He shall keep available for public inspection all other public records, including the budget, the budget message, and all supporting schedules. He shall, whenever required, furnish to the Mayor, Board of Aldermen or any Committee of the Board of Aldermen, copies or abstracts of any books, accounts, records, vouchers or documents in his office, or any information relating to the business of the City or his office and shall at all times permit the Mayor, any member of the Board of Aldermen or any interested city officer or other person, to examine any books, papers or documents in his office.

The City Clerk shall furnish to the City Attorney or City Board of Aldermen any record, document or paper in his office which either may call for to be used in any Court but for the same he shall take and file a receipt.

C. Countersignature required.

The City Clerk shall countersign all city checks, vouchers, bonds, warrants, drafts and orders upon the treasury for money, and shall see that all ordinances appropriating money out of the treasury are endorsed by the treasurer before passage, and shall affix thereto the seal of the City and keep a record thereof showing the number, date and amount thereof, the name of the person to whom, and on what account issued, and when redeemed.

D. Elections.

The City Clerk shall conduct all municipal elections. He shall perform all the duties specified in the general election laws of the State to be performed by the County Clerk, not inconsistent with the City Charter or ordinances.

The City Clerk shall issue and deliver to each person elected or appointed to any office in the city a certificate of his election or appointment, and attest by signing his name and affixing the seal of the city to the same and attest as aforesaid all commissions directed by ordinance to be issued.

SECTION 120.215: CLERK PRO TEMPORE

In the absence of the City Clerk, the Board of Aldermen may appoint a clerk pro tempore, who shall possess the same qualifications and shall have and exercise all the duties of the City Clerk.

SECTION 120.220: ADMINISTER OATHS

The City Clerk shall administer all official oaths, and all oaths to persons certifying to demands or claims against the City.

SECTION 120.225: CORPORATE SEAL

The City Clerk shall be the custodian of the corporate seal of the City of Crane, and of all papers or documents belonging to said City, and of all official bonds of the City officials, and attest with his/her signature and the seal of the City all papers, which by law or ordinance are required to have the seal affixed.

SECTION 120.230: CITY LICENSES

The City Clerk shall prepare all licenses and sign all licenses that may be by ordinance required and shall keep a correct record of all licenses issued and shall keep an account with the collector for such licenses and the amount of the license tax thereon.

SECTION 120.235: CARE OF OFFICIAL PAPERS

The City Clerk shall safely and properly keep all records, papers, other documents, and files belonging to the City, which may be entrusted to his care, and shall not permit the same to be removed from his office except upon the written order of the Mayor. The City Clerk shall furnish without delay to any person, when called upon during business hours to do so, certified copies of any records, books, or papers which are in his custody, for which services a reasonable fee to be set by city ordinance may be charged, and which shall be paid by the person demanding such certified copy into the treasury of the City.

SECTION 120.240: PURCHASING AGENT; DUTIES

The City Clerk shall serve as the City Purchasing Agent and shall perform the duties prescribed by the Mayor, by Charter, and by this ordinance, be administratively responsible to the Board of Aldermen and hold office at the pleasure of the Board of Aldermen. The Purchasing Agent shall:

- A. Purchase, with due regard to quality and competitive prices, all supplies, materials, equipment and services required by the City.
- B. Confer with department heads on necessary specifications and thereafter establish and enforce specifications with respect to supplies, materials, equipment and services required by the City.
- C. Inspect or supervise the inspection of all deliveries with regard to quantity, quality, and conformance to specification.
- D. Transfer to or between departments and offices, or sell, with the approval of the City Board of Aldermen, surplus, obsolete, or unused supplies, materials, or equipment.
- E. Prepare and maintain forms and purchasing nomenclature necessary to the performance of his duties prescribed in this ordinance.
- F. Supervise inventory and storerooms maintained by the City.
- G. Submit reports to the City Board of Aldermen as may be requested.

CHAPTER 120. CITY OFFICIALS
PART 3. CITY TREASURER

SECTION 120.300: APPOINTMENT

The City Treasurer will be appointed from time to time by the Board of Aldermen and shall hold office at the pleasure of the Board of Aldermen, and shall perform all duties required by law, by the City Charter, or by the Board of Aldermen.

SECTION 120.305: COMPENSATION OF THE CITY TREASURER

Compensation shall be set within the annual budget as adopted by ordinance.

SECTION 120.310: DUTIES AND RESPONSIBILITIES

The duties of the City Treasurer are as follows:

- A. The treasurer shall receive and safely keep all money of the City which may come into his hands, and shall disburse the money only upon warrants properly drawn, passed and approved by the Board of Aldermen, signed by the Mayor and attested by the City Clerk, and not otherwise.
- B. He shall keep, in a set of books provided for that purpose, a full and accurate account of all money received and disbursed by him on behalf of the City specifying the date of receipt or disbursement from whom received or to whom disbursed and on what account received and disbursed.
- C. He shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto. He shall keep a register of all warrants paid into the treasury, describing such warrants by their date, number, name of payee and amount, specifying the time of receipt thereof, from whom received and on what account.
- D. He shall issue duplicate receipts for all sums of money which may be paid into the treasury, specifying in such receipts the date of payment and upon what account paid. One of these receipts shall be given to the person making the payment and the other he shall file with the city clerk who shall thereupon credit the person named in the receipt with the amount of his payment and charge the treasurer with the same.

- E. On the last week of each month he shall furnish the city clerk with a written statement showing the balance in the treasury at the beginning of the month, the amount received during the month and on what account received, the amounts disbursed during the month and on what account disbursed, and the balance remaining to the credit of each fund and constituting the general balance in the treasury at the close of business on the date when such statement is made as aforesaid.
- F. He shall receive and safely keep all warrants, bonds and obligations of the City entrusted to his care and shall dispose of the same only upon proper authority from the City Council, or as provided by this Code or other ordinances. He shall perform such other duties as may be required of him. He shall prepare semiannually a statement of the receipts and expenditures of the City, and cause the same to be published in a newspaper published in the City.
- G. To keep faithful account and check upon the securities and funds of the City in the City depository.
- H. To furnish a written report to the Board of Aldermen at a regular monthly meeting showing the amount on hand on the last day of the preceding month.
- I. To effect such other duties as may be delegated to him by the Board of Aldermen with respect to city funds

SECTION 120.315: ANNUAL REPORT

The City Treasurer shall report to the City Council, in writing, annually, at its first regular meeting held in June of each year, the amount of receipts and disbursements of the Treasury during the preceding year, the balance remaining to the credit of each fund and constituting the general balance in the treasury on the first day of July; also the amount of bonds maturing in the succeeding year for the redemption of which provision must be made, and the amount of money required to pay the interest falling due on the indebtedness of the City during such year.

CHAPTER 120. CITY OFFICIALS
PART 4. CITY ATTORNEY

SECTION 120.400: APPOINTMENT

The City Attorney will be appointed from time to time by the Board of Aldermen and shall hold office at the pleasure of the Board of Aldermen, and shall perform all duties required by law, by the City Charter, or by the Board of Aldermen.

SECTION 120.405: COMPENSATION OF THE CITY ATTORNEY

Compensation shall be set within the annual budget as adopted by ordinance.

SECTION 120.410: DUTIES AND RESPONSIBILITIES

The duties of the City Attorney shall be as follows:

The City Attorney shall advise the Board of Aldermen or any City Officer, when so requested, on any legal question in relation to any business of the City and shall draft ordinances, resolutions and orders when requested to do so by the Board of Aldermen or Mayor and shall represent the City in any civil litigation in which the City is a party or in which it is directly concerned, and shall defend in all actions brought against any officer, agent, or servant of the City which may arise from his or their official acts.

The City Attorney or his assistant shall attend all meetings of the Board of Aldermen when requested to do so by said Mayor or Board of Aldermen.

SECTION 120.415: CITY ATTORNEY; QUALIFICATIONS

The City Attorney shall be qualified and appointed in accordance with the provisions of the Charter. The City Attorney may, with the approval of the Mayor, designate associates and assistants to perform the duties of said department, any or all of whom shall be duly admitted to practice and shall be residents of the City, except where such requirement may be temporarily impractical.

SECTION 120.420: WHEN ABSENT – VACANCY – PROCEDURE

If at any time the City Counselor shall be temporarily absent or unable to perform the duties of his/her office, the Mayor or acting Mayor shall appoint a competent attorney to attend to such business, who shall receive the same compensation for his/her services as are due the City Counselor and City Prosecuting Attorney for like services and if the City Counselor shall die, resign or for any cause whatever become unable to perform the duties of his/her office, then the vacancy thus caused may be filled for the unexpired term of his/her office in like manner as when the City Counselor is regularly appointed.

SECTION 120.425: AFFIDAVITS ON BEHALF OF CITY

The City Attorney shall make all affidavits on behalf of the City in all cases where the same may be necessary in procuring change of venue or taking appeals, or to any other matter necessary to proper legal proceedings.

SECTION 120.430: REPORTING ANY SUIT PENDING

The City Attorney shall report in writing to the Board of Aldermen, and give opinions on any legal point when required to do so by said Board.

SECTION 120.435: ATTENDANCE AT BOARD MEETINGS; LEGAL OPINIONS

The City Attorney shall attend all meetings of the Board of Aldermen, and give opinions on any legal point when required to do so by said Board; approve all ordinances and legal documents necessary in conducting the affairs of the City.

SECTION 120.440: REPORT TO BOARD BEFORE LEAVING OFFICE

The City Attorney shall, at the last regular meeting of the Board before he goes out of office, make a report to the Board of Aldermen, in writing, containing a statement of all the cases pending in any court, and the condition thereof, and also a brief statement of judgments obtained and not satisfied, for and against the City, in civil cases. A minute of said statement shall be noted on the Journal of the meeting and the statement left on file with the City Clerk for the benefit of his successor in office.

**CHAPTER 120. CITY OFFICIALS
PART 5. (RESERVED)**

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CHAPTER 120. CITY OFFICIALS
PART 6. CITY COLLECTOR

SECTION 120.600: APPOINTMENT

The City Collector will be appointed from time to time by the Board of Aldermen and shall hold office at the pleasure of the Board of Aldermen, and shall perform all duties required by law, by the City Charter, or by the Board of Aldermen.

SECTION 120.605: COMPENSATION OF THE CITY COLLECTOR

Compensation shall be set within the annual budget as adopted by ordinance.

SECTION 120.610: DUTIES AND RESPONSIBILITIES

The duties of the City Collector shall be as follows:

The City Collector shall exercise duties related to the assessment, receipt and collection of taxes, bills, invoices, statements, assessments, fees, receipts, proceeds, licenses and every other form of general or otherwise classified City revenues. The City Collector Collects property taxes, post bills when paid and makes deposits in the appropriate funds. It shall be the duty of the City Collector when the Board of Aldermen shall have fixed the rate of taxation for any given year, to make out appropriate and accurate tax books, and shall therein set out, in suitable columns, opposite the name of each person and the item of taxable property as returned by the County Assessor, the amount of taxes, whether general or special, due thereon.

In addition, the City Collector answers telephone, takes messages, collects bills, sends out delinquent notices and assist City Clerk and all other departments when needed. The City Collector makes necessary reports and records to City Clerk when needed and collects fines for the City Court in the absence of Municipal Court Clerk. The City Collector shall attend and keeps minutes of the Board of Aldermen in the absence of the City Clerk.

SECTION 120.615: (RESERVED)

SECTION 120.620: ADDITIONAL DUTIES AND RESPONSIBILITIES

- A. The Board of Aldermen shall require the collector, at the first meeting of the Board of Aldermen in April of each year, or as soon thereafter as may be, to make out, under oath, lists of delinquent taxes remaining due and uncollected for each year, to be known as "the land and lot delinquent list" and "the personal delinquent list".
- B. At the meeting at which the delinquent lists are returned, or as soon as may be thereafter, the council shall examine carefully the delinquent lists, and if it appears that all property and taxes contained in the lists are properly returned as delinquent, the Board of Aldermen shall approve the lists and cause a record thereof to be entered on the journal, and shall cause the amount thereof to be credited to the account of the collector.
- C. The Board of Aldermen shall return the delinquent lists to the collector, charging him therewith, and he shall proceed to collect the same in the manner provided by law for the collection of delinquent lists of real and personal taxes for state and county purposes.

State law references: Similar provisions, RSMo 94.170

- D. The City Collector shall report to the Board of Aldermen, at the regular meetings in each month, all taxes collected on the real and personal delinquent lists; and he shall pay the same into the city treasury, and shall receive credit therefore. He shall turn over to his successor in office all uncollected delinquent lists, receiving credit therefore, and his successor shall be charged therewith; provided, that the board of aldermen may declare worthless any and all personal delinquent taxes which they may deem uncollectible.

State law references: Similar provisions, RSMo 94.180/94.330

**CHAPTER 130. OPEN MEETINGS AND RECORDS POLICY
PART 1. IN GENERAL****SECTION 130.100: DEFINITIONS**

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE: Any meeting, record or vote closed to the public.

COPYING: If requested by a member of the public, copies provided in accord with the cost schedule established by this Article, if duplication equipment is available.

PUBLIC BUSINESS: All matters which relate in any way to performance of the City's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY: Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity or by executive order, including:

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
2. Any department or division of the City.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

- b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity, to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record or vote relates to such appropriation.

PUBLIC MEETING: Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided or public policy formulated, whether corporeal or by means of communication equipment. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

PUBLIC RECORD: Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting.

PUBLIC VOTE: Any vote cast at any public meeting of any public governmental body.

**SECTION 130.105: MEETINGS, RECORDS AND VOTES TO BE PUBLIC –
EXCEPTIONS**

All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

- A. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo., however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
- B. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy-two (72) hours after execution of the lease, purchase or sale of the real estate.
- C. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subsection, the term "personal information" means information relating to the performance or merit of individual employees.
- D. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.

- E. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
- F. Welfare cases of identifiable individuals.
- G. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
- H. Software codes for electronic data processing and documentation thereof.
- I. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
- J. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
- K. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
- L. Records which are protected from disclosure by law.
- M. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- N. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
- O. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product.
- P. Operational guidelines and policies developed, adopted or maintained by any public agency responsible for law enforcement, public safety, first response or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008.

- Q. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:
1. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;
 2. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records;
 3. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed;
 4. This exception shall sunset on December 31, 2008.
- R. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network shall be open.
- S. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

**SECTION 130.110: RECORDS PERTAINING TO INTERNAL INVESTIGATIONS
AND INVESTIGATIONS OF ALLEGEDLY ILLEGAL CONDUCT**

In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee of the City is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by City employees will be considered to be personnel records and shall be closed records under the custody of the respective department head.

**SECTION 130.115: RECORDS PERTAINING TO MEDICAL CONDITION OR
HISTORY**

All information obtained by the City regarding medical examinations, medical condition or medical history of City employees or job applicants, if retained by the City, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:

- A. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;
- B. First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or
- C. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

SECTION 130.120: RECORDS CONTAINING CONFIDENTIAL, PROPRIETARY OR PRIVATE INFORMATION

- A. In order to protect reasonable expectations of privacy on the part of persons having dealings with the City, City records containing information or entries of a personal, confidential, private or proprietary nature including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the City by one complying with regulations requiring the disclosure of such information, shall be excised from copies of City records disclosed or provided to members of the public other than those persons to whom the information or entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the City Clerk for disclosure of material to be specified in the request, which request should state:
1. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and
 2. All reasons why the requesting party believes disclosure by the City of the specified information is in the public interest.
- B. The City Clerk may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the City Clerk may conduct a hearing at which all interested parties may be heard. At such hearing the Clerk shall consider, among such other factors as may be reasonable and relevant:
1. The requirements and intent of State law, City ordinances and this policy;
 2. The legitimate expectations of privacy on the part of interested parties;
 3. The personal, confidential, private or proprietary nature of the information at issue;
 4. Whether the information was obtained by the City under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and
 5. The public purposes to be served by disclosure of the requested information.

If the City Clerk determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interest of the persons to whom the information pertains, the Clerk shall provide the requested information to the requesting party.

SECTION 130.125: NOTICES OF MEETINGS

- A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on the appropriate bulletin board at the City Hall.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 130.105 hereof. The notice shall be the same as described in Subsection (A) herein.
- D. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

SECTION 130.130: CLOSED MEETINGS – HOW HELD

- A. Except as set forth in Subsection (C) of Section 130.105, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 130.105 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

SECTION 130.135: JOURNALS OF MEETINGS AND RECORDS OF VOTING

- A. Except as provided in Section 130.105, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.
- B. A journal or minutes of open meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

SECTION 130.140: ACCESSIBILITY OF MEETINGS

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. At any public meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the public meeting at a designated location identified in the notice of the meeting. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

SECTION 130.145: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 130.150: CUSTODIAN DESIGNATED — RESPONSE TO REQUEST FOR ACCESS TO RECORDS

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. The custodian shall provide public access to all public records as soon as possible but no later than the end of the third (3rd) business day following the date the request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and the place and the earliest time and date the record will be available for inspection.

- C. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.

SECTION 130.155: PROCEDURES FOR RESOLVING QUESTIONS OF PUBLIC ACCESSIBILITY

A public governmental body or record custodian in doubt about the legality of closing a particular meeting, record or vote may, subject to approval by the Board of Aldermen, bring suit at the expense of the public governmental body in the Circuit Court for the County of Stone to ascertain the propriety of such action. In addition, subject to approval by the Board of Aldermen, the public governmental body or custodian may seek a formal opinion of the Attorney General or an attorney for the City regarding the propriety of such action. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken.

SECTION 130.160: FEES

Fees associated with requests for public records shall be determined in accordance with Section 610.026, RSMo., the Sunshine Law, as now existing or hereafter amended.

SECTION 130.165: ELECTRONIC TRANSMISSION OF MESSAGES RELATED TO PUBLIC BUSINESS, REQUIREMENTS

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exceptions of Section 130.105.

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CHAPTER 130. OPEN MEETINGS AND RECORDS POLICY
PART 2. LAW ENFORCEMENT ARREST REPORTS
AND RECORDS, INCIDENT REPORTS, ETC.

SECTION 130.200: DEFINITIONS

As used in this Article, the following terms shall have the following definitions:

ARREST: An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

ARREST REPORT: A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefore.

INACTIVE: An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations or ten (10) years after the commission of the offense, whichever date earliest occurs.
3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

INCIDENT REPORT: A record of a law enforcement agency consisting of the date, time, specific location, name of the victim, and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

INVESTIGATIVE REPORT: A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency inquiring into a crime or suspected crime either in response to an incident report or in response to evidence developed by Law Enforcement Officers in the course of their duties.

SECTION 130.205: POLICE DEPARTMENT RECORDS

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed except as provided in Section 130.220.
- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 130.220 for purposes of investigation of any civil claim or defense as provided by this Subsection. Any individual, his/her attorney or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.
- D. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

SECTION 130.210: EFFECT OF NOLLE PROS, DISMISSAL AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Section 130.220 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 130.220.

SECTION 130.215: "911" TELEPHONE REPORTS

Excepted as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 130.205. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

SECTION 130.220: PUBLIC ACCESS OF CLOSED ARREST RECORDS

- A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to section 43.500, RSMo., criminal justice employment, screening persons with access to criminal justice facilities, procedures, and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including but not limited to watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by section 43.543, RSMo., to submit and when submitting fingerprints to the central repository; the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices in accordance with Section 43.507, RSMo.; to qualified entities for the purpose of screening providers defined in Section 43.540, RSMo.; the Department of Revenue for driver license administration; the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo., Department of Health and Senior Services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and Federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.
- B. These records shall be made available only for the purposes and to the entities listed in this Section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with Section 43.509, RSMo. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

**SECTION 130.225: DAILY LOG OR RECORD MAINTAINED BY POLICE
DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS —
PUBLIC ACCESS TO CERTAIN INFORMATION**

- A. Except as provided in Subsection (B) of this Section, the City of Crane Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and copying by the public:
1. The time, substance and location of all complaints or requests for assistance received by the Police Department;
 2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
 3. If the incident involves an alleged offense or infraction:
 - a. The time, date and location of occurrence;
 - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
 - c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved.
- B. The Police Department, having custody of an accident report or incident report as defined in Section 130.205, shall not release for sixty (60) days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of Subdivision (3) of Subsection (A) of this Section to a person that is not an interested party. For the purposes of this Subsection, an "interested party" is any law enforcement agency, any person who was involved in the accident or incident, the Street Department of the jurisdiction involved, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident, or any attorney, or any member of the news media.

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**CHAPTER 140. MUNICIPAL COURT
PART 1. GENERAL PROVISIONS**

SECTION 140.100: COURT ESTABLISHED

There is hereby established in the City of Crane a Municipal Court to be known as the "Circuit Court of Stone County, Municipal Division for the City of Crane". This Court is a continuation of the Municipal Court of the City of Crane previously established, and is hereby termed "The Municipal Court."

SECTION 140.105: JURISDICTION

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City of Crane or any other matters permitted by the laws of this State.

State law references: State-conferred jurisdiction, RSMo 479.020

SECTION 140.110: SUPERINTENDING AUTHORITY

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part and to the rules of the State Supreme Court.

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CHAPTER 140. MUNICIPAL COURT
PART 2. MUNICIPAL JUDGE

SECTION 140.200: SELECTION OF MUNICIPAL JUDGE

The Judge of the City's Municipal Court shall be known as a Municipal Judge for the Circuit Court of Stone County, Municipal Division for the City of Crane and shall be selected by appointment to the position by the Mayor with approval of a majority of the members of the Board of Aldermen for a term as specified herein.

SECTION 140.205: COMPENSATION OF THE MUNICIPAL JUDGE

Compensation shall be set within the annual budget as adopted by ordinance. The compensation of such Judge shall not be contingent upon the number of cases tried, the number of guilty verdicts reached, or the amount of fines imposed.

SECTION 140.210: MUNICIPAL JUDGE – VACATION OF OFFICE

The Municipal Judge shall vacate his/her office under the following conditions:

- A. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges as provided in Missouri Supreme Court Rule 12;
- B. Upon attaining his/her seventy-fifth (75th) birthday; or
- C. If he/she should fail to complete the course of instruction as required by Section 140.215, Subsection (A) hereof.
- D. Voluntary resignation.

SECTION 140.215: MUNICIPAL JUDGE – QUALIFICATIONS FOR OFFICE

The Municipal Judge shall possess the following qualifications before he/she shall take office:

- A. Shall be licensed to practice law in the State of Missouri.
- B. He/she need not reside within the City but must be a resident of the State of Missouri.
- C. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
- D. He/she may serve as a Municipal Judge for any other municipality.
- E. He/she may not hold any other office within the City Government.
- F. The Municipal Judge shall be considered holding a part-time position and as such may accept other employment.

SECTION 140.220: REPORT TO BOARD OF ALDERMEN

The Municipal Judge shall cause the Court Clerk to prepare, within the first ten (10) days of every month, a report indicating the following:

A list of all cases heard or tried before the Judge during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of defendants committed, and the cases in which there was an application for trial de novo, respectively. The Court Clerk or the Judge shall verify such lists and statements by affidavit and shall file the same with the City Clerk who shall lay the same before the Board of Aldermen of the City for examination at its first (1st) session thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if not previously paid to the Municipal Treasurer.

SECTION 140.225: DOCKET AND COURT RECORDS

The Municipal Judge shall be a conservator of the peace. He/she shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Stone County. The Municipal Judge shall deliver said docket, records and all books and papers pertaining to his/her office to his/her successor in office or to the Presiding Judge of the Circuit.

SECTION 140.230: MUNICIPAL JUDGE – POWERS AND DUTIES GENERALLY

The Municipal Judge shall be and is hereby authorized to:

- A. Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
- B. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her and may fine and imprison for contempt committed before him/her while holding Court in the same manner and to the same extent as a Circuit Judge.
- C. Stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
- D. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court, and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.
- E. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this City.

SECTION 140.235: ABSENCE OF JUDGE – PROCEDURE

- A. If a Municipal Judge be absent, sick or disqualified from acting, the Mayor of the Board of Aldermen may request the Presiding Judge of the Circuit Court to designate a special Municipal Judge as provided in Subsection (B) of this Section or the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease; provided however, that should a vacancy occur in the office of an elected Municipal Judge more than six (6) months before a general municipal election, then a special election shall be held to fill such vacancy; and in case of vacancy in the office of an elected Municipal Judge within less than six (6) months of a general municipal election, the office may be filled by a competent, eligible person designated by the Mayor of the Board of Aldermen or as provided in Subsection (B) of this Section.
- B. The Presiding Judge of the Circuit Court may appoint any other Municipal Judge within the Circuit to act as a special Municipal Judge for a Municipal Judge of the Circuit who is absent, sick or disqualified from acting. The Presiding Judge shall act only upon request of the Mayor or the Board of Aldermen for a special Municipal Judge or at the request of the current Municipal Judge.
- C. The Governing Body of the municipality shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

SECTION 140.240: TRAFFIC VIOLATIONS BUREAU

The Municipal Judge shall establish a Traffic Violations Bureau as provided by the Supreme Court rules and statutes of the State of Missouri. Any references in this code or in the documents of the Municipal Court referencing the “Traffic Violations Bureau” shall be deemed references to the “Violations Bureau.”

SECTION 140.245: JURY TRIALS

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury as in prosecutions for misdemeanors before an Associate Circuit Court Judge. Whenever a defendant accused of a violation of a municipal ordinance has a right to and demands such trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment, as provided in Section 2 of Section 517.520, Revised Statutes of Missouri or assignment as designated by local Circuit Court rules.

SECTION 140.250: SUMMONING OF WITNESSES

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Court Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge, it shall not be necessary to summon any witnesses who may be present at the continuance, but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him/her on the day set for trial to testify in the case and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons.

SECTION 140.255: JAILING OF DEFENDANTS

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such Sheriff for the keeping of other prisoners in his/her custody. All expense incurred shall be taxed as cost against said Defendant.

SECTION 140.260: PAROLE AND PROBATION

- A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation, unless precluded by State or Federal law, to any person who shall plead guilty or who shall be convicted after a trial before such Judge. When a person is placed on probation, he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- B. In addition to such other authority as exists to order conditions of probation, the Court may order conditions which the Court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
1. Restitution to the victim or any dependent of the victim in an amount to be determined by the Judge; and
 2. The performance of a designated amount of community service for a public or charitable purpose or purposes as determined by the Judge.
- C. A person may refuse probation conditioned on the performance of community service. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization or agency or employee of a County, City, organization or agency charged with the supervision of such community service or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.
- D. The Court may, upon notice and due process, modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

SECTION 140.265: RIGHT OF APPEAL

In any case tried before the Municipal Judge, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo before a Circuit Court Judge or upon assignment before an Associate Circuit Court Judge. An application for a trial de novo shall be filed within ten (10) days after judgment and shall be filed in such form and perfected in such manner as provided by Supreme Court rule.

SECTION 140.270: DISQUALIFICATION OF MUNICIPAL JUDGE FROM HEARING A PARTICULAR CASE

A Municipal Judge shall be disqualified to hear any case in which he/she is in any way interested or, if before the trial is commenced, the defendant or the prosecutor files a motion to disqualify said Judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) motion for disqualification in the same case.

SECTION 140.275: FAILURE TO APPEAR

- A. It shall be unlawful for any person to fail to appear in the Municipal Court of Crane, Missouri, if:
1. Said person has been ordered, either orally or in writing, or who has received written notice of an order by the Judge or Court Clerk of the Municipal Court to appear in said court on a date certain and fails to appear before the Judge of the Crane Municipal Court at the time and on the date on which said person was summoned or at the time and on the date to which the case was continued; or
 2. Said person has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court of Crane, Missouri, at the time and on the date on which said person was summoned or at the time and on the date to which the case was continued; or
 3. Said person has been placed on Court-supervised probation and fails to appear before the Judge of the Municipal Court of Crane, Missouri, at the time specified by said Judge as a condition of the probation.
- B. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding five hundred dollars (\$500.00) or imprisoned for a term not exceeding ninety (90) days, or by both such fine and imprisonment.
- C. Nothing contained in this Section shall prevent the exercise by the Municipal Court of its power to punish for contempt.

SECTION 140.280: BREACH OF RECOGNIZANCE

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Court Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Court Judge or Associate Circuit Court Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to Municipal Treasury to the General Revenue Fund of the municipality.

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**CHAPTER 140. MUNICIPAL COURT
PART 3. PROSECUTING ATTORNEY**

SECTION 140.300: APPOINTMENT

The City Prosecuting Attorney will be appointed from time to time by the Board of Aldermen and shall hold office at the pleasure of the Board of Aldermen, and shall perform all duties required by law, by the City Charter, or by the Board of Aldermen.

SECTION 140.305: COMPENSATION OF THE CITY PROSECUTOR

Compensation shall be set within the annual budget as adopted by ordinance. The compensation of such attorney shall not be contingent upon the number of cases tried, the number of guilty verdicts reached, or the amount of fines imposed or collected.

SECTION 140.310: DUTIES AND RESPONSIBILITIES

The duties of the City Prosecuting Attorney shall be as follows:

The City Prosecuting Attorney shall prosecute all criminal cases in which the City is a party and shall draft and file all necessary information against any person or persons who have violated any ordinances of the City and shall prosecute the same on behalf of the City.

As City Prosecutor, he and his assistants shall have the same powers and immunities as a County Prosecutor, except as may be expressly limited by state statute. No person shall bring any suit or proceeding against said prosecutors for any official act except where said act was made or done in bad faith

It shall be the duty of the City Prosecutor to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances.

SECTION 140.315: WHEN ABSENT – VACANCY – PROCEDURE

If at any time the Prosecutor shall be temporarily absent or unable to perform the duties of his/her office, the Mayor or acting Mayor shall appoint a competent attorney to attend to such business, who shall receive the same compensation for his/her services as are due the City Prosecuting Attorney for like services and if the City Prosecuting Attorney shall die, resign or for any cause whatever become unable to perform the duties of his/her office, then the vacancy thus caused may be filled for the unexpired term of his/her office in like manner as when the City Prosecuting Attorney is regularly appointed.

SECTION 140.320: REPORT TO BOARD BEFORE LEAVING OFFICE

The City Prosecuting Attorney shall, at the last regular meeting of the Board before he goes out of office, make a report to the Board of Aldermen, in writing, containing a statement of all the cases pending in any court, and the condition thereof. A minute of said statement shall be noted on the Journal of the meeting and the statement left on file with the City Clerk for the benefit of his successor in office.

**CHAPTER 140. MUNICIPAL COURT
PART 4. WARRANTS**

SECTION 140.400: ISSUANCE AND EXECUTION OF WARRANTS

All warrants issued by a Municipal Judge shall be directed to the Chief of Police or any other Police Officer of the municipality or to the Sheriff of the County. The warrants shall be executed by the Chief of Police, Police Officer or Sheriff at any place within the limits of the County and not elsewhere, unless the warrants are endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other Counties as provided for in warrants in criminal cases.

SECTION 140.405: ARRESTS WITHOUT WARRANTS

The Chief of Police or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence or upon probable cause that said person has committed an offense, but such officer shall, before the trial, file a written complaint with the Judge hearing violations of municipal ordinances.

SECTION 140.410: PRISONER MAY BE SEARCHED

Any municipal judge who shall commit any person charged with an offense to jail, shall cause such person to be searched for officer safety and for the purpose of discovering money or property he may have, and if any be found, the same shall be taken into possession by the chief of police, and applied to the support of such person while in confinement, and to the payment of any costs which may be adjudged against him of the offence for which he is charged.

**SECTION 140.415: DISPOSITION OF UNCLAIMED SEIZED PROPERTY –
FORFEITURE TO CITY**

Unless the ordinance authorizing seizure provides otherwise, property which comes into the custody of an officer or of a court as the result of any seizure and which has not been returned to the claimant shall be disposed of as follows:

- A. Stolen property, or property acquired in any other manner declared an offense by chapters 569 and 570 RSMo or by any city ordinance, but not including any of the property referred to in subsection 2 of this section, shall be delivered by order of court upon claim having been made and established, to the person who is entitled to possession;
- B. The claim shall be made by written motion filed with the court with which a motion to suppress has been, or may be, filed. The claim shall be barred if not made within one year from the date of the seizure;
- C. Upon the filing of such motion, the judge shall order notice to be given to all persons interested in the property, including other claimants and the person from whose possession the property was seized, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested person. Notice may be given to unknown persons and to persons whose address is unknown by publication in a newspaper of general circulation in the county. No property shall be delivered to any claimant unless all interested persons have been given a reasonable opportunity to appear and to be heard;
- D. After a hearing, the judge shall order the property delivered to the person or persons entitled to possession, if any. The judge may direct that delivery of property required as evidence in a criminal or ordinance violation proceeding shall be postponed until the need no longer exists;
- E. A law enforcement officer having custody of seized property may, at any time that seized property has ceased to be useful as evidence, request that the city prosecuting attorney of the city in which property was seized file a motion with the court of such city for the disposition of the seized property. If the City Prosecuting Attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then the Chief of Police or his/her designee may petition the Municipal Judge for an order disposing of said property. Upon filing of the motion, the court shall issue an order directing the disposition of the property. If the property is not claimed within one year from the date of the seizure or if no one establishes a right to it, and the seized property has ceased to be useful as evidence, the judge authorized to order a delivery shall upon the judge's own motion, order a public sale of the property or, if the property may benefit the City, authorize its use by same. The proceeds of the sale, less necessary expenses of preservation and sale, shall be paid into the county treasury for the use of the county. If the property is not salable, the judge may order its destruction;

- F. If the property is a living animal or is perishable, the judge may, at any time, order it sold at public sale. The proceeds shall be held in lieu of the property. A written description of the property sold shall be filed with the judge making the order of sale so that the claimant may identify the property. If the proceeds are not claimed within the time limited for the claim of the property, the proceeds shall be paid into the county treasury. If the property is not salable, the judge may order its destruction.

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**CHAPTER 140. MUNICIPAL COURT
PART 5. FINES AND COURT COSTS**

SECTION 140.500: FINES AND PAYMENT THEREOF

- A. If a person convicted of violating a provision of the Code of Crane against whom a fine has been imposed shall fail to pay any such fine, the Municipal Judge shall forthwith inquire as to the ability of such person to pay the fine. If a defendant shall not be indigent, and shall have funds or appear to have funds available for the payment of the fine, but shall refuse to pay the fine, for whatever reason (excepting the defendant's right of appeal), then the Court shall forthwith order the defendant taken into custody and imprisoned as provided in paragraph (b) of this Section. If the Court finds that the defendant is indigent and wholly without the means or ability to pay the fine, then the Court shall proceed as provided in paragraph (c) of this Section.
- B. If the defendant is able to pay the fine but does not have the money on his person at the time the fine is levied, then the Court may extend to a date certain the payment of any such fine or may provide in the Court's initial order that the fine may be paid in installments and provide the amount of each installment and the date by which it is to be paid. If a defendant shall fail to make the installment payments, or shall fail to make the payment on the date certain then the Court may, in its discretion, continue the date for payment to a future date, or if the defendant wholly fails to appear to pay the fine or is not granted an extension, then the Court shall order the defendant committed to jail, provided, however, that no defendant shall be committed to jail if the original offense for which he was convicted does not provide for a jail term.
- C. In the case of an indigent defendant, the Court may establish an installment schedule of payments commensurate with the ability of the defendant to make such payments and shall require the defendant to be present not less often than once a month to report to the Court on a date certain set by the Court as to his ability to pay the fine. The installment payments may be suspended from time to time, based on the ability of the defendant to pay, as determined by the Municipal Judge. If it shall appear that the defendant is wholly unable to pay the fine or any installment thereof, the Court may order the defendant, as an alternative to imprisonment, to work for the City of Crane in a program established for such defendants. If the defendant shall not appear at a date certain as provided by the Court in this paragraph or if it shall appear to the Court that the defendant is no longer indigent but is able to pay the installment and does not pay the fine after all reasonable efforts to secure payment, then the defendant shall be imprisoned in the same manner and for the same length of time as provided in paragraph (b) above.

- D. Any defendant may apply to the Court for imprisonment at the rate and in the manner provided in paragraph (b) above in payment of any fine imposed upon a defendant and any such request for imprisonment shall be examined by the Judge in open Court and, if it shall appear to the Court that the defendant voluntarily wishes to be imprisoned in lieu of payment of the fine, the Court shall so order such imprisonment.
- E. Nothing herein shall be considered as in conflict with a defendant's right of appeal and the provisions hereof relating to the payment of fines shall be stayed, pending any such appeal, provided that the defendant shall have perfected his appeal as provided in this Code.

SECTION 140.505: INSTALLMENT PAYMENT OF FINE

When a fine is assessed for violation of an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate.

State law references: Installment payment of fines authorized, RSMo 71.220, 479.240.

SECTION 140.510: COURT COSTS

In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Circuit Court of Stone County, Municipal Division for the City of Crane, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:

- A. Costs of Court in the amount of eleven dollars and fifty cents (\$11.50).
- B. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - 1. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
 - 2. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo. By virtue of the participation in the payment of the above mandated surcharge, the Chief of Police, or such officer as he may direct to oversee the training of the law enforcement officers of this city, shall seek reimbursements from the state held fund for training received by the officers of this City's police department.

- C. *Judicial Education Fund.* In accordance with Section 479.260 of the Revised Statutes of Missouri, this City does hereby establish the Judicial Education Fund. Said fund shall receive the sum of One Dollar (\$1.00) as basic court costs in each case processed through this City's municipal court system. Said fund shall be administered by the municipal court and shall be used for the education of the judge, court administrator and clerks of the municipal court. The funds so maintained shall not exceed a sum greater than \$1500.00 for each judge, administrator and clerk. In the event that such sum should exceed this limitation, the surplus shall be paid into the general revenue fund of this City.
- D. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:
- E. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.
1. Five percent (5%) shall be paid to the City Treasury.
- F. Other costs, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
- G. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail.
- H. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.
- I. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense.

- J. Reimbursement of certain costs of arrest.
- a. Upon a plea or a finding of guilty of violating the provisions of any ordinance of the City of Crane involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
 - b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
 - c. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
 - d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.
- K. *Work/construction zone.* Any person who is convicted or pleads guilty to a speeding violation or passing/overtaking a vehicle in a work/construction zone when there was any person present performing duties in the work/construction zone and appropriate signs were posted stating "Warning: \$250 fine for speeding or passing in this work zone" shall be assessed a fine of two hundred fifty dollars (\$250.00) in addition to any other fine assessed; except that any person assessed the two hundred fifty dollar (\$250.00) fine shall not also be assessed the thirty-five dollar (\$35.00) fine for any of the following offenses in a construction or work zone: any moving violation or violation of speeding, leaving the scene, careless and imprudent driving, operating without a valid license, operating with a suspended or revoked license, obtaining a license by misrepresentation, driving while intoxicated, under the influence or BAC, any felony offense involving the use of a vehicle, or failure to maintain financial responsibility.
- L. Should the Missouri State Legislature enact mandatory court costs or increases in court costs applicable to the municipal court, the municipal court shall hereafter impose such costs and the court clerk shall collect and disburse such costs in accordance with the law applicable at the time the costs in accordance with the law applicable at the time the costs are imposed.

M. In addition to any costs which may be assessed by the Municipal Division, pursuant to Statute, Ordinance, or Court Rule, in every proceeding filed in the Municipal Division for violation of an Ordinance, a surcharge of \$7.00 (Seven Dollars) shall be assessed. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the Traffic Violation's Bureau. No such surcharge shall be collected when the proceeding or Defendant has been dismissed by the Court, when costs are waived, or when costs are paid by the City. Such surcharge shall be collected by the Municipal Court and transmitted monthly to the Missouri Director of Revenue to the credit of the Missouri Statewide Court Automation Fund, as provided in RSMo. Section 488.012.3(5) and Section 488.027.2.

(This subsection updated by Ordinance 1015, 1/5/2009)

SECTION 140.515: SUSPENSION OF SENTENCE PENDING EDUCATIONAL TRAINING COURSE

The municipal judge of the court of the City of Crane, when a person has been found guilty of violating any municipal ordinance involving the operation of a motor vehicle, may suspend sentencing pending the successful completion by the convicted person of a course of educational training designed to improve the safety habits of drivers or may order the convicted person to attend such a course in lieu of or in addition to the penalty otherwise provided by law for the offense except as restricted or prohibited by State or Federal law.

SECTION 140.520: ASSESS AGAINST PROSECUTING WITNESS

The costs of any action may be assessed against the prosecuting witness and judgment be rendered against him/her that he/she pay the same and stand committed until paid in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives.

SECTION 140.525: PRISONERS MAY BE WORKED

Any person convicted before the Municipal Judge and sentenced for a violation of any of the provisions of this Code or of any of the ordinances of the city, whether the punishment assessed be by fine or imprisonment, or both, may be put to work and required to perform labor upon any of the public streets, highways and alleys or other public works or buildings of the city until the judgment of the court had been complied with. In no case will the City be liable for costs, except in cases where defendants work out their fine and costs on the streets of the City. It is hereby made the duty of the municipal judge to certify the bill of such costs to the Board of Aldermen at their next meeting after the work is performed, who, after examining such bill for costs and finding said cost to be legally taxed, shall, by an order of record, cause the municipal clerk to issue a warrant or warrants to the parties to who the costs are due.

SECTION 140.530: PROCESSING FEES--INDIVIDUALS CHARGED WITH OFFENSES IN OTHER JURISDICTIONS

- A. As used herein the term "jurisdiction" shall mean and include any political subdivision, agency or department of any State or of the Federal Government.
- B. Whenever any officer of the Crane, Missouri, Police Department arrests any individual within the City limits of Crane because of a pending charge or warrant from a jurisdiction other than the City of Crane, and such officer thereafter detains, houses, processes, bonds and/or fingerprints such individual because of such pending charge or warrant, the City shall charge such other jurisdiction a processing fee of twenty-five dollars (\$25.00). For each subsequent day the City shall detain or house any such individual, the City shall charge such other jurisdiction an additional housing fee of fifty dollars (\$50.00) for each day.
- C. If it becomes necessary for any member of the Crane Police Department to transport an individual to another jurisdiction or to the Stone County Jail, because of any pending charge or warrant issued by another jurisdiction, then the City shall charge such other jurisdiction, in addition to the fee described in Subsection (B) hereinabove, such additional sums as will compensate the City of Crane for personnel expenses and mileage expenses incurred by the City and resulting from such transportation.
- D. If any individual arrested under the circumstances described in Subsection (B) above thereafter receives any medical or health care treatment, all expenses associated with any such treatment shall be charged to the jurisdiction issuing the warrant or process upon which such individual was arrested.
- E. Notwithstanding the provisions of this Section, the fee established in Subsection (B) or Subsection (C), shall not be assessed against any jurisdiction which does not charge a fee to the City of Crane for the detention, housing, processing, transporting, bonding and/or fingerprinting of persons arrested in such other jurisdictions on pending charges or warrants issued by the City of Crane.
- F. If any jurisdiction shall become obligated to the City of Crane for the payment of any fee or item of expense provided herein, and shall not pay the same within sixty (60) days of the billing therefore, then the amount owed to the City shall be deducted from any subsequent bill sent to the City by such other jurisdiction.

**CHAPTER 140. MUNICIPAL COURT
PART 6. COURT CLERK**

SECTION 140.600: APPOINTMENT

The Court Clerk will be appointed from time to time by the Board of Aldermen and shall hold office at the pleasure of the Board of Aldermen, and shall perform all duties required by law, by the City Charter, or by the Board of Aldermen.

SECTION 140.605: COMPENSATION OF THE CITY PROSECUTOR

Compensation shall be set within the annual budget as adopted by ordinance.

SECTION 140.610: DUTIES AND RESPONSIBILITIES

The duties of the Court Clerk shall be as follows:

- A. To collect such fines for violations of such offenses as may be described and the Court costs thereof;
- B. To take oaths and affirmations;
- C. To accept signed complaints and allow the same to be signed and sworn to or affirmed before him/her;
- D. Sign and issue subpoenas duces tecum;
- E. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violation Bureau cases or as directed by the Municipal Judge; generally act as Violation Clerk of the Traffic Violation Bureau;
- F. Perform all other duties as provided for by ordinance, by Rules of Practice and Procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.
- G. Attends and keeps minutes of the meetings of the Board of Aldermen when required.
- H. Is responsible for opening court. Maintaining the court docket and filing of completed cases.
- I. Assist City Clerk as time allows, maintaining ledger books, filing, answering telephone, takes messages, putting information in computer.
- J. Assist City Collector as time allows, collecting utility payments and real property tax payments, answering telephone, takes messages, filing, putting information in computer.
- K. Assists all other departments as required.
- L. Reports to Municipal Judge, City Clerk and to Chief of Police.

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CHAPTER 140. MUNICIPAL COURT
PART 7. ADMINISTRATIVE SEARCH WARRANTS

SECTION 140.700: SEARCH WARRANT DEFINED – WHO MAY ISSUE, EXECUTE

- A. An administrative search warrant is a written order of the municipal judge commanding the search or inspection of any property, place or thing, and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein, to determine or prove the existence of violations of any ordinance or code section of the City relating to the use, condition or occupancy of property or structures located within the City, or to enforce the provisions of any such ordinance or code section.
- B. The municipal judge having original and exclusive jurisdiction to determine violations against the ordinances of the municipality may issue an administrative search warrant when (i) the property or place to be searched or inspected or the thing to be seized is located within the City at the time of the making of the application and (ii) the owner or occupant of the property or place to be searched or inspected or the thing to be seized has refused to allow same after official request by the City.
- C. Any such warrant shall be directed to the chief of police or any other police officer of the City and shall be executed by the chief of police or said police officer within the City limits and not elsewhere. (This subsection added by Ordinance 1029, 8/03/2009)

SECTION 140.705: WHO MAY APPLY FOR WARRANT – CONTENTS OF APPLICATION

- A. Any police officer or an attorney of the City may make application to the municipal judge for the issuance of an administrative search warrant.
- B. The application shall:
 - 1. Be in writing;
 - 2. State the time and date of the making of the application;
 - 3. Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - 4. State that the owner or occupant of the property or places to be entered, searched, inspected or seized has been requested by the City to allow such action and has refused to allow such action;
 - 5. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in Section 140.710(A) hereof, to (i) search or inspect for violations of an ordinance or code section specified in the application or (ii) show that entry or seizure is authorized and necessary to enforce an ordinance or code section specified in the application and that any required due process has been afforded prior to the entry or seizure;
 - 6. Be verified by the oath or affirmation of the applicant; and
 - 7. Be signed by the applicant and filed in the municipal court.
- C. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered. (This subsection added by Ordinance 1029, 8/03/2009)

SECTION 140.710: HEARING AND PROCEDURE - CONTENTS OF WARRANT - EXECUTION AND RETURN

A. Hearing and Procedure.

1. The municipal judge shall hold a non-adversary hearing to determine whether probable cause exists to inspect or search for violations of any City ordinance or code section, or to enforce any such ordinance or code section.
2. In doing so the municipal judge shall determine whether the action to be taken by the City is reasonable in light of the facts stated. The municipal judge shall consider the goals of the ordinance or code section sought to be enforced and such other factors as may be appropriate, including but not limited to the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant City ordinance or code section and the passage of time since the property's last inspection. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a City ordinance or code section.
3. If it appears from the application and any supporting affidavit that there is probable cause to inspect or search for violations of any City ordinance or code section or to enforce any such ordinance or code section, a search warrant shall immediately be issued.
4. The warrant shall issue in the form of an original and two copies, and the application, any supporting affidavit and one copy of the warrant as issued shall be retained in the records of the municipal court.

B. Contents of Search Warrant.

The search warrant shall:

1. Be in writing and in the name of the City;
2. Be directed to any police officer in the City;
3. State the time and date the warrant was issued;
4. Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
5. Command that the described property or places be searched or entered upon, and that any evidence of any City ordinance violations found therein or thereon, or any property seized pursuant thereto, or a description of such property seized, be returned, within ten days after filing of the application, to the municipal judge who issued the warrant, to be dealt with according to law;
6. Be signed by the judge, with his title of office indicated.

C. Execution and Return.

1. A search warrant issued under this ordinance shall be executed only by a City police officer, provided, however, that one or more designated City officials may accompany the officer, and the warrant shall be executed in the following manner:
 - a. The warrant shall be executed by conducting the search, inspection, entry or seizure as commanded and shall be executed as soon as practicable and in a reasonable manner.
 - b. The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant.
 - c. (i) If an property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.

(ii) A copy of the itemized receipt of any property taken shall be delivered to an attorney for the City within two (2) working days of the search.

(iii) The disposition of property seized pursuant to a search warrant under this section shall be in accordance with an applicable City ordinance or code section, but in the absence of same, then with Section 542.301 of the Revised Statutes of Missouri.
 - d. The officer may summon as many persons as he deems necessary to assist him in executing the warrant, and such persons shall not be held liable as a result of any illegality of the search and seizure.
 - e. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he would be justified in using if the warrant were valid.
 - f. A search warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the making of the application.
2. a. After execution of the search warrant, the warrant, with a return thereon signed by officer making the search, shall be delivered to the municipal court.

b. The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property or places searched or seized.

c. The return shall be accompanied by any photographs, copies, or recordings made, and by any property seized, along with a copy of the itemized receipt of such property required by this section; provided, however, that seized property may be disposed of as provided herein, and in such a case a description of the property seized shall accompany the return.

d. The court clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized.
(This subsection updated by Ordinance 1029, 8/03/2009)

SECTION 140.715: WARRANT INVALID, WHEN

A search warrant shall be deemed invalid:

1. If it was not issued by the municipal judge;
2. If it was issued without a written application having been filed and verified;
3. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in Section 140.710(A) (2) hereof;
4. If it was not issued with respect to property or places in the City;
5. If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty;
6. If it is not signed by the judge who issued it; or
7. If it was not executed and the required return made within ten (10) days after the date of the making of the application. (This subsection added by Ordinance 1029, 8/03/2009)

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**CHAPTER 150. DEPARTMENTS
PART 1. GENERAL PROVISIONS**

SECTION 150.100: DUTIES

The various departments shall perform the duties from time to time required by law and by the Mayor and Board of Aldermen.

SECTION 150.105: RULES AND REGULATIONS

The Director / Department Head of the various departments shall prescribe such rules of procedure and organization as they may deem necessary, provided, however, that all such rules or regulations shall not be effective until approved by the Board of Aldermen and until 5 days after the same have been on file in the office of the City Clerk where the same shall constitute public records. One copy of all such rules and regulations shall be filed with the City Clerk and one copy with the City Attorney.

SECTION 150.110: OFFICERS TO REPORT RECEIPTS AND EXPENDITURES

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

SECTION 150.115: MAYOR OR BOARD MAY INSPECT BOOKS AND RECORDS OF OFFICERS

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

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**CHAPTER 150. DEPARTMENTS
PART 2. ELECTRIC DEPARTMENT**

SECTION 150.200: ESTABLISHED – DIRECTOR APPOINTMENT

There is established an Electric Department of the City of Crane to be headed by a Director of Public Works and such other personnel as may be provided by the ordinance.

SECTION 150.205: LEAD ELECTRIC LINEMAN

Board of Public Works may appoint a Lead Electric Lineman as necessary for the City of Crane. Lead Electric Lineman shall be under the direct supervision of the Director of Public Works. The Lead Electric Lineman shall be especially qualified by education, training, and experience to perform the duties of maintaining electric lines and supervising staff in the absence of the Director of Public Works. The duties of a Lead Electric Lineman include but are not limited to reading meters, performing job tickets, building, repairing and maintaining the electric lines, trimming trees and brush for right of way and assist all other departments as needed. The salary of the Linemen shall be determined by the Board of Public Works. Each employee hired for outside employment must be capable of performing such work and the ability to stand, bend, squat, twist, stoop, push, and pull. Each employee must also be capable of lifting a minimum of 100 pounds.

SECTION 150.210: ELECTRIC LINEMAN

Board of Public Works may appoint Electric Linemen as necessary for the City of Crane. Electric Linemen shall be under the direct supervision of the Director of Public Works and reports to the Director's Lead Lineman. Electric Linemen shall be especially qualified by education, training, and experience to perform the duties of maintaining electric lines. The duties of an Electric Lineman include but are not limited to reading meters, performing job tickets, building, repairing and maintaining the electric lines, trimming trees and brush for right of way and assist all other departments as needed. The salary of the Linemen shall be determined by the Board of Public Works. Each employee hired for outside employment must be capable of performing such work and the ability to stand, bend, squat, twist, stoop, push, and pull. Each employee must also be capable of lifting a minimum of 100 pounds.

CHAPTER 150. DEPARTMENTS
PART 3. WATER/WASTEWATER DEPARTMENT

SECTION 150.300: ESTABLISHED – DIRECTOR APPOINTMENT

There is established a combined Water and Wastewater Department of the City of Crane to be headed by a Director of Public Works. The Water and Wastewater Department shall manage, administer, operate, maintain, improve and extend the lands, reservoirs, aqueducts, distribution mains, hydrants, valves and other structures, facilities and appurtenances of the Public Works owned by the City of Crane for supplying its customers within and, if necessary, without the limits of the City. The Director of Public Works shall supervise and direct the operations and employees of the Water and Wastewater Department.

SECTION 150.305: WATER/WASTEWATER TREATMENT OPERATOR

Board of Public Works may appoint a Water and Wastewater Operator(s) as necessary for the City of Crane. The Water and Wastewater Operator(s) shall be under the direct supervision of the Director of Public Works. The Water and Wastewater Operator(s) shall be especially qualified by education, training, and experience to perform the duties of operating and maintaining the wastewater treatment plant, lift station, wells and pumps. Lays new water and sewer lines and repairs the same. The duties of a Water and Wastewater Operator(s) include but are not limited to reading meters, performing job tickets, building, repairing and maintaining the water and wastewater lines and assist all other departments as needed.

The salary of the Water and Wastewater Operator(s) shall be determined by the Board of Public Works. Each employee hired for outside employment must be capable of performing such work and the ability to stand, bend, squat, twist, stoop, push, and pull. Each employee must also be capable of lifting a minimum of 100 pounds.

In addition to the above requirements, the Water and Wastewater Operator(s) shall, at a minimum, hold a High School Diploma or GED; Water Treatment License, Class D with a DS II Classification; Drinking Water Treatment License, Class B; have the proper knowledge of all phases of wastewater treatment plant, lift stations, wells and pumps; knowledge to lay new water and sewer lines; knowledge of operating the following: sewer cleaning machine, backhoe, dump truck, grader and any other equipment owned by the City.

(This subsection updated by Ordinance 1012, 12/08/2008)

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**CHAPTER 150. DEPARTMENTS
PART 4. STREET DEPARTMENT**

SECTION 150.400: ESTABLISHED – DIRECTOR APPOINTMENT

There is herewith established a Street Department of the City of Crane to be supervised by the Director of Public Works. The Streets Department shall provide for the constructing, reconstructing and maintenance and repair of all public streets, sidewalks, right-of-ways, causeways, bridges and storm water drains within the City and regulate the construction, maintenance, alteration and repair of roads, sidewalks, curbs, gutters and encroachments by objects and structures above and below such streets and sidewalks in accordance with any of the ordinances of the City and such other responsibilities as may from time to time be specified by the Board of Aldermen.

The Streets Department shall also be responsible for street cleaning and refuse and garbage collection and disposal. It shall also be responsible to assist in snow removal on all city streets as directed by the department head.

The Director of Public Works shall manage, supervise and direct the operations and employees of the Street Department.

SECTION 150.405: STREETS DEPARTMENT EMPLOYEES

Board of Aldermen may appoint employees to the Streets Department as necessary for the City of Crane. Street department employees shall be under the direct supervision of the Director of Public Works. Street Department employees shall be educated, trained, and experienced to perform the duties of maintaining the Street, Sidewalks and right-of-ways of the City. The duties of a Street Department employees include but are not limited to assisting to read utility meters, performing job tickets, building, repairing and maintaining streets, sidewalks and right-of-ways within the City, patching streets and sidewalks, mowing city lands, parks, sub-stations, sewer plant and all other property as ordered, cleaning streets and sidewalks in business areas and assist all other departments as needed. The salary of Street Department employees shall be determined by the Board of Aldermen. Each employee hired for outside employment must be capable of performing such work and the ability to stand, bend, squat, twist, stoop, push, and pull. Each employee must also be capable of lifting a minimum of 100 pounds.

In addition to the above requirements Street Department employees must be able to operate mowers, tractors, trucks and equipment and knowledge of the same for maintenance purposes and possess a valid driver's license as may be required by State or Federal law when operating vehicles or equipment of the city when said license is required.

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CHAPTER 150. DEPARTMENTS
PART 5. POLICE DEPARTMENT

SECTION 150.500: ORGANIZATION

There is herewith established a Department of Police which shall consist of the Chief of Police, who shall be Director of the department, and such other members and officers as may be provided for from time to time by the Board of Aldermen.

SECTION 150.505: APPOINTMENTS

The Chief of Police shall be appointed by the Mayor, with the approval of the majority of the Board of Aldermen. He shall hold office at the pleasure of the Board of Aldermen, and shall perform all duties required by law, by the City Charter, or by the Mayor and Board of Aldermen. Compensation shall be set within the annual budget as adopted by ordinance.

All other appointments to or promotions within the Police Department shall be made by the Mayor on recommendation of the Chief of Police with the approval of the Board of Aldermen. Compensation shall be set within the annual budget as adopted by ordinance.

Officers may be removed from office for the neglect of duty, and may be relieved from further duty by the Mayor when their services are no longer required.

If the Chief of Police shall die, resign, or be removed from the City, or shall fail, neglect, or refuse to discharge his official duties, the Mayor shall, by the advice and consent of the Board of Aldermen, appoint some suitable person to discharge the duties of said office until such vacancy shall be filled by appointment as provided by ordinance

SECTION 150.510: CHIEF OF POLICE; DUTIES AND RESPONSIBILITIES

- A. The Chief of Police shall serve as City Marshal. The Chief shall be the chief administrative official of the department, including the enforcement of discipline among the members thereof, and the instruction and training of the members in their duties. The Chief shall be responsible for the performance by the Police Department of all its functions, including the enforcement of all ordinances of the city, and all statutes effective in the city, and to preserve order and prevent infraction of the law. The Chief of Police may make or prescribe such rules and regulations for the guidance of the members of the Department as he shall see fit. Such rules, when approved by the Board of Aldermen, shall be binding on such members.
- B. The Chief of the Department shall compile accounts of all moneys collected by or in his department and report same to the City Collector and pay over all moneys collected to the City Treasurer unless other disposition shall have been provided for by law or ordinance.

SECTION 150.515: GENERAL DUTIES AND POWERS

- A. The Chief of Police or appointed representative shall attend the meetings of the Board of Aldermen and attend to such other business as may be required of him by the Board of Aldermen
- B. The Chief of Police or appointed representative shall attend all court proceedings of the city. He shall perform such other duties as may be prescribed by law or ordinance or as directed from time to time by the Mayor or Board of Aldermen.
- C. The Chief of Police and his subordinates shall execute all orders and serve all notices which may be necessary to be executed or served, when directed so to do by the Mayor or Board of Aldermen. He shall keep a diligent outlook for those violating or about to violate any of the city ordinances; suppress all disturbances and breaches of the peace that may occur under his observation or be brought to his notice; shall arrest all persons engaged in the same and take them before the proper officer or authority and file complaints against such persons. He shall serve all orders or processes to him directed and delivered; pay over all monies by him collected on processes or otherwise to the City Clerk and take a receipt therefore and return such receipts and processes to the Board of Aldermen.
- D. It shall be the duty of the Chief of Police and his Officers to keep all street and alley crossings clear from all obstructions, and to remove or cause to be removed there-from all motor vehicles and other things that may tend to obstruct or hinder travel.
- E. The Police Officers shall have power at all times to make or order an arrest, with proper process, for any offenses against the laws and ordinances of the City of Crane, the State of Missouri and the United States and to keep the offender in the County Jail or other place to prevent his escape until a trial can be had before the court of proper jurisdiction, unless such offender shall give a good and sufficient bond, approved by the City Judge, or his designated agent, for his release, he may be held until his appearance for trial.

- F. It is the duty of the police department, immediately upon the arrest of any person or persons wanted for the commission of a felony or believed to be a fugitive from justice, or upon the arrest of any person or persons who may be in possession at the time of arrest of any goods or property reasonably believed to have been stolen by such person or persons, or in whose possession may be found firearms or other concealed weapons, burglary tools, high explosives, or other appliances believed to be used solely for criminal purposes, to cause fingerprint impressions to be made of such person or persons, on the forms provided by the Department of Justice of the United States, and forward 1 set of such impressions to the National Bureau of Identification and Investigation, Department of Justice, at Washington, D.C., together with a comprehensive description of such individual or individuals and such other data and information as to the identification of such person or persons arrested as the Department of Justice may require. The police department may take and retain copies of such fingerprint impressions for their own use, together with a comprehensive description and such other data and information as may be necessary properly to identify such person or persons. This section shall not apply to or include violators of the ordinance of the city.

SECTION 150.520: QUALIFICATIONS; POLICE

The minimum qualifications for original or continued employment of patrolmen and commissioned police employees are as follows:

- A. Member must have reached his twenty-first birthday,
- B. Member must be a high school graduate or its equivalent.
- C. Member must complete a certified training academy and hold current certification pursuant to the laws of the State of Missouri.

SECTION 150.525: RESIDENCY REQUIREMENTS

Any full-time police officer employed by the City of Crane after January 1, 2003, shall reside in the city limits or within a five mile (air) radius of the City Hall. Such residence will be established within 90 days of employment for any full time officer. Each police officer is required to maintain a working telephone at all times and be willing to work any shift that is assigned to such officer. Any exception hereunder must be approved by the Board of Aldermen.

SECTION 150.530: CHAIN OF COMMAND

The Chief of Police in the discharge of his duties is subject to the orders of the mayor only. All other members of the police department are subject to the orders of their superiors in the police department and the mayor only.

SECTION 150.535: ARRESTS OF OFFENDERS

The Chief of Police shall have power at all times to make or order an arrest, with proper process, for any offenses against the laws or ordinances of the City or the laws of the State, and to keep the offender in the County jail to prevent his escape until the trial can be had before the proper officer, unless such offender shall give a good and sufficient bond for his appearance for trial, and arrest without process in all cases where an offense is committed in his presence, or, in felony cases, where he has reasonable cause to believe such offense has been committed whether committed in his presence or not.

SECTION 150.540: AID IN KEEPING PEACE

The Chief of Police shall have power at all times, when in his judgment it is necessary, to summon or call to his assistance any person or persons to assist him in making any arrest or suppressing any riot or disturbance of the peace. No one shall refuse or neglect to give such aid or assistance when so directed.

SECTION 150.545: STANDARD OF CONDUCT OF MEMBERS

It shall be the duty of every member of the Police Department to conduct himself, in a proper and law abiding manner, at all times, and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his superior.

SECTION 150.550: GRATUITIES PROHIBITED

No city policeman shall be allowed to receive or accept any money or gratuity or compensation for any service he may render without the consent of the Board of Aldermen or as may be otherwise provided by ordinance or resolution.

State law reference – Similar law – Police Force – acceptance of gratuities prohibited, 84.180 RSMo

SECTION 150.555: BADGE OF OFFICE

The Chief of Police and his deputies shall at all times wear some badge of office in plain view while on duty.

SECTION 150.560: WITNESS FEES

Every member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the city is a party; any fees paid for such services shall be turned over to the Chief of Police, who shall deposit the same with the City Treasurer.

SECTION 150.565: RESPONSE OUTSIDE CITY LIMITS

- A. *Emergencies authorization outside city boundaries.* Under the authority set forth in Section 70.873, RSMo., the Police Department of the City of Crane is hereby authorized to respond and provide assistance as needed by a public safety agency of this state or a bordering state upon receipt of a mutual aid or emergency aid request.

The Police Departments of the City of Crane may provide assistance to any other public safety agency in this state or in a bordering state at the time of a significant emergency such as fire, earthquake, flood, hazardous materials incident or other such emergency.

The Chief of Police may cause his Department to render such aid to any requesting agency as long as in his judgment, equipment and manpower can be safely taken out of the City at the time and under the circumstances then existing, giving the highest consideration to the safety of the citizens of the City of Crane. [Missouri RSMo. 70.873]

- B. *Emergency response.* That it is in the best interests of the citizens of the City of Crane for police officers to respond to emergency situations outside the boundaries of said City.
- C. *Authority for Police Officer to respond.* That, therefore, any police officer of the City of Crane who has completed the basic police training program as established by Chapter 590 of the Revised Statutes of Missouri, shall have the authority to respond to an emergency situation outside the boundaries of the City.
- D. *Response to emergency at discretion of officer.* No police officer shall be required by reasons of this ordinance to leave the jurisdiction to respond to an emergency situation, but said police officer shall use his or her discretion and judgment as to leaving the City to respond to any emergency situation. It shall be the policy of the City that said police officers shall not leave the City inhabitants with inadequate police protection or be absent for extended periods of time, but that the response shall be in aid of and to assist the authorities of the county or the municipality in which the emergency situation is located. Police officers of the City shall be authorized to make an arrest by reason of this authorization to respond. Said police officers shall further be authorized to use his or her weapon where necessary to protect himself or herself or to effectuate an arrest for a crime which endangers lives or threatens property damage to one or more persons in the area.
- E. *Response area limited to ten miles.* The authority contained herein shall permit the response by one or more City police officers in an area surrounding the municipality not to exceed ten miles. The Chief of the Police Department may at his discretion authorize additional response beyond this area.
- F. *Definition of emergency situation.* As used herein, the term "emergency situation" means any unforeseen combination of circumstances or events involving danger or eminent danger to human life or property which requires immediate action.

SECTION 150.570: STOLEN PROPERTY; CUSTODY

The Chief of Police shall have the custody of all lost, abandoned, or stolen property recovered in the city.

SECTION 150.575: MAINTENANCE AND DISPOSITION OF MISCELLANEOUS PROPERTY

All property of other persons in the custody of the Department of Police, including but not limited to evidence obtained in the course of investigation which may now be or shall come into the custody of the Department of Police, shall be held by said Department subject to reclamation by the owner thereof, for no less than sixty (60) days after said Department has no further need for said property. After such sixty (60) day period, the Department shall, by registered mail or certified mail, return receipt requested, forward to the last known address of the person or persons believed to be the owner of such property, a notice of intention to dispose of the same and fully describing said property. If, after such due notification, the owner of any such property shall not have reclaimed the same within thirty (30) days after such notice, all such property shall become the property of the City of Crane and may be disposed of at public auction or in any other manner relating to the disposal of public property as made and provided by the ordinances of the City, and the proceeds thereof shall become part of the general revenue of the City.

SECTION 150.580: AUTHORITY OF POLICE DEPARTMENT TO ACCEPT BAIL BONDS AND PREPAYMENT BONDS; FEE FOR SERVICE

- A. The Crane Police Department is hereby authorized and empowered to accept bail bonds and prepayment bonds posted by or on behalf of defendants in all cases of ordinance violations over which the municipal court of Crane has jurisdiction.
- B. In all such cases wherein a bond is accepted as hereinabove set forth in subsection (a), said police department is authorized and empowered to charge a fee for said service, not to exceed ten (10) per cent of the court costs set by the municipal judge therein. Said bond acceptance fees shall be assessed and collected by the court as part of said court costs and shall be paid over to the City of Crane at regular intervals in accordance with the normal bookkeeping and banking procedures of the municipal court.

SECTION 150.585: POLICE RESERVE UNIT**A. ESTABLISHMENT; TERM; QUALIFICATIONS:**

1. There is hereby created a Police Reserve Unit to aid in control of natural or man-made disasters, or to aid in case of civil disorder as directed by the Chief of Police; and in cases which render it impractical for members of the regular Police Department to perform the normal and regular police duties, the Chief of Police of the regular Police Department is hereby authorized to assign Police Reserve Police officers to perform such normal and regular police duties as may be necessary.
2. Appointments to the Police Reserve Unit shall be made by the Mayor upon recommendation of the Chief of Police, for a term of one year, provided that any member may be discarded at any time (without or with cause, and without a hearing) by the Mayor upon recommendation of the Chief of Police.
3. The Police Reserve Unit member shall be in good physical condition and of good character, never having been convicted of a felony or other crime involving moral turpitude, and not less than 21 years of age. Members of the reserve unit with powers of arrest must complete a certified training academy and hold current certification pursuant to the laws of the State of Missouri

B. OATHS; COMMISSIONS:

The Police Reserve Unit shall function under the immediate direction of the Chief of Police or in his absence, the senior officer on duty. Before entering upon his duties each member shall take and subscribe to the same oath or affirmation as provided by the statutes be taken and subscribed by all municipal officers. After subscribing his oath of office each member of the Police Reserve Unit shall be issued an official commission card signed by the Mayor and Chief of Police. Said card shall be retained in the personal possession of the member at all times.

C. POWERS AND DUTIES:

1. Members of the Police Reserve Unit shall be subject to the rules and regulations governing the Police Department; however, membership in the Police Reserve Unit shall not constitute membership in the regularly constituted Police Department.
2. Members of the Police Reserve Unit shall be considered to be on duty only when scheduled as such by the Chief of Police. While on duty, Police Reserve officers with the power of arrest shall have the same duties and powers as the police officers in the regular service of the City. Special Police officers without the power of arrest shall have no powers, duties or function apart from, or greater than, any other citizen. Special Police officers not on duty shall not perform any police function or possess any police power unless authorized by the Chief of Police.

D. TRAINING PROGRAM:

The Chief of Police shall determine the program for training members of the Police Reserve Unit in police work.

E. COMPENSATION:

No member of the Police Reserve Unit shall be entitled to any right or privilege of compensation, pension, or any other similar right or privilege of members of the regularly constituted Police Department nor to any other prerequisite or emolument attaching to membership in said regularly constituted Police Department.

F. UNIFORMS:

The members of the Police Reserve Unit shall furnish their own uniform and other necessary equipment, without reimbursement from the city, except only to the extent, if any, specifically provided for in the annual appropriation ordinance of the city.

G. WAIVER OF LIABILITY:

Each member of the Police Reserve Unit, prior to taking his oath of office, shall be fingerprinted and shall execute and deliver to the City Clerk an instrument in form to be approved by the City Attorney, releasing the city from all liability for any injury or death of such member in the line of duty as a member of said Unit, except only such liability, if any, as shall be attributed to gross negligence on the part of the city.

SECTION 150.590: ANIMAL CONTROL OFFICER; DUTIES, COMPENSATION

There is hereby established within and for the City of Crane, Missouri, the post of Animal Control Officer whose duty shall be to enforce this part and other provisions of the Code of Ordinances regulating or in any manner relating to animals. The Animal Control Officer shall be appointed by the Mayor upon recommendation of the Chief of Police and serve under the direct supervision of the Chief of Police. The Animal Control Officer shall be paid a monthly amount for services rendered in lieu of a fee for apprehending or catching dogs or cats.

The Board of Aldermen may, in its discretion and in lieu of the creation of the office of Animal Control Officer, enter into a contract with any person, firm, corporation, organization or agency for the all or any part thereof for the control, pick-up and disposition of any dogs or cats which are found in violation of City Code within the City of Crane. Such contract shall be in writing and shall fix the compensation to be paid and shall be for such period and upon such terms and conditions as the Board of Aldermen may impose. The person, firm, corporation, organization, or agency so selected shall perform all the duties and be subject to all of the requirements of this article applicable to the Animal Control Officer, in addition to the duties imposed by such contract. The contracted person, firm, corporation, organization or agency shall serve under the direct supervision of the Chief of Police.

CHAPTER 150. DEPARTMENTS
PART 6. FIRE DEPARTMENT

SECTION 150.600: ESTABLISHMENT OF FIRE DEPARTMENT

A Fire Department is hereby established in the City of Crane, Missouri to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency. The Fire Department shall be composed of a Chief of Fire Department and such personnel as may, from time to time, become members of the department of said City.

SECTION 150.605: FIRE DEPARTMENT; CHIEF; MEMBERS

It shall be the duty of the department to protect the citizens of the City and all property located therein against fires, to carry out and enforce all ordinances relating to fire protection and prevention and perform such other duties as may be assigned by the Mayor and Board of Aldermen.

There shall be a Fire Chief who shall be appointed by the Mayor, with the approval of the majority of the Board of Aldermen. He shall hold office at the pleasure of the Board of Aldermen, and shall perform all duties required bylaw, by the City Charter, or by the Mayor and Board of Aldermen. Compensation shall be set within the annual budget as adopted by ordinance.

The Fire Chief shall be the Chief of the Department. The Department shall consist of the Chief and such subordinate officers as may be deemed necessary for the proper performance of the duties of the department, and such number of firemen, probationers and volunteers.

SECTION 150.610: FIRE CHIEF: POWERS AND DUTIES

The activities, duties and performance of the Fire Chief and other fire department personnel shall be under the direct supervision of the Mayor, subject to the approval of the City Board of Aldermen.

The exclusive control of the Fire Department in all matters shall be in the Fire Chief and the Mayor. The Chief of the Fire Department is hereby appointed as Fire Marshal for the city. The Chief of the Fire Department shall have the supervision and control of personnel (including the enforcement of discipline, conduct and efficiency of its members and the instruction and training of the members in their duties), engines, and engine houses hose carriages and fire and life-saving apparatus and equipment of any kind owned by the City.

The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

- A. *Enforce Laws.* Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.
- B. *Technical Assistance.* Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.
- C. *Authority at Fires.* When at a fire or rescue scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.
- D. *Control of Scenes.* Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.
- E. *Authority to Barricade.* When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.
- F. *Command.* Be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the Fire Chief.
- G. *Property.* Be responsible for the maintenance and condition and exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.
- H. *Right of Entry.* Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.
- I. *Recommendation.* Review and make recommendations in code and regulations concerning fire suppression, prevention and building inspection and to make recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

- J. Reports.* Compile and submit to the Mayor and Board of Aldermen an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Board of Aldermen. Prepares and submits the department's annual report to the Mayor and Board of Aldermen and develops other reports as necessary. Prepares the department annual budget. Plans and coordinates the servicing and preventative maintenance of all departmental buildings, equipment and apparatus.
- K.* Formulates policies and regulations governing the activities of the Fire Department.
- L.* Plans, organizes, evaluates and directs all fire suppression, prevention, emergency operations and first responder activities.
- M.* Reviews and approves/disapproves all permits of the Fire Department as specified by ordinance.
- N.* Analyzes work conditions and initiates improvements to operations as appropriate.
- O.* Enforces discipline and training regulations, assigns personnel and equipment.
- P.* Responds to fire alarms, directs and coordinates activities using the incident command system.
- Q.* Analyzes operational costs, prepares budget estimates and controls the expenditures of departmental appropriations and makes recommendations for improvements.
- R.* Coordinates fire department activities and other agencies.
- S.* Develops and presents programs to the general public or specific organizations.
- T.* Develop and maintain a budget for the Fire Department.

SECTION 150.615: APPOINTMENTS

- A. All members of the department shall be appointed for a term of one (1) year, provided however, that the Mayor shall have the power to remove from membership in the department members thereof when he/she deems it necessary for the good of the department. The Chief shall make appointments or promotions in the Fire Department.
- B. No member shall be under the age of eighteen (18) years or over the age of sixty-five (65) years, except the Board of Aldermen, for good and sufficient cause shown, may waive this age limit for members of the Fire Department.

SECTION 150.620: RECORDS TO BE KEPT

The Chief of the Fire Department shall keep a list of all members of the Fire Department, showing the nativity, age and occupation of each, the date he entered the service, training obtained or attended, level of participation and such other data as the Mayor and Board of Aldermen may require. He shall also keep a record of all fires and fire alarms, of their location, of the class of building or structure damaged or destroyed, of the purpose for which it was used, of the cause of the fire (if known), the amount of loss and such other information as to him or the Board of Aldermen is important. He shall include in such a report a record of any injury that may be sustained by any person on account thereof. Such record shall at all times be available for the inspection of the Mayor and Board of Aldermen. He shall report to the Board of Aldermen, at its first meeting of each month, the operations of the Fire Department for the preceding month. The Fire Chief shall keep an accurate and true inventory of the property of the Department and report the same yearly, to the City Clerk.

SECTION 150.625: FIRE CHIEF TO HAVE POLICE POWERS AT FIRES

The Fire Chief shall have ex officio powers of the Chief of Police of the city at all fires. He shall faithfully discharge his duties and faithfully account to the city for all property of the city belonging to the Fire Department which may have come into his possession and under his control.

The Fire Chief, or any firefighter designated by him, may exercise the powers and authority of a police officer in directing traffic at the scene of any fire or where the fire department has responded to any emergency call for so long as fire department equipment is on the scene, in the absence of or in assisting the police.

SECTION 150.630: PRESERVATION OF PROPERTY

The Fire Chief or person acting on his behalf shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The Fire Chief may direct Fire Fighters to remove any building, structure, or fence for the purpose of checking the progress of any fire.

SECTION 150.635: INSPECTION OF BUILDINGS

It shall be the duty of the Fire Department to inspect or cause to be inspected by the officers or members of the Fire Department of the city, as often as may be necessary, all buildings, premises, and public thoroughfares in said city, except the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any of the provisions of any ordinance of said city affecting fire hazards. A written report of every such inspection shall be filed with the City Clerk by the inspector. Such inspector may at all reasonable hours enter any building or premises for the purpose of making any inspection which, under the provisions of this chapter, he may deem necessary to be made.

SECTION 150.640: ORDER TO REMOVE FIRE HAZARDS

Whenever an inspector may find combustible or explosive matter or dangerous accumulation or rubbish or unnecessary accumulation of waste paper, boxes, shavings or other highly flammable materials especially liable to cause fires, and which is so situated as to endanger property or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or egress of occupants in case of fire, he shall order the same to be removed or remedied. Such order shall be complied with within forty-eight hours by the owner or occupant of such premises or building.

SECTION 150.645: PROPERTY SAVED AT FIRE

No person shall be permitted to remove or take away any property in the possession of the Department saved from fire until proof of the ownership shall have been made to the satisfaction of the Fire Chief.

SECTION 150.650: FIREFIGHTING OUTSIDE CITY LIMITS

The Board of Aldermen may enter into agreements with surrounding Fire Districts for cooperation in providing mutual aid and protection for all residents therein.

- A. *Reciprocal agreements.* The Chief of the Fire Department is hereby authorized to make runs or take equipment outside the city limits in response to a call for assistance in the extinguishment of fire or rescue operation; provided, that in cases of such emergencies outside the city, this shall apply only to calls made by other units of local government having reciprocal agreements of this nature. In no event shall equipment be used for fire fighting or other purposes outside the City to such an extent as will leave inadequate equipment immediately available at all times for the protection of property and persons within the City.
- B. *Assistance.* The Chief of the Fire Department of this city shall be and is hereby authorized to ask for assistance from any outside city or department, when in his discretion he is of the opinion that such assistance is necessary to preserve property or life within this city.

SECTION 150.655: OBSTRUCTIONS IN FRONT OF FIRE STATIONS, ETC.

No person shall place any obstruction of any kind immediately in front of a fire station, which will in any way cause delay of the fire trucks, other fire apparatus from leaving the station, or entering the station or fire personnel.

SECTION 150.660: INTERFERENCE AT FIRES

It shall be unlawful to willfully or intentionally hinder or interfere with any Fire personnel in the performance of his duty, or willfully or negligently drive any vehicle, over, across, along or upon any hose, or shall willfully cut, deface, destroy or injure any property or fixtures belonging to or connected with the department or any other person who shall, without authority, ride upon or attempt to ride upon any fire truck, in going or returning from any fire. Any person who interferes in any way with the suppression of fires, and any person who refuses to obey all proper and lawful orders of the Fire Chief shall be guilty of a misdemeanor.

SECTION 150.665: PROHIBITION AGAINST OBSTRUCTING A FIRE HYDRANT

No person shall obstruct or hinder in any manner the use and operation of any fire hydrant within this City or allow at any time any object to obstruct or hinder the possible use and operation of any fire hydrant within this City.

SECTION 150.670: BURNING GENERALLY

- A. The owner of residential property containing four or less residential units may burn between September 1st through May 1st, on such property only; leaves, twigs, limbs, tree trunks and other vegetation provided that any such matter naturally arose on such property or property adjacent thereto, or was blown thereon by wind; and
- B. No person shall burn, or permit to be burned, any trees or other substances, unless the fire is attended at all times by a competent person; and
- C. The Fire is not conducted within twenty-five feet (25') of a structure or combustible materials; and
- D. No person shall start the burning of trees or other substance by the use of tires, used oil, roofing or any material that produces smoke that will be injurious to property, clothing or to the health of the residents in the surrounding area.
- E. Nothing herein shall be interpreted to prohibit burning to provide heat for a structure for cooking purposes or burning necessary to the operation of a business or industry in which burning is not otherwise prohibited by law.
- F. No person shall cause to be burned within the city limits any garbage, trash, rubbish, tire, plastic, foam product or other synthetic product or any hazardous waste as defined in sections 260.360 to 260.432, RSMo., as amended from time to time.
- G. The Fire Chief of the City of Crane may issue a permit to burn material not otherwise permitted herein or outside the dates permitted herein if the Fire Chief determines that such burning would not be contrary to the public welfare.

SECTION 150.675: BURNING BANS

At certain times of the year and as conditions warrant, the Fire Chief may issue a complete ban on open air burning. When a burning ban has been officially declared, ALL open air burning is prohibited with the exception of actual cooking that is taking place on a grill.

When weather conditions remain dry, hot, or windy, or any combination of these, for an extended period of time, it may be necessary for the Fire Chief to impose either a limited or total ban on outdoor burning. The following conditions may be used to determine when outdoor burning will be limited or banned:

1. Temperature reaches 95 degrees Fahrenheit or above.
2. Relative Humidity reaches 30% or below.
3. Wind speed reaches 15 miles per hour or above.

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**CHAPTER 150. DEPARTMENTS
PART 7. EMERGENCY MANAGEMENT**

**SECTION 150.700: EMERGENCY PREPAREDNESS ORGANIZATION CREATED;
NAME; GENERAL DUTIES**

There is hereby created within and for the territory of City of Crane, an emergency preparedness organization to be known as the City of Crane Emergency Management Agency, which is responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, Revised Statutes of Missouri, 1969, and the Missouri Disaster Operations Plan adopted thereunder. (Original Ordinance 557 – 08/27/1973)

State law reference -- Civil defense, RSMo, Ch.44

SECTION 150.705: APPOINTMENTS

The Director of Emergency Management shall be appointed by the Mayor, with the approval of the majority of the Board of Aldermen. He shall hold office at the pleasure of the Board of Aldermen, and shall perform all duties required bylaw, by the City Charter, or by the Mayor and Board of Aldermen. Compensation shall be set within the annual budget as adopted by ordinance. This office shall consist of a Director and other members appointed by the Mayor. The Department shall conform to the State organization and procedures for the conduct of emergency operations as outlined in Missouri Disaster Operations Plan.

SECTION 150.710: JURISDICTION OF ORGANIZATION

The organization shall perform Emergency Preparedness functions within the territorial limits of the City of Crane in Stone County, Missouri, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of the Revised Statutes of Missouri.

SECTION 150.715: DIRECTOR

The Director shall have direct responsibility for the organization, administration and operations of local emergency preparedness activities.

The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the emergency management office.

SECTION 150.720: POWERS OF MAYOR AND DIRECTOR

The Mayor of the City of Crane and Director, in accordance with the Revised Statutes of Missouri, may, with approval of the Board of Aldermen:

- A. Expend funds, make contracts, obtain and distribute equipment, materials and supplies for Emergency Preparedness purposes, provide for the health and safety of persons, including emergency assistance to victims of an enemy attack; the safety of property, and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State disaster and emergency planning;
- B. Appoint, provide or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation;
- C. In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts;
- D. With the approval of the Governor and consistent with the Missouri Disaster Operations Plan, enter into mutual aid agreements with other public and private agencies within and without the State for reciprocal emergency aid;
- E. Accept services, materials, equipment, supplies or funds granted or loaned by the Federal Government for disaster planning and operations purposes;
- F. Enter into agreements with other public or private entities to provide for the joint Operation and funding of the emergency management agency.

SECTION 150.725: OATH OF ORGANIZATION MEMBERS

No person shall be employed or associated in any capacity in any organization established under this chapter who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

“ I,, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I member of any political party or organization that advocates the over-throw of the government of the United States or of this State by force or violence; and that during such a time as I am a member of the City of Crane Emergency Management Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

SECTION 150.730: OFFICE SPACE

The Mayor or Board of Aldermen is authorized to designate space in any City of Crane owned or leased building for the Crane Emergency Management Office.

SECTION 150.735: REPORTING

The city shall have the right to examine and inspect all financial records and other pertinent documents relating to the operations and funding of the organization without notice. In addition, the financial records of the organization shall be available for the city's annual audit, if so requested by the city auditor.

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CHAPTER 160. BOARDS AND COMMISSIONS
PART 1. GENERAL PROVISIONS**SECTION 160.100: RULES AND REGULATIONS**

All boards and commissions shall have the power to prescribe such rules or procedure and organization and regulations as may be necessary for their conduct and for the performance of their duties; provided, however, such rules and regulations shall not be effective until approved by the Board of Aldermen and on file in the office of the City Clerk where the same shall constitute public records.

All boards and commissions shall meet regularly and the rules and regulations shall provide for such number of regular meetings and for special meetings of such boards and commissions as may be necessary.

SECTION 160.105: REMOVAL OF MEMBERS

Members of boards and commissions appointed by the Mayor or Board of Aldermen for indefinite terms may be removed by the Board of Aldermen at any time and members of boards and commissions appointed by the Mayor or Board of Aldermen for definite terms may be removed by the Mayor or Board of Aldermen, as appointed, for cause.

SECTION 160.110: MEMBERS TO ATTEND ALL MEETINGS; EXCEPTIONS

It shall be the duty of each and all board or commission members to attend all regular meetings of their board or commission and all special meetings when each has been duly notified of the date and place of such meeting; provided that the foregoing shall not apply when any member is absent from such meeting or meetings because of sickness or unavoidable event.

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§ 160.200

BOARDS, COMMISSIONS AND COMMITTEES
– (RESERVED)

§ 160.200

CHAPTER 160. BOARDS AND COMMISSIONS
PART 2. (RESERVED)

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**CHAPTER 160. BOARDS, COMMISSIONS AND COMMITTEES
PART 3. BOARD OF PUBLIC WORKS****SECTION 160.300: ESTABLISHMENT OF BOARD OF PUBLIC WORKS**

That there be and there is hereby established a Board of Public Works, which Board shall consist of four (4) persons, electors of the City of Crane, Missouri, who have resided in said City for a period of two (2) years next before their appointment.

State law references: Similar provisions, RSMo 91.450

SECTION 160.305: APPOINTMENT OF MEMBERS

The Mayor of the City of Crane, Missouri, shall appoint such Members of the Board of Public Works, and appointments shall be confirmed by the Board of Aldermen in such manner as other appointive officers are appointed and confirmed.

State law references: Similar provisions, RSMo 91.450

SECTION 160.310: TENURE OF OFFICE

That the members of said Board shall hold office for a term of four (4) years each or until their successors are appointed and qualified; except the first incumbents, who shall be appointed and hold office for the term of one, two, three and four years, respectively.

State law references: Similar provisions, RSMo 91.450

SECTION 160.315: VACANCY, HOW FILLED

In case a vacancy shall exist in said Board, such vacancy shall be filled in the same manner as original appointments are made to said Board, but the vacancy shall be filled only for the unexpired term of the vacating member,

SECTION 160.320: COMPENSATION OF MEMBERS

That the members of the Board of Public Works shall receive the same salary as the members of the Board of Aldermen of the City of Crane, Missouri.

SECTION 160.325: MEMBERS OF BOARD NOT TO HOLD OTHER OFFICE

Any members of said Board of Public Works, who shall accept a nomination of appointment for any other City Office during his official term, shall be deemed thereby to have resigned as a member of said Board, and his membership shall thereby be ipso facto vacated.

State law references: Similar provisions, RSMo 91.470

SECTION 160.330: MEETING, QUORUM

The Board of Public Works shall meet at least once a month in its office. Three (3) members of said Board shall constitute a quorum.

SECTION 160.335: MEMBERS TO ATTEND ALL MEETINGS; EXCEPTIONS

It shall be the duty of each and all board members to attend all regular meetings of the Board of Public Works and all special meetings when each has been duly notified of the date and place of such meeting; provided that the foregoing shall not apply when any member is absent from such meeting or meetings because of sickness or unavoidable event.

SECTION 160.340: POWERS AND DUTIES OF BOARD

Said Board of Public Works shall have the power, and it shall be its duty, to take charge and exercise control over any waterworks, gas works, electric light and power plants, steam heating plant, or any other devise or plant for furnishing light, power or heat, telephone plant or exchange, Street railway or other public transportation, conduit system of other public utility whatever, which may be owned by such City by purchase or otherwise, and of all appurtenances there to belonging, and shall enforce the performance of all contracts and work, and have charge and custody of all books, property and assets belonging to or pertaining to such plant or plants.

SECTION 160.345: IMPROVEMENTS, REPAIRS AND REGULATIONS

Said Board shall also exercise such other powers and perform such other duties in the superintendence of public works, improvements and repairs constructed by authority of the Board of Aldermen as may be prescribed by ordinance. Said Board shall make all necessary regulations for the government of the department, not inconsistent with the general laws of the State, the charter of the City, or the ordinance thereof.

State law references: Similar provisions, RSMo 91.490

SECTION 160.350: PRESIDENT, SECRETARY AND VICE-PRESIDENT OF BOARD - HOW CHOSEN AND DUTIES THEREOF

There shall be a president, Secretary and vice-president of the Board of Public Works, who shall be appointed by said Board and at its pleasure removed. Said officers with the exception of the secretary shall be elected from the Board of Public Works. The secretary of the Board shall have the control and custody of the books and the accounts of the electric light and waterworks sewage plants. The Board of Public Works shall allow such secretary a salary for such services, to be approved by the Board of Public Works. Said secretary shall give bond as such, payable to the City of Crane, Missouri, in such sum as the Board shall deem necessary, not less than Two Thousand Dollars (\$2,000.00) for the faithful performance of his duties as such secretary, and the turning over all moneys collected by him to the City Treasurer, said moneys to be kept in separate funds to be known as “Waterworks Fund” and the ‘Light and Power Fund’ of said City, which said funds shall be administered by the Board of Public Works. Said Light and Power Funds shall be used and applied by the Board of Public Works for the purposes of paying the operating expenses of the light and power system of said City, maintaining the same, and keeping the same in good repair and operating condition, paying the interest on and principal of all light and power systems bonds of said City, and making improvements and extensions of the light and power system of said City, and shall not be used for any other purpose without the concurrence of both the Board of Public Works and the Board of Aldermen. The waterworks fund shall be applied in like manner for the use of the waterworks system in said City. The secretary’s bond shall be approved by the Board of Public Works and filed with the City Clerk of Crane, Missouri.

SECTION 160.355: APPOINTMENT AND COMPENSATION OF OFFICERS

Said Board shall have the power to appoint a Director of Public Works who shall be appointed by the Board of Public Works, subject to confirmation by a majority vote of the City Board of Aldermen. The Board of Public Works may appoint such subordinates including engineers, inspectors, clerks, assistants and other persons as may be necessary, but the number of such additional appointees and the compensation of all employees and appointees of said Board shall be approved by at least three (3) members of the Board of Public Works. Said Board shall have the right to remove of any such employee by the vote of three (3) of the members thereof.

SECTION 160.360: BILLS AND SALARIES, HOW PAID

All bills of such Board and all salaries of its employees shall be allowed and paid in the same manner that bills and salaries of other officers and employees of such City are allowed and paid.

State law references: Similar provisions, RSMo 91.510

SECTION 160.365: BOOKS OF ACCOUNTS, HOW KEPT; REPORTS, HOW MADE

It shall be the duty of the Board of Public Works to keep books of account, showing with entire accuracy contemporaneous current entries of the receipts and expenditures of the Board, in such manner as to enable the same to be understood and investigated, and also to preserve on file in its office duplicate vouchers for all its expenditures, which books and duplicates shall at all times be open to the examination of the Board of Aldermen or any other committees appointed by the Board of Aldermen, and such Board shall through its secretary, make monthly and annual reports of its business and transactions to the Mayor and the Board of Aldermen of said City and shall cause its annual report to be published in some newspaper published in the City of Crane, Missouri.

State law references: Similar provisions, RSMo 91.520

SECTION 160.370: CONTRACTS, SUPPLIES. PURCHASES, HOW REGULATED

The doing of all work, furnishing of all supplies for the waterworks, electric power and light system, or any other plant or work which may be under its supervision or control, shall be let out by the Board of Public Works in the same manner as other public works are let out, except in cases where it is not practicable to do such work or furnish such material by contract, and all contracts shall be submitted to the Board of Aldermen for approval. Said Board may have charge of the purchase of all supplies needed by the City in its several departments, under such restrictions and regulations as may be provided by ordinance.

State law references: Similar provisions, RSMo 91.530

SECTION 160.375: CONTACTS AND OFFICIAL ACTS, HOW SIGNED

All contracts, as provided in the preceding section, and official acts of the Board of Public Works shall be signed by the president or by two (2) members of said Board and attested under the hand of the secretary.

SECTION 160.380: RATES, HOW REGULATED

The assessment and collection of rates for water, electric power, electric light, gas or for the product or service of any other plant or works which the City may own or operate shall be under the control and supervision of the Board of Public Works, subject to the ordinance of this City.

State law references: Similar provisions, RSMo 91.540

**CHAPTER 170. PERSONNEL POLICY AND REGULATIONS
PART 1. GENERAL PROVISIONS****SECTION 170.100: SCOPE**

This manual is intended to provide employees with information about working conditions, employee benefits, and the majority of the practices affecting employment. Employees should read and understand all provisions of these practices. These practices describe many of the employees' responsibilities and outline the programs developed by the City of Crane to benefit employees. This is an informational guide to our current employment practices and shall not be construed as a contract, implied or otherwise. The City of Crane reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual as it deems necessary and appropriate without advance notice. These practices shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely.

In the event of a conflict between any provision of this manual and any provision of a valid and effective collective bargaining contract, the provisions of the labor contract shall govern. In all other cases, these practices shall govern.

Due to the importance of these practices and their ability to establish a positive employment relationship between the City of Crane and its employees, each employee will be required to sign an Acknowledgment Form indicating that he/she has received, read, and understood the manual. The signing of such a form and any revisions to the manual are a condition of employment.

SECTION 170.105: INTRODUCTION

- A. The City of Crane is dedicated to achieving primarily one (1) common goal. That goal is to provide efficient and economical municipal services to the citizens of Crane. This goal can be achieved only through mutual cooperation and understanding. City employees are typically the first and, often times, the only contact citizens may have with its government. Therefore, it is important that employees represent that government in a professional, efficient and courteous manner. Personnel policies help to establish a consistent standard of conduct for employees as well as inform them about various benefits offered by the City.
- B. The policy of the City of Crane, Missouri, relating to personnel is intended to establish certain rules, regulations and other administrative provisions so that City employees are treated fairly and so that proper consideration is given to the best interests of the citizens of Crane, Missouri.
- C. Each employee has certain job responsibilities within their respective department; however, they must be concerned with total City problems. From time to time it may be necessary to assist in different departments as needed and whenever possible. Performing the assigned duties in an efficient manner is only part of the responsibility. Interest in the work and a willing, cooperative attitude toward serving the citizens of Crane is equally important. All City employees are expected to follow City ordinances, personnel rules and/or departmental regulations.

SECTION 170.110: DEFINITIONS

As used in this Chapter, the following terms shall have these prescribed meanings:

AMERICANS WITH DISABILITIES ACT: The Americans with Disabilities Act (ADA) prohibits discrimination against any employee or applicant who could, with or without a reasonable accommodation of that disability, perform a job. The act also requires an employer to provide an accommodation, such as modified work hours or duties or special equipment, if such an accommodation is not "unduly burdensome" and is necessary to help the employee perform his/her job.

BUSINESS DAYS: The calendar days exclusive of Saturdays, Sundays and legal holidays

CITY shall mean the City of Crane, Missouri.

BOARD OF ALDERMEN shall mean the Legislative Branch of the City of Crane, Missouri.

DAYS: Calendar days unless specified otherwise.

DEMOTION: The movement of an employee from one job category to another having a lower maximum rate of pay and/or less responsibility.

EMPLOYMENT DISCRIMINATION: Employment discrimination is prohibited by Federal law and by additional laws enacted by most States. Discrimination on the basis of race, national origin, gender, age, disability and religion is illegal under Federal law. Some cities also bar discrimination on other grounds, such as marital or veteran status.

FAMILY AND MEDICAL LEAVE ACT (FMLA): The Family and Medical Leave Act requires employers to offer up to twelve (12) weeks of unpaid leave to an employee because of his/her own serious health condition, the birth or adoption of a child, or the need to care for an ill relative. The employer is required, in most circumstances, to reinstate the employee to his/her former position once the leave is over.

NORMAL WORKWEEK: The number of employee's regularly scheduled paid hours of work averaged over the fiscal year.

PUBLIC SAFETY includes personnel engaged in law enforcement, firefighting, or related activities.

PENSIONS, BENEFITS AND COMPENSATIONS: Pensions benefits and compensation are governed by an array of laws, including the Employee Retirement Income Security Act, the Fair Labor Standards Act and laws such as COBRA, which requires an employer to continue some forms of employee insurance coverage for a period of time after the employee has been terminated. Some employment benefits, such as Social Security, unemployment compensation and Workers' Compensation are also mandated by State or Federal law.

PROBATIONARY EMPLOYEE: An employee working in a job category who has not completed the probationary period.

PROMOTION: The advancement of an employee from one job category to another having a higher maximum base of pay and/or a higher level of responsibility.

REGULAR EMPLOYEE: An employee filling a position who has successfully completed the probationary period.

SUSPENSION: The temporary separation of an employee from the City service for disciplinary reasons with loss of pay.

SECTION 170.115: PURPOSE, APPLICATION, RESPONSIBILITIES

- A. *Purpose.* The purpose of this policy is to outline a general guideline for a personnel system for the employees. Personnel policies are developed to promote efficiency and economy in government, to reward merit, to provide for the harmonious and impartial settlement of grievances, and to develop and maintain good morale and confidence among employees. This policy is adopted as guidance for the administration. This policy is not intended to be construed as an express or implied contract creating protected property or liberty rights or contractual conditions of employment or duties of the employer. This policy repeals the provisions of previous ordinances to cover the same topics. This policy does not supersede applicable Federal and State Statutes pertaining to employment.
- B. *Application.* Personnel policies shall apply uniformly to all persons employed by or seeking employment with the City of Crane unless otherwise exempted by action of the Board of Aldermen. Portions of this policy, where applicable, may also apply to personnel that serve as volunteers that may expose the City to liability. In certain cases, Missouri Statutes or provisions in the Crane City Code give specific authority concerning personnel matters and other issues presented in this manual to the governing boards of City-related entities. In such cases, these entities are exempted from any provisions in this policy which contradict such authority.
- C. *Responsibilities.*
1. *Department heads.* It is the responsibility of the department heads to ensure that approved personnel policies are applied uniformly and consistently to all employees of their departments. Department heads shall develop and maintain internal operating procedures that list policies not included in the City's comprehensive personnel policy. Department heads shall maintain a written record of all disciplinary actions taken by the department and provide the original of such records to the records custodian.

2. *City of Crane*. The City of Crane will provide legal assistance, legal defense and full indemnity by insurance or otherwise for its Administrators, elected and/or appointed officials, department managers and supervisory personnel for all employment or related actions which are taken within the scope of their authorities and duties and which are in compliance with approved personnel policies. The City shall keep a file on each full-time, part-time and contract employee of the City, which shall include the employee's application, 1099 and W-4 forms, reference checks, vacation days, sick days, disciplinary action and a list of City property.

SECTION 170.120: AT WILL EMPLOYMENT

- A. Unless modified by law, all employees shall have employment at the pleasure of the City and hold their position until the employee or the City shall desire to terminate the connection, in which event the dissatisfied party will have the right to be relieved of further responsibility to the other. By creating this policy, the City does not relinquish or waive its entitlement to discharge employees at will, with or without cause.
- B. This personnel policy manual is not a contract, express or implied, guaranteeing employment for any specific duration. Either the employee or the City of Crane may terminate this relationship at any time, for any reason, with or without cause or notice. No manager, supervisor or representative of the City of Crane, other than the Board of Aldermen or appropriate board where authorized by ordinance, has the authority to enter into any agreement with an employee for employment for any specified period or to make any promises or commitments contrary to the foregoing. Further, any employment agreement entered into by the Board of Aldermen or appropriate board shall not be enforceable unless it is in writing.

SECTION 170.125: PART-TIME OR TEMPORARY (SEASONAL) EMPLOYEES

- A. *Part-Time Employees*. "Part-time employees" are defined as employees regularly scheduled on an annual basis to work one thousand five hundred (1,500) hours or less. Unless otherwise specifically included herein, part time employees shall not be entitled to sick leave, vacation, insurance benefits, or similar employee benefits.
- B. *Temporary (Seasonal) Employees*. "Temporary employees" are defined as employees who are hired in a position which is scheduled to fill job requirements which occur intermittently or are created as a result of a project or program of limited duration. With the approval of the Mayor, temporary employees may be used during emergencies or other peak workload periods to temporarily replace regular employees absent due to disability, illness, and vacation or other approved leave or to temporarily fill a vacancy until a regular employee is hired. Employees in this category cannot work for the City more than one thousand five hundred (1,500) hours during a twelve-month period. Temporary employees shall not be entitled to sick leave, vacation, insurance benefits, or similar employee benefits.

SECTION 170.130: EQUAL EMPLOYMENT OPPORTUNITY POLICY

- A. The City of Crane prohibits, forbids and does not tolerate discrimination against anyone on the basis of race, color, religion, sex, age, national origin, veteran status, disability, ancestry, marital status or political affiliation. All employees, managers, supervisors and job applicants are guaranteed the same employment opportunities. No person or employee, no matter his/her title or position, has the authority, whether expressed, actual, apparent or implied, to discriminate against another employee of the City of Crane.
- B. The City of Crane will not discriminate against any employee, manager, supervisor or applicant on the basis of race, color, religion, sex, age, national origin, veteran status, disability, ancestry, marital status or political affiliation. The City of Crane's supervisors and/or managers will make all recruitment, placement, selection, training and layoff decisions based solely on job-related qualifications and abilities without regard to race, color, religion, sex, age, national origin, veteran status or disability.
- C. The City of Crane will administer and conduct all personnel procedures including compensation, benefits, discipline, training, recreational and social activities and safety and health programs without regard to an individual's race, color, religion, sex, age, national origin, veteran status, disability, ancestry, marital status or political affiliation.
- D. The City of Crane prohibits verbal, physical or visual conduct that belittles or demeans any individual on the basis of race, color, religion, sex, age, national origin, veteran status, disability, ancestry, marital status or political affiliation.
- E. Qualification for employment is based on merit, knowledge and ability, training and experience in relation to the actual job requirements. No appointments are made on the basis of favoritism, political or personal influence or any other such means.
- F. There is an increasing realization among Americans of the need to assure equal employment opportunities for all citizens. Various laws applicable to employers prohibit discrimination because of race, creed, color, national origin, sex, age or disability. The City of Crane is determined to comply fully with both the spirit and the provisions of these laws.
 - 1. *Equal employment opportunity policy statement.* Listed below is a policy statement concerning the City's equal employment opportunity position:

POLICY STATEMENT
EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City of Crane to provide equal employment opportunity to all qualified persons regardless of race, color, sex, religion, veteran status, national origin, ancestry, age, marital status, disability or political affiliation. Included in the policy is the prohibition of discrimination in employment, upgrading, demotion, transfer, recruitment, advertising, layoff, termination, rates of pay or other forms of compensation or fringe benefit, selection for training and development, and participation in a contractual or other arrangement or relationship.

2. *Notices.* The City shall post Equal Opportunity Employer notices in an accessible format to applicants, employees and members. Equal Opportunity Employer notices must be posted at the place of employment, stated on application forms and verbally stated before the interview process.
3. *Contractual arrangements.* Any departments that participate in a contractual or other arrangement or relationship with another business organization, etc. must notify that group that the department "is an EEO and doesn't discriminate on the basis of sex, color, religion, national origin, marital status, race, age or disability".
4. *Disability discrimination.*
 - a. The City of Crane prohibits, forbids and does not tolerate discrimination against any qualified individual with a disability. A qualified individual with a disability is anyone who can perform the essential functions of the job with or without reasonable accommodation for his/her disability.
 - b. All qualified individuals with a disability are guaranteed the same employment opportunities as other employees or applicants. No person or employee, no matter his/her title or position, has the authority, whether expressed, actual, apparent or implied, to discriminate against a qualified employee or applicant with a disability.
 - c. The City of Crane will make all decisions concerning recruitment, placement, selection, training, hiring, advancement, discharge or other terms, conditions or privileges of employment based on job-related qualifications and abilities.
 - d. The City of Crane prohibits any verbal, physical or visual conduct that belittles or demeans any qualified individual with a disability.

5. *Reasonable accommodations/undue hardship.*

- a. The City of Crane is obligated under ADA to make "reasonable accommodations" that would permit an employee with a disability to perform the duties of the job unless providing such accommodations would result in "undue hardship" on the City.
 - b. Reasonable accommodations may include making existing employee facilities accessible to and usable by employees with disabilities, job restructuring, modification of equipment or modification of work schedules.
 - c. A disability is a physical or mental impairment that substantially limits one (1) or more major life activities which may include caring for oneself, walking, seeing or speaking. Any disabled employee or applicant who is otherwise qualified for a job but for his/her disability will be accommodated for his/her disability, provided the accommodation is reasonable. What is considered a reasonable accommodation will be based on a case-by-case analysis.
 - d. To make an accommodation request, the individual should communicate his/her request in accordance with Policy No. 170.815 "Employee Appeals/Grievance Procedure and Chain of Command".
 - e. "*Undue hardship*" is defined as an action requiring significant difficulty or expense. Each applicant will submit a statement in writing to the department head of what position they are seeking and what would be necessary to "reasonably accommodate" that individual.
 - f. The department head will review the applicant's statement and decide if the department would be able to accommodate the applicant or if the action would require a significant difficulty or expense when considered in light of the factors set forth in Section 101 (10) (B) of the ADA law, such as the nature and cost of the accommodation, the overall financial resources of the department and the type of operations of the department.
 - g. All department heads must document decisions not to hire or promote because of "undue hardship".
 - h. All departments must adopt a grievance procedure that incorporates due process standards and that provide for the prompt/equitable solution of complaints of discrimination against an individual with a disability, including job applicants, employees, customers/visitors.
- G. *Procedure for reporting discrimination.* If a City employee has a question, problem or complaint regarding a violation of this policy or discrimination in general, that employee must communicate his/her concerns in accordance with Policy No. 170.815, "Employee Appeals/Grievance Procedure and Chain of Command".

SECTION 170.135: SEXUAL HARASSMENT POLICY

- A. *Sexual harassment of a City employee will not be tolerated.* Any employee who reports such activities will be treated in a fair and equitable manner and will receive the cooperation of the City administration. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964.
- B. Definition:
1. "Sexual harassment" is deliberate or repeated unsolicited verbal comments, gestures or physical contact of a sexual nature, which are by their nature and intent considered coercive contact.
 2. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions such as promotion, assignment, demotion, discipline or discharge;
 - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.
- C. *Responsibility of employee to report activity.* If an employee should be confronted by such an overture, it shall be the employee's responsibility to report such action to his or her Department head or the City Clerk immediately. The supervisory chain of command maybe circumvented if the aggrieved employee deems it is necessary. The employee should be prepared to provide the following information at the time the complaint is made:
1. The employee's name, department and position.
 2. The name of the person or persons committing the sexual harassment.
 3. The specific nature of the sexual harassment, how long it has gone on, and any employment decisions or threats made against the individual based on the harassment.
 4. Witnesses to the harassment.
 5. Whether there has been any previous report of such harassment and to whom and when.

- D. *Responsibilities of supervisory personnel.* If such action is known by supervisory personnel, it is the responsibility and the obligation of the supervisor to report such activity to the Department head or the City Clerk immediately. Job responsibilities and tasks, which require on-duty contact between the individuals involved, shall be restricted and minimized by management during the investigation process.
- E. *Investigation.* When an allegation of sexual harassment is made by any employee, the person shall complete a report as outlined above. The City Clerk, or his/her designee, shall investigate the complaint by interviewing the parties involved and keeping a written record of the investigation. City employees are obligated to cooperate in the investigation by presenting testimony or evidence either favorable or unfavorable to the allegation.
- F. Disciplinary action.
1. Based upon the report of the investigator the City Clerk shall, within a reasonable time, determine whether the conduct of the person against whom a complaint has been made constitutes sexual harassment. In making that determination, the City Clerk shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context of the conduct, and the conduct of the person complaining. The determination will be made on a case-by-case basis.
 2. Upon the making of the determination that sexual harassment has taken place, the City Clerk shall take disciplinary action consistent with the nature and severity of the offense. The disciplinary action may include oral reprimand, written reprimand, suspension, demotion or dismissal.
 3. Employees determined to have made a bad faith complaint against another employee shall be subject to disciplinary action.
 4. Employees refusing to cooperate in an investigation shall be subject to disciplinary action.
 5. An employee found to have committed sexual harassment shall be warned not to retaliate against the employee who filed the complaint or any of the employees involved in the investigation. Such retaliation shall be grounds for additional disciplinary action.

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CHAPTER 170. PERSONNEL POLICY AND REGULATIONS
PART 2. PERSONNEL SELECTION**SECTION 170.200: EMPLOYMENT**

The Department heads shall, respectively within their departments, upon authorization of the Board of Aldermen or appropriate board authorized by ordinance:

Place advertisements for job openings on departmental bulletin boards and in a local newspaper of general circulation. All advertisements must include the statement that the City is an equal opportunity employer.

- A. Interview candidates and conduct a valid, job-related employment interview.
- B. Oversee the conduct of reference checks and specific tests if required for the position.
- C. Hiring procedures shall include the application of handicapped accessibility standards, when applicable, e.g., readers, braille, audio cassette, written materials, sign language interpreters and personal assistance for manual impairments.
- D. Recommend to the Board of Aldermen or appropriate board, a person to fill the job opening from the list of candidates.
- E. Confirm job offer in writing and coordinate the hiring procedure with the office of City Clerk.
- F. Create and maintain written job descriptions for each job category in the department.
- G. Create and maintain internal operating procedures which include personnel-related policies not listed in the City's comprehensive personnel policy.
- H. The physician (or person administering a physical exam) shall be notified of ADA regulations. They are "prohibited from making inquiries as to the nature and extent or severity of disabilities except as they are job-related".
- I. All departments must hold their social and recreational activities in a location that is accessible to all employees.

SECTION 170.205: RECRUITMENT

Department heads should utilize every available method to advertise open positions and shall consider such methods as newspaper ads, word-of-mouth, the State employment service, and professional association newsletters and periodicals.

SECTION 170.210: APPLICATIONS

All applications shall be on forms provided or prescribed by the City and shall be completed and filed with the City Clerk. Applicants may be required to furnish information concerning education, experience, references and other pertinent information pertaining to the job requirements.

- A. All new hires must submit to a physical examination and drug screening before a permanent position is filled.
- B. All new hires must have a full background check before a permanent position is filled.

SECTION 170.215: PHYSICAL EXAMINATIONS

All prospective permanent employees shall, prior to being employed by the City of Crane, Missouri, have a physical examination performed by a licensed physician and shall, prior to entering into such employment, present a certificate from a licensed physician stating that the prospective employee is physically able to perform the duties pertaining to the prospective employment. All full-time employees shall be required to have a basic physical every other year (starting the first (1st) quarter of 2008). Part-time appointed officials, including the City Attorney, City Judge and employees under contract with the City, are exempt from this requirement.

The physical examination shall be conducted by a physician approved in advance by the City.

The City shall notify the physician of Americans with Disabilities Act (ADA) regulations that state the physician is "prohibited from making inquiries as to the nature and extent or severity of disabilities except as they are job-related".

SECTION 170.220: IMMIGRATION LAW COMPLIANCE

The City of Crane is committed to employing only United States citizens or aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9) and present documentation establishing identity and employment eligibility.

SECTION 170.225: DISQUALIFICATION OF APPLICANTS

If:

- A. It is found that the person does not meet any one (1) of the posted requirements established for the position.
- B. The person is addicted to the use of narcotics or the habitual use of intoxicating liquor to excess or did not pass the drug test upon hiring.
- C. The person has made false statement of material fact in the application.
- D. The person has failed to submit the application correctly or within the prescribed time limits.
- E. The person has used or attempted to use political pressure or bribery to secure an advantage.
- F. The person has been previously dismissed from a position with the City of Crane or has resigned while charges for dismissal for cause were pending.
- G. The person has been convicted of a felony or a misdemeanor involving notoriously disgraceful conduct or moral turpitude.
- H. The person has established an unsatisfactory employment or personnel record as evidenced by reference check or such a nature as to demonstrate unsuitability for employment or inability to hold a job.
- I. For other reasons considered by the Department head which may indicate employment of the individual would be detrimental to the best interest of the City of Crane.
- J. The person has attempted to practice fraud or deception in his/her application or examination or attempted to secure appointment to the position.
- K. The person is not physically or mentally capable to perform the duties or fails the physical or psychological examination.

SECTION 170.230: APPOINTMENT

After interviewing and investigation, the Department head shall select, subject to the approval of the Board of Aldermen or appropriate board authorized by ordinance. Upon approval, the Department head shall thereupon notify the person selected, and if the applicant accepts the offer of employment and presents themselves for duty within such period of time as the Department head shall prescribe, the applicant shall be deemed to be employed; otherwise, the applicant shall be deemed to have declined the offer.

SECTION 170.235: PROBATIONARY PERIOD

- A. *Purpose.* The probationary period shall be utilized for closely observing an employee's work habits, attendance, appearance, cooperation and teaming overall capability of meeting established work standards and to reject any employee whose performance does not meet the required work standard. If the employee is dissatisfied with the City, the employee may leave with neither advance notice nor cause. If the City is dissatisfied, it may similarly terminate the relationship. If it is determined by the City in its sole discretion that a satisfactory performance level cannot be achieved through a reasonable amount of training and counseling, the employee will be immediately released.
- B. *Duration.* Every person employed or promoted to a position as a regular employee shall be required to complete successfully a probationary period of at least six (6) months' duration. If at the end of the six (6) month period the department head still has questions regarding the employee's fitness for the position, the probationary period shall be automatically extended for an additional six (6) months or any portion thereof.
- C. *Evaluation Required (Change of Status).* At the end of the three (3) and six (6) month periods, the department head shall prepare a probationary report on all probationary employees evaluating the fitness of employees for likelihood the employee will meet the job standards. A copy of such a report shall be provided the probationary employee and shall be forwarded to the City Clerk for placement in the employee's personnel file. Upon receipt of any probationary report, the City Clerk shall notify the probationary employee in writing of any action to be taken to extend said probationary period or to change his/her status from probationary employee to regular status.
- D. *Benefits during Probationary Period.* During the probationary period, a new full-time employee shall not be eligible for sick leave and vacations but shall earn credit for those benefits to be taken after completion of the probationary period.
- E. *Dismissal.* At any time during the probationary period, the Department head and with advice and consent of the appropriate board, may dismiss an employee if the employee is unable or unwilling to perform the duties of the position satisfactorily according to established standards, or that the employee's habits or dependability do not merit continuance of employment. Upon such dismissal, the Department head shall advise the employee removed of the reasons within three (3) days of the action.
- F. *Appeal.* During the probationary period, an employee does not have the right to appeal a dismissal or disciplinary action. At any time during the probationary period the Department head with advice and consent of the appropriate board may remove an employee if in his/her opinion there is an indication that such employee is unable or unwilling to perform the duties of the position satisfactorily or that the employee's habits and dependability do not merit continuance in the service of the City.

SECTION 170.240: PROMOTIONS - DEFINITION AND POLICY

- A. *Emergency Appointments.* When a vacancy occurs in a position that is necessary to carry out City business without interruption, except for a short period of time, and no suitable list of candidates exists, the department head may appoint an employee in an acting capacity with the approval of the appropriate board. The duration of this emergency appointment will not exceed six (6) months or until an appointment can be made through established procedures, whichever is shorter.
- B. *Temporary Fill-In at a Higher Classification.* Regular employees may be asked to work temporarily in a higher classification. Such assignment will be made by the department head with the approval of the appropriate board. If such temporary assignment extends beyond thirty (30) generally consecutive calendar days, additional compensation at the higher classification will be provided. The duration of a temporary assignment may not exceed twelve (12) months.

SECTION 170.245: EMPLOYEE TRAINING

The department head shall develop and promote programs for employee training, safety and morale.

SECTION 170.250: NEPOTISM

- A. Immediate family of the Board of Aldermen, the Mayor, appointed board members and department heads may not be employed in the City, except that any employee whose relative later takes office as Mayor or Board of Aldermen shall not be affected.
- B. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle and aunt or any other person residing in the employee's home.
- C. Two members of an immediate family shall not be employed under the same supervisor; neither shall two members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of the immediate family. This policy applies to promotions, demotions, transfers, reinstatements and new appointments. The provisions of this section shall not be retroactive, and no action is to be taken concerning those members of the same family employed at the time of the adoption of this section.

**CHAPTER 170. PERSONNEL POLICY AND REGULATIONS
PART 3. COMPENSATION****SECTION 170.300: DEDUCTIONS**

Federal and state laws require some regular deductions from the employee's earnings; the employee specifically authorizes other deductions. The City of Crane will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, applicable union contract, or statute.

SECTION 170.305: WORKERS' COMPENSATION

- A. An employee who is injured by an accident while performing assigned duties may be covered by the City's Workers' Compensation insurance. Said employee is eligible to receive medical treatment and compensation benefits as prescribed by State law. Employees must first be examined by a physician approved by the City.
- B. *Injury Management Procedure.* When an accident occurs, the first and foremost item is the care and treatment of the injured employee. Treatment of the injury must be handled on a complete and timely basis with all areas of documentation being extremely thorough. Documentation is absolutely necessary in order to have an efficient injury management program. Any variance from the program may adversely affect the loss handling and/or proper care of employees.
- C. *Reporting Procedure.* The following minimal guidelines shall be implemented following an accident occurs:
 1. Report all accidents immediately to supervisor for forwarding to the City Clerk.
 2. The employee shall complete the Employee Incident/Injury Report and send it directly to the City Clerk's Office, within twenty-four (24) hours. The City Clerk shall complete the Report of Injury Form and submit it to the City's Workers' Compensation insurance carrier. Employees should not send Workers' Compensation reports to the State Division of Workers' Compensation or directly to the local insurance agency.
 3. The department head should contact the injured employee within twenty-four (24) hours to determine the extent of the injury. The department head should contact the treating physician to ascertain his/her view point of the injury and how it may be resolved as soon as possible. The conversation with the employee and treating physician should repeat itself every five (5) days until the employee has returned to work.

4. The injured employee shall cooperate fully with the City's managed care provider to obtain appropriate care and treatment until the employee returns to work.
5. According to State law governing Workers' Compensation injuries, the employer has the right of first (1st) evaluation, i.e. choice of a physician. In view of this, when an injury occurs at work, the City requires the use of a physician approved by the City during normal working hours.

For work-related injuries occurring after office hours or requiring more comprehensive care, the employee should go to the emergency room at a hospital approved by the City's group health insurance plan. The City has made arrangements with the above facilities to bill the City directly for all Workers' Compensation charges.

The City of Crane and its insurance agent/carrier will not be liable for any charges other than those made through the above-named services or their referrals.

- D. *Application of Accumulated Sick Leave to Supplement Workers' Compensation Benefits.* Any permanent or full-time employee of the City of Crane, Missouri, who, by reason of illness or injury within the coverage of the State Workers' Compensation law, is prevented from performing the normal duties to which the employee is assigned, may apply any unused sick leave to which the employee is entitled to supplement the payments made to the employee under the State Workers' Compensation law. If so applied, the City shall pay such employee the difference between the amount the employee is paid under the Workers' Compensation law and the amount of the employee's regular compensation for a like period.

SECTION 170.310: PENSION PLAN

At this time, the City does not participate in any retirement system or pension plan.

SECTION 170.315: DEFERRED COMPENSATION

The City of Crane offers a deferred compensation plan for its employees through ING, North America Insurance Corporation

Participation by employees in said plan is voluntary upon execution of an agreement between the employee and the City to defer compensation not yet earned in return for benefits offered under the plan. Any full-time employee is eligible to participate in the deferred compensation plan.

The City of Crane is under no obligation to make matching contributions on behalf of any employee to a deferred compensation plan.

SECTION 170.320: GROUP HEALTH INSURANCE

In addition to other compensation provided for each full-time employee of the City, the City shall contract for group health insurance coverage and pay the full premium cost for such policy for the employee. Information concerning benefits and claims procedures may be obtained from the office of City Clerk.

When an employee has reached the eligibility age for Parts A and B Medicare coverage, and selects Medicare Part B and supplemental coverage Part F in lieu of the City group insurance plan, the City will reimburse the employee the monthly cost of the Medicare Part B and the Medicare Supplement coverage Part F.

After an employee retires from the City with ten years of continuous service prior to retiring, the City will continue to reimburse the employee the cost of the Part B Medicare and Part F Medicare Supplemental coverage matching the number of years of service of the employee or until demise.

SECTION 170.325: GROUP LIFE INSURANCE

In addition to other compensation provided, the City will make available a group life insurance policy for all full-time employees in the amount of \$15,000.00, the premium cost of which the total amount shall be financed by the City. Information concerning benefits and claims procedures may be obtained from the office of City Clerk.

SECTION 170.330: REGULAR WORKWEEK/BREAKS/LUNCH BREAKS/ACTIVITY ACCESSIBILITY

- A. The normal workweek shall consist of forty (40) hours per week. This time shall be devoted to work as an employee of the City of Crane. Work at any type of employment on City time, other than work assigned as an employee of the City of Crane, is prohibited. Use of City facilities and/or equipment for outside employment is prohibited. "Outside employment" shall include, but not be limited to, sales of any type of merchandise not manufactured or produced by the City of Crane.
- B. A standard workweek is Monday through Friday; a standard workday is from 8:00 a.m. to 5:00 p.m. with a one hour unpaid lunch period. A normal work schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules may be established by the City of Crane to meet job assignments and provide necessary services, such as in the case of emergency services personnel. Each department head will advise their employees regarding their specific work hours.
- C. Time off for meals shall not be considered as part of the compensated hours; however, one (1) fifteen (15) minute break may be granted within each four (4) hour period. The fifteen (15) minute breaks are actual time not working on the job. Employees not utilizing their rest period will not be entitled to additional compensation
- D. *Breaks.* The time and scheduling of on-duty breaks shall be determined by departmental internal operating procedures.
- E. *Lunch Break.* The department head shall establish the length of the lunch break and the time of day it shall be taken.
- F. The Fair Labor Standards Act (F.L.S.A.) does not require that employees be given rest periods, but if rest periods are provided, they must be counted as hours worked if they last twenty (20) minutes or less. Coffee and snack breaks are compensable rest periods and cannot be excluded from hours worked as meal periods. The compensability of rest periods that last longer than twenty (20) minutes depends upon an employee's freedom during the breaks.
- G. *Accessible Activities.* All departments must hold their social and recreational activities in a location that is accessible to all employees.

SECTION 170.335: AUTHORIZATION AND ASSIGNMENT

The department head shall establish a fair and equitable method of authorization and assignment of compensatory and overtime work. The department head shall keep time records showing the exact number of days and hours worked per employee.

SECTION 170.340: COMPENSATORY TIME AND OVERTIME (FAIR LABOR STANDARDS ACT)

- A. *Policy.* It is the policy of the Board of Aldermen of the City of Crane that department heads shall determine the work hours for each employee and shall assign such work duties and job responsibilities as can be normally accomplished within the established work period. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities, and employees are expected to work such overtime as necessary as a condition of their employment with the City of Crane. Repeated failure to work overtime without appropriate excuse may be grounds for disciplinary action.

The City's overtime pay policy will conform to overtime provisions of the Federal Fair Labor Standards Act (FLSA). FLSA does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest. Extra pay for working weekends or nights is a matter of agreement between the employer and the employee (or the employee's representative). The FLSA does not require extra pay for weekend or night work or double time pay.

- B. *Eligibility for Overtime.* The Overtime Policy and its regulations apply to the employment of all regular and temporary staff members who work in excess of 40 hours weekly, except for those who perform work classified as exempt under the Fair Labor Standards Act. Non-exempt employees will be paid one and one-half (1½) times for each additional hour worked in excess of forty (40) hours in any workweek. The granting of compensatory time, in lieu of payment for overtime hours, may be permitted. Accrual of compensatory time will be limited to a maximum of forty (40) hours that may be rolled over from one (1) year to the next.
- C. *Authorization for Overtime.* Employees must have supervisory authorization to earn overtime compensation or compensatory leave. In cases where overtime is earned prior to the end of the workweek, the employee's schedule should be adjusted so that there are no more than forty hours worked in that week. Nonexempt employees who work overtime without authorization are subject to disciplinary action, up to and including termination.
- D. *Overtime Provisions.* The maximum amount of hours that can be scheduled for an employee in any 24-hour period is sixteen hours. The maximum allowable overtime in any workweek is 20 hours, allowing at least one full day off work per workweek, except if an extreme emergency situation requires more overtime.

E. *General Provisions.* In order to be eligible for overtime the employee must actually work additional hours beyond the standard forty-hour workweek.

1. Sick leave, annual leave, approved holidays, compensatory time, vacation, Funeral leave, military duty, etc., do not contribute to the qualifying for overtime since this is not time actually worked.

SECTION 170.345: CALL-OUTS

If an employee is called to work outside of a normally scheduled workday or is called back to work after having completed a regularly scheduled workday, the minimum time for which compensation will be paid is two (2) hours. All employees are subject to call back in emergencies or as needed by the City of Crane to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination. Based upon budgetary and administrative limitations, it will be left up to the discretion of the department head to determine if overtime or compensatory time will be given to these employees for call outs. An employee is not considered to have returned to work until they arrive at the assigned job site. Employees are not acting within the scope of their employment in traveling to or from work.

SECTION 170.350: ADMINISTRATIVE LEAVE

Administrative leave may be authorized occasionally to provide time off for department heads who routinely work in excess of forty (40) hours per week. Department heads may have paid time off contingent on workforce requirements of the affected department with the approval of the appropriate board.

SECTION 170.355: VACATION SCHEDULE

- A. Every employee holding a permanent position for a period of six (6) consecutive months shall be allowed vacation with pay according to the following schedule based upon length of service with the City.
- | | |
|--|------------------------------|
| 1. <i>After working twelve (12) months.</i> | One (1) week (40 hours). |
| 2. <i>After working twenty-four (24) months.</i> | Two (2) weeks (80 hours). |
| 3. <i>After working ninety-sixty (96) months.</i> | Three (3) weeks (120 hours). |
| 4. <i>After working one hundred eighty (180) months.</i> | Four (4) weeks (160 hours). |
- B. *Length of Service.* Length of service is based on continuous City employment on the employee's anniversary date (date of hire).
- C. *Scheduling.* Vacation is provided as a benefit to provide the employee with a break from City employment. It is intended as an opportunity for the employee to spend time with his/her family, enjoy recreational activities and generally "recharge his/her batteries" in order to return to work more emotionally and physically rested. Vacations should be scheduled throughout the year considering both the employee's personal wishes and the necessity of continuous, efficient, City operations. Vacation leave normally will be scheduled at least ten (10) working days in advance, provided approval of the requested leave is given by the department head. Exceptions may be granted by the department head. (This subsection updated by Ordinance 1011, 12/08/2008)
- D. *Holiday during Vacation.* When a regularly scheduled holiday occurs during the period of an employee's vacation, that day shall not be charged as vacation leave on the employee's record.
- E. *Accrued.* It is encouraged that vacation be taken during the calendar year granted. However, vacation leave may be accrued up to twenty (20) days and rolled over from one year to the next, upon the approval of the department head.
- F. *Payment upon Termination.* Any employee, except probationary employees, who shall be dismissed, resign or retire shall receive full compensation for any portion of that year's vacation not taken to the date of termination.

SECTION 170.360: HOLIDAYS

- A. The following holidays shall be granted:
1. New Year's Day
 2. Martin Luther King, Jr. Day
 3. Presidents' Day
 4. Memorial Day
 5. Independence Day
 6. Labor Day
 7. Veterans Day
 8. Thanksgiving Day
 9. Day following Thanksgiving
 10. Christmas Day
 11. Employee's Birthday (floating)
- B. "*Holiday pay*" is defined as a benefit to all employees which provides compensation for time not worked on a holiday or additional compensation for required time worked on the holiday. Holiday shall be further defined as eight (8) hours.
- C. When a Holiday falls on a Saturday the preceding Friday shall be observed, when a holiday falls on a Sunday the following Monday shall be observed.
- D. Any employee required to work on a recognized holiday will be compensated at their regular rate of pay for the Holiday plus their regular rate of pay for time worked or they may take an extra day off if taken within sixty (60) days.
- E. Since the employee is not required to work on the holiday, the hours spent off the job shall not be considered as "working time" as defined by the Fair Labor Standards Act.
- F. To be eligible to receive pay for an observed holiday, an employee must not have been absent without authorized leave either on the workday before or the workday after the holiday. Any employee desiring to be absent without pay shall get permission from the department head forty-eight (48) hours in advance from the requested time off.

SECTION 170.365: SICK LEAVE POLICY

- A. *Granted.* All regular full-time employees of the City shall be awarded eight (8) hours sick leave with pay on the first (1st) day of each month following the month. Sick leave shall accrue from the date of employment but shall not be taken until the successful completion of the probationary period. Sick leave must be taken in full-day increments. The only exception to the requirement for use of sick leave benefits in full-day increments shall be when sick leave is used to supplement disability related Workers' Compensation benefits as outlined in Section 170.305 of this Code or when prior approval by the department head is given. Sick leave may never be taken in advance of the time being awarded.
- (This subsection updated by Ordinance 1011, 12/08/2008)
- B. *Accumulation.* Unused sick/personal leave days may be accumulated to a maximum of sixty (60) working days (four hundred eighty (480) hours).
- C. *Eligibility.* An employee may be eligible for sick leave with pay for any of the following reasons:
1. Personal illness or physical incapacity.
 2. Quarantine of the employee by a physician.
 3. Emergency illness or accident involving a member of the immediate family which requires the employee to stay at home or take the relative to a hospital.
- D. *Notification Required.* Any employee who is unable to report for work because of the reasons stated in this Section hereof shall report the same to his/her supervisor within two (2) hours prior to the time that the employee is required to report to work. Sick leave is considered a privilege and is to be used only in case of need due to illness or injury.
- E. *Authorization for Sick Leave.* Sick leave with pay shall not be allowed unless the employee complies with all of the following:
1. Complies in full with the provisions of this entire Section herein.
 2. Completes and signs an absence report on the form to be provided by the City Clerk.
 3. Sick leave with pay may require the presentation of a written statement from the physician certifying that the employee's condition prevented him/her from appearing at work. Such certificate shall be at the discretion of the department head. The department head shall also have the discretion of determining if an employee has prematurely returned to work and request in writing from the employee's physician a release to return to work.
- F. *Payment upon Termination.* Any employee terminating from City service, except retirement, shall not be allowed the use of sick leave in the last two (2) weeks of employment. Unused sick leave shall not be compensated for in any way at the time of dismissal or resignation of an employee. Any retiring employee who has accumulated the maximum amount of sick days shall be entitled to full compensation for one-third (1/3) of accumulated sick leave.

SECTION 170.370: BEREAVEMENT LEAVE

The City of Crane understands that a death in the family can be a very difficult time and will make every reasonable effort to accommodate an employee's leave request under these circumstances.

The purpose of this type of leave is to attend the funeral and to help take care of personal matters. Generally, employees may use up to three (3) days of paid leave following the death of an immediate family member. For the purposes of this policy, this includes: spouse, father, mother, son, daughter, stepchildren, brother, sister, father- in-law, mother- in-law. Time off may be arranged for an employee wishing to attend the funeral of a relative or close friend if the work schedule permits upon approval by the department head. (This subsection updated by Ordinance 1015, 12/08/2008)

SECTION 170.375: MILITARY LEAVE

- A. Employees may receive a leave of absence not to exceed fifteen (15) working days annually for participation in annual training in the National Guard or Reserve Armed Forces or called to temporary active duty. Requests for said leave must be accompanied by a copy of official orders.
- B. Regular employees entering the active military service of the United States by draft or by call to active duty through the Reserve or National Guard units, upon request, shall be granted a leave of absence without pay to extend for sixty (60) days beyond the date of discharge from active military service. At or prior to the expiration of the military leave of absence, the employee must inform the appropriate board of his/her willingness and ability to return to City employment and produce evidence of his/her honorable discharge from military service. The employee shall thereupon be returned to his/her former or comparable position, providing that he/she is capable of carrying out the duties of the position.
- C. Service personnel who are called into active duty shall be removed from the City's group health coverage. These persons will be allowed to purchase COBRA continuation coverage at the employee's expense.
- D. Employees called to active duty in response to a national emergency or war may receive an unpaid leave of absence for the duration of the national emergency or war. Requests for said leave must be accompanied by a copy of official orders. At or prior to the expiration of the military leave of absence, the employee must inform the appropriate board of his/her willingness and ability to return to City employment and produce evidence of his/her honorable discharge from military service. The employee shall thereupon be returned to his/her former or comparable position, providing that he/she is capable of carrying out the duties of the position.

SECTION 170.380: JURY LEAVE

- A. An employee shall be given necessary time off without loss of pay when performing jury duty, appearing in court as a witness in answer to a subpoena, in an official capacity in connection with the City or as an expert witness either because of professional or observed knowledge or performing emergency civilian duty in connection with national defense or as otherwise provided by law. The employee shall provide satisfactory evidence of such activity to the Board of Aldermen or appropriate board upon the employee's return to duty. The employee will be paid at his/her regular rate of pay when performing jury duty but must relinquish any compensation received, with the exception of payment for mileage in performance of jury duty. If an employee is involved in court in a personal case either as a plaintiff or as a defendant in a suit not resulting from his/her duties with the City, he/she may be granted leave without pay unless the employee elects to utilize any available vacation leave.
- B. It is expected the employee will provide the City with prior notice of jury duty as far in advance as possible. If released from such jury duty before the end of a normal work shift, the employee shall return to work for the remainder of the shift. The employee must provide the department head with a verification note from the Court Clerk for each day of jury duty.

SECTION 170.385: FAMILY AND MEDICAL LEAVE POLICY

- A. *Purpose.* To define the City's policy and procedure with regard to family and medical leave.
- B. Maternity Leave.
 1. The City of Crane prohibits and does not tolerate discrimination against anyone on the basis of pregnancy. The City of Crane will treat all applicants and employees who are pregnant in the same manner as any other applicant or employee with regard to job-related functions, benefits, opportunities and purposes. No person or employee, no matter his/her title or position, has the authority, whether expressed, actual, apparent or implied, to discriminate against a pregnant employee or applicant of the City of Crane.
 2. The City of Crane will not deny a job or remove a pregnant employee from a position because the employee is pregnant, considering pregnancy or experiencing any pregnancy-related problems. All decisions regarding a pregnant employee's placement in or continuation in a job will be based on the same consideration that governs all employment decisions - the employee's ability to satisfactorily perform the essential duties of the job in question.

3. An employee who becomes pregnant shall be granted maternity leave without pay; however, the employee may elect to use any accrued sick leave or vacation leave to the extent such leave is available. All privileges and benefits shall apply in the case of maternity leave, without pay, as with any other employee on sick leave or other leave without pay status. An employee must return to work within three (3) months following birth.

C. Procedure for Reporting Pregnancy Discrimination.

1. If an employee has a question, complaint or problem related to pregnancy discrimination, the individual is encouraged to discuss their questions, problems, complaints or reports with their immediate supervisor. If she feels uncomfortable doing so or if their supervisor is the source of the problem, condones the problem or ignores the problem, they should report the problem to the appropriate board.
2. If neither of these alternatives are satisfactory to the employee, then they can direct their questions, problems, complaints or reports to the Board of Aldermen. The employee is not required to directly confront the person who is the source of the report, question or complaint before notifying any of the individuals listed.

D. General.

1. Employees who have been employed for at least one (1) year and for at least one thousand two hundred fifty (1,250) hours during the preceding twelve (12) month period are eligible for family and medical leave. Employees will be returned to the same or to an equivalent position upon their return from leave.
2. Family or medical leave will be unpaid leave. If leave is requested for an employee's own serious health condition, the employee must use all of his/her accrued paid vacation leave, sick leave or personal leave. If leave is requested for any of the other reasons listed below, an employee must use all of his/her accrued vacation or personal leave. The remainder of the leave period will then consist of unpaid leave.

E. Reasons for Leave.

1. All employees who meet the applicable time of service requirements may be granted a total of twelve (12) weeks of unpaid family leave and paid sick, vacation and personal leave combined (during any twelve (12) month period) for the following reasons:
 - a. The birth of the employee's child and in order to care for the child;
 - b. The placement of a child with the employee for adoption or foster care;
 - c. To care for a spouse, child or parent who has a serious health condition; or
 - d. A serious health condition that renders the employee incapable of performing the functions of his/her job.
2. The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

F. *Application for Leave.* In all cases, an employee requesting leave must complete the "Application for Family and Medical Leave" form, which can be found on file in the city offices, and return it to the City Clerk's office as soon as the necessity for the leave arises.

G. Medical Certification of Leave.

1. An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition and the appropriate medical facts regarding the condition.
2. If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his/her job.

H. Benefits Coverage during Leave.

1. During a period of family or medical leave, an employee will be retained on the City health and life plans under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he/she made to the plan before taking leave. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage.
2. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his/her job or to circumstances beyond the employee's control.
3. An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

I. *Restoration to Employment.* An employee eligible for family and medical leave will be restored to his/her old position or to a position with equivalent pay, benefits and other terms and conditions of employment. The City cannot guarantee that an employee will be returned to his/her original job. A determination as to whether a position is an "equivalent position" will be made by the City.

J. *Return from Leave.* An employee must complete a "Notice of Intention to Return from Family or Medical Leave" before he/she can be returned to active status. If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.

K. *Failure to Return From Leave.* The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of his/her own serious health condition or of the employee's spouse, child or parent must submit a request for an extension, in writing, to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she/he will not be able to return at the expiration of the leave period.

SECTION 170.390: SALARY

- A. *PERFORMANCE APPRAISAL*. In an effort to pay all employees on a fair and equitable basis, the head of each department shall evaluate each employee within the department annually. The Mayor and the Board of Aldermen, or appropriate board authorized by ordinance shall evaluate each appointed position and the Department head. These evaluations shall be made and presented to the appropriate board in executive session, before budget approval. Evaluations shall become part of the individual employee's personal file. The salaries of employees will not be less than set by the current Fair Labor Standards Act.
- B. *PAY PERIOD AND PAY DAY*. Employees shall be paid every other Friday, with the time for the pay period ending on that Friday.
- C. *SALARY MATTERS*. All salary matters, including starting salary, raises, etc., shall be determined by the Mayor and Board of Aldermen, except where appointed Boards are authorized to do so by City Ordinance. The board may receive input from department supervisors regarding salary matters.
- D. *SALARY ADVANCES*. No advance in future wages shall be made.
- E. *SALARY ADJUSTMENTS TO EVALUATIONS*. Employees may receive salary adjustments on the basis of an objective evaluation of their performance. After adjusting the salary and completing individual employee appraisal review, the Board of Alderman or appropriate Board shall develop a budget recommendation.
- F. *PAYROLL RECORDS*. The official payroll records are kept by the City Clerk. Each department head shall turn in on a regular basis a signed work record for each employee within their department noting hours worked, leave taken, and overtime worked during the previous pay period.

SECTION 170.395: TRAVEL FOR WORK / REIMBURSEMENT

The Board of Aldermen or appropriate board must approve all travel away from the City of Crane in advance if City is to reimburse for the travel expense. If private automobiles are used, employees will be reimbursed at rates established and modified from time to time by the standard allowable U.S. Internal Revenue Service (IRS) rate for automobile use.

Elected officials and employees shall be reimbursed for official travel and related expenses while carrying out official duties or attending conferences and training seminars which will benefit both the employee and the City of Crane. Employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business travel, including food, lodging, and travel expenses while away. Requests for reimbursement, including all original receipts, shall be submitted on an expense report form signed by the employee and his/her supervisor. The report, together with the receipts, should promptly be submitted to Board of Aldermen or appropriate board, who will review the expenses, sign off on the expense report, and decide whether payment should be issued.

All efforts shall be made to keep travel expenses to a minimum and reasonable. The following expenses for approved travel shall be reimbursed according to established allowances or actual cost when accompanied by receipts or other documentation as required and appropriate:

- direct travel including air, bus, and taxi fares
- direct travel by personal vehicle at the established IRS rate per mile or at an amount equal to common carrier fare, whichever is less
- overnight lodging when travel extends beyond 100 miles from the City of Crane.
- meals and reasonable tips
- other reasonable and related expenses

The following travel expenses are not reimbursable:

- any expenses incurred by a spouse or other person accompanying an employee
- personal expenditures such as valet service, laundry and dry cleaning, movies, and entertainment
- side trips
- traffic tickets or parking fines.

CHAPTER 170. PERSONNEL POLICY AND REGULATIONS
PART 4. CONDUCT, WORK HABITS AND ATTITUDE OF CITY EMPLOYEES

SECTION 170.400: POLICY

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Whenever work habits, attitudes, productivity or personal conduct of any employee falls below a desirable standard, supervisors shall point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a coaching environment in a constructive and helpful manner in an effort to elicit the cooperation and goodwill of the employee and to improve employee performance for the City's overall benefit. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede more formal disciplinary action.

SECTION 170.405: EMPLOYEE CONDUCT

- A. All employees (regular, part-time and contract) and volunteer personnel shall maintain a standard of conduct which reflects favorably on the individual, the department, the City and public employment. Breaches of this standard of conduct shall result in appropriate disciplinary action.
- B. The City of Crane does not tolerate workplace wrongdoing on City premises, property or while acting within the scope of employment. Any employee who commits workplace wrongdoing may be subject to disciplinary action, up to immediate discharge.
- C. Incidents of Misconduct or Wrongdoing.
 1. Conduct including, but not limited to:
 - a. Misrepresentation of any job qualification, personal data or other information reasonably necessary to determine ability or capability of job performance duties or the failure to disclose information directly related to a determination of job qualification or ability.
 - b. Excessive or unexcused absences from work or failure to attend meetings or scheduled events necessary to satisfactorily perform job functions.
 - c. Direct or indirect insubordination to any supervisor or Department head or the failure to follow appropriate instructions on any matter related to performance of job functions, or the willful disobedience to any order lawfully issued.
 - d. Misuse of any office or employment position for purposes beyond the reasonable scope of duties of that office or position or for any personal gain not directly related to employment by the City.

- e. Acceptance of any gifts, personal services or other remuneration of value, other than ordinary compensation, benefits and awards approved or sanctioned by policies of the Board of Aldermen or by a recognized professional or occupational group or organization for the performance of job duties.
- f. Dereliction of job duties, sleeping on duty, incompetency in the performance of his or her duties, neglect of duty.
- g. Maintaining a personal appearance or demeanor which creates or causes public embarrassment, ridicule, social complaint or otherwise adversely reflects upon job performance of the City.
- h. Any breach of confidence by the release or communication of information derived through employment which is considered confidential job information, which by law is protected information or which is authorized for release only through specialized procedures of the City. Making known any investigation or discussing the affairs of the City, in any manner likely to disrupt the discipline of Department, with any person not a member of the Department or the Board of Aldermen without approval.
- i. Failure to adhere to or comply with established rules, regulations or orders of the Department, Board of Aldermen or the Mayor or appropriate board, if same be in writing.
- j. Taking of action directly contrary to established City policies or misrepresenting City policies, programs or issues to the public.
- k. Horseplay.
- l. A positive drug or alcohol test result shall be deemed misconduct and may result in suspension or termination of employment.
- m. For unnecessary and unwarranted violence toward a prisoner. For indecent, profane or harsh language while on duty or in uniform.
- n. For cowardice or for lack of energy which may be construed as either incompetency or gross neglect of duty.
- o. For conduct unbecoming an employee, whether on duty or off duty.
- p. For careless handling of City property, either fixed or movable.
- q. Violations of any section of the “Personnel Policy and Regulations.”

2. Unlawful or illegal conduct including, but not limited to:
 - a. The unauthorized use of City property for any purpose or removal, without permission, of any City property from its designated place for personal or unauthorized use or the use of City property in a manner or for a purpose for which the property was not designed or intended.
 - b. Failure to use appropriate care for City property or the intentional destruction or loss of City property.
 - c. The use or possession of alcoholic beverages or any drug or substance or any medication (other than over-the-counter medication) without a doctor's prescription or any controlled or illegal drug or substance (without a prescription) while on City property or while performing duties for the City.
 - d. Performing any job duty or job-related function while under the influence of alcoholic beverages or any hallucinogenic, illegal or controlled substance other than approved, safe and prescribed medications.
 - e. A determination that any employee suffers from chemical dependency or substance abuse which does or may impair job performance or ability.
 - f. Any violent, abusive or physical misbehavior. Fighting is prohibited on City premises.
 - g. Any action of brutality or cruelty.
 - h. Any act of dishonesty.
 - i. Any act of misbehavior which causes disruptions or is disruptive to the normal, standard City business operations.
 - j. Any act or conduct which violates established duties or rights of other employees or the public including, but not limited to, rights of privacy, sexual harassment, racial prejudice, defamation and physical safety.
 - k. Theft of property, whether from the employer, customer or from a co-worker. Employees should seek permission before removing City materials, tools or other items, including damaged goods, scrap metal or any other material.
 - l. False information on any expense account sheet or on any insurance claim submitted under the City's health care benefits or Workers' Compensation benefits program.

- m. Embezzlement or stealing of City funds or citizen/customer funds including, but not limited to, stealing money from a City account, stealing postage or unlawful use of telephone privileges.
 - n. Gambling in public facilities or on City property. This applies to employees who take bets as well as those who place bets.
 - o. For conviction of any felony, crime or offense of the State of Missouri.
 - p. For repeated violation of City ordinances.
- D. *Procedure for Reporting Workplace Wrongdoing.* If an employee becomes aware of any of the acts listed above taking place, the individual is encouraged to discuss their questions, problems, complaints or reports in accordance with Policy No. 170.815, "Employee Appeals/Grievance Procedure and Chain of Command".
- E. *Behavior Reflection on the City.* Any unauthorized act or conduct which does, in fact, expose the City to civil or criminal liability or any acts or conduct which knowingly results in disrespect for City business operations.

SECTION 170.410: UNAUTHORIZED ABSENCE

An unauthorized absence is always without pay. Examples of unauthorized absences include, but are not limited to:

- A. Walking off the job without approval of supervisor.
- B. Failure to notify supervisor when not reporting to work.
- C. Over-extension of authorized leave or vacation without the approval of the department head or immediate supervisor.
- D. Taking sick days beyond those previously earned.
- E. Failure to notify supervisor that the employee will be late for work.
- F. Any such absence shall be without pay and may be subject to disciplinary action. In absence of such disciplinary action, any employee who is absent for three (3) consecutive days without leave shall be deemed to have resigned their position. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

SECTION 170.415: SAFE WORK PRACTICES

- A. *General.* All employees (regular, part-time) and volunteer personnel employees are required to wear appropriate personal protective gear and to follow safe work practices. Specific instructions from a supervisor regarding safety are to be followed strictly. In the event that the City requires the use of protective gear, the City will provide equipment.
- B. *Personal Protective Gear.* Employees (regular, part-time) and volunteer personnel must wear personal protective gear (including hard hats, safety vest and etc.) when performing any potentially dangerous duty. Supervisors have full authority to order the wearing of protective equipment at any time.
- C. *Carelessness Policy -- No Tolerance.* The City of Crane prohibits, forbids and does not tolerate carelessness, substandard or hazardous work practices within its facility, on its property or while conducting City business.
- D. *Procedure for Reporting Careless, Hazardous or Substandard Work Practices.* If an employee (regular, part-time) and volunteer personnel becomes aware of a careless or negligent act or behavior, he/she must report the act or behavior in accordance with Policy No. 170.815, "Employee Appeals/Grievance Procedure and Chain of Command".

SECTION 170.420: POLITICAL ACTIVITIES

- A. City employees, including those employed by City agencies, boards or departments, shall be limited in their political activities as follows:
1. City employees shall not be appointed, retained or dismissed on the basis of their political affiliations or activities which do not violate this Section.
 2. City employees shall not coerce or attempt to coerce any employee to take part in any political campaigns. City employees shall not solicit votes, levy, contribute or solicit funds or act for the purpose of supporting or opposing the appointment or election of candidates for any municipal office.
 3. City employees shall not be candidates in any municipal election.
 4. Employees may participate in political or partisan activities of their choice provided that the City of Crane's resources and property are not utilized and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign during their regularly scheduled work times or in a City of Crane uniform or while representing the City of Crane in any way.
 5. Any City of Crane employee who files as a candidate or is chosen to fill an elective office other than a City of Crane elective office shall immediately file with the City Clerk:
 - a. A statement that no City work hours or City equipment or City property will be used to assist in the campaign or in carrying out the responsibilities of the elective office; and
 - b. A statement of the steps to be taken to assure that the employee's City job responsibilities will be carried out effectively during the campaign and for the duration of the term of office.
 - c. A statement that the employee does not represent the views or the position of the City of Crane.
 6. No City employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect the individual's performance as a City employee.
- B. Failure to comply with Subsection (A) is grounds for appropriate disciplinary action, including immediate dismissal.

SECTION 170.425: OUTSIDE EMPLOYMENT

Employees may engage in outside employment after normal duty hours if:

There is no conflict in working hours;

- A. The employee does not engage in any private business or service while on duty;
- B. The private employment or service is compatible, does not create or appear to create a conflict of interest with his/her official duties; there is no conflict or interference, or is not likely to conflict or interfere, with the employee's municipal service.
- C. Request is made in writing and with written approved by the department head. Each change in outside employment shall require separate approval.

SECTION 170.430: ATTENDANCE AND PUNCTUALITY

The City has a responsibility to provide continued and uninterrupted service to the citizens of Crane. This responsibility can only be fulfilled when each employee is present during the work hours scheduled. Punctuality and regular attendance are essential to the proper functioning of the City. An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

SECTION 170.435: PERSONAL APPEARANCE

Persons representing the City of Crane frequently interact with the public. Dress, grooming and personal cleanliness contribute to the morale of all employees and affect the image the City presents to citizens and visitors. It is important that appropriate attire shall be worn at all times. All employees (regular, part-time and contract) and volunteer personnel are expected to present a clean, neat and tasteful appearance. Employees who fail to adhere to this policy and come to work dressed inappropriately may be sent home and required to change if they wish to work and be compensated for that day.

SECTION 170.440: DRIVER'S LICENSE REQUIREMENT

All employees (regular, part-time and contract) and volunteer personnel that operate a City vehicle, must possess a valid driver's license and must be able to drive the vehicle. Obtaining a driver's license is a personal expense. All employees (regular, part-time and contract) and volunteer personnel who operate a City vehicle requiring the operator to possess a commercial driver's license (CDL) or special permit must possess this license or permit. All personnel required to have a driver's license are required to report to the City all convictions of moving violations, suspensions, revocation, cancellation, disqualification, or out of service order by the end of the business day on which the employee receives the notice.

SECTION 170.445: TOBACCO USAGE

In keeping with the City's intent to provide a safe and healthful work environment, the City of Crane prohibits smoking in all facilities, including City of Crane owned buildings, vehicles, and offices or other facilities rented or leased by the City of Crane, including individual employee offices except in designated areas that have been specifically designated as smoking areas. In situations where the preferences of smokers and non-smokers are in direct conflict, the preference of non-smokers will prevail.

SECTION 170.450: TELEPHONE USAGE

Personal use of City telephones and cellular phones for long-distance and toll calls are not permitted. Employees should practice discretion in using City phones when making local personal calls and may be required to reimburse the City for any charges resulting from their personal use of the phone.

SECTION 170.455: COMPUTER USAGE

Computers, computer files, e-mail system, access to the Internet and software furnished to employees are City property and intended for City use. To ensure compliance with this policy, computer and e-mail usage may be monitored. E-mail or the Internet may not be used for inappropriate material, to solicit others for commercial ventures, religious or political causes, outside organizations or other non-City matters. Employees and volunteers who violate this policy will be subject to disciplinary action, up to and including termination of employment.

- A. The systems are to be used only for official business. The City of Crane has the right, but not the duty, to monitor all communications and downloads that pass through its system, at its sole discretion. Employees have no legitimate expectation of privacy in e-mail and other electronic communications on or routed through the entity's systems. Any information retained on the computer system may be disclosed to outside parties or to law enforcement authorities. The scanning of computer systems owned or operated by the City of Crane may be authorized from time to time by the Board of Aldermen. (This subsection updated by Ordinance 1011, 12/08/2008)
- B. Employees may not disseminate or knowingly receive harassing, sexually explicit, threatening, or illegal information by use of the systems, including offensive jokes or cartoons. The computer systems may not be used for personal or commercial advertisements, solicitations, or promotions.
- C. Storage of large numbers of e-mail messages is strongly discouraged. As a general rule, promptly delete each e-mail message after it has been read. If a message needs to be kept for longer than a week, save it to hard disk or print it out and save the paper copy.
- D. Employees shall not download or use material from the Internet or elsewhere in violation of software licenses or the copyright trademark and patent laws. Employees shall not install or use any software, regardless of origin, without written permission from the system administrator.
- E. Violations of this policy should immediately be reported to a supervisor.
- F. E-mail resembles speech in its speed and lack of formality. Unlike speech, e-mail leaves a record that is often retrievable even after the sender and recipient delete it. If you would not want your mother to read your message on the front page of the local paper, do not send it by email. As a reminder, truly confidential communications should still be communicated via non-electronic channels.

SECTION 170.460: EMPLOYEE SUGGESTIONS

Employees are encouraged to bring suggestions concerning the improvement of City services. The Mayor and Board of Aldermen, appropriate boards, all department heads and supervisory personnel will consider all employee suggestions.

SECTION 170.465: USE OF CITY VEHICLES

- A. *Purpose.* The purpose of this policy is to outline a general guideline for the use of City vehicles. This policy supersedes all departmental manuals for the provisions listed. Additional directives concerning the use of City vehicles may be used by departments as long as they do not conflict with the provisions listed in this policy.
- B. *Application.* This policy shall apply uniformly to all personnel (paid or otherwise) using City vehicles. Such usage includes department heads and assistant department heads who are provided with a vehicle. Additionally, the policy includes all maintenance equipment, patrol cars, fire-fighting equipment and any other vehicle owned or insured by the City.
- C. *Definition.* For the purpose of this policy, a "City-owned vehicle" is defined as any vehicle which was purchased by the City or for which the City holds title or which was donated to the City or which the City provides insurance or any other vehicle which is commonly known to belong to or controlled by the City of Crane.
- D. Policy.
1. Any person using a City-owned vehicle for any purpose or a privately owned vehicle for City work-related purposes shall:
 - a. Be fully qualified to operate the specific vehicle;
 - b. Have a valid license in effect for the appropriate class of vehicle (this applies to public road use only; operation of an off-road vehicle such as a mower may not require a license);
 - c. Operate the vehicle only as authorized for City work-related purposes;
 - d. Comply with all traffic laws, rules and regulations;
 - e. Exercise due care and diligence in operation of the vehicle;
 - f. Not permit any unauthorized person to operate the vehicle;
 - g. Keep or cause the vehicle to be kept adequately maintained and insured;
 - h. Not operate the vehicle when under the influence of alcohol or any controlled substance;
 - i. Promptly notify department head of any maintenance problem, accident or other problem or damage to the vehicle.

2. Unless otherwise provided, City-owned vehicles will be used only for City business.
3. Department heads will require that personnel in his/her department who are using his/her private automobile on City business will annually provide proof of insurance, as required for a license by the State of Missouri. The department head shall retain a copy of the proof of insurance card or insurance policy on file. Any employee who fails to annually provide such proof of insurance shall not be authorized to use his/her private automobile for City business and shall not receive mileage reimbursement as outlined in paragraph (4) below.
4. Employees and City officials who drive their private vehicles on City business (approved by the department head) may be reimbursed a mileage allowance equal to the maximum rate per mile allowed for a business expense deduction by the IRS if authorized by the Board of Aldermen or appropriate board.
5. Certain employees who regularly use private vehicles for City business may be paid a car allowance if authorized by the Board of Aldermen or appropriate board.
6. City-owned vehicles shall not be taken out of the City limits of Crane unless it is done with the knowledge and approval of the department head.
7. Under no circumstances will persons, other than City employees, ride in City-owned vehicles other than on official City business approved by the department head. When conducting official City business, non-employee riders must be accompanied by a City employee.
8. Only designated personnel may drive City-owned vehicles. Some vehicles may require specialized training and will require specific authorization.
9. Violations of any of the provisions listed in this policy shall be considered an "Incident of Misconduct or Wrongdoings" as described in the City Personnel Policy Section 170.405. Such violations shall be subject to the disciplinary provisions included in Section 170, Part 6 titled "Discipline Policy".

SECTION 170.470: SEAT BELT POLICY

All employees are required to wear a properly adjusted and fastened seat belt while operating or traveling upon public streets or highways on City of Crane business, whether in an entity-owned or privately-owned vehicle. All employees driving pick-up trucks, dump trucks, buses, fire apparatus, and construction vehicles that are equipped with seat belts shall be required to wear them while operating said vehicles or equipment. During the operation of the vehicle on other than public streets and/or highways, employees are required to use seat belts when doing so would not interfere with job efficiency or safety or unless a seat belt is not provided on the equipment.

SECTION 170.475: MEMBERSHIP ON BOARDS AND COMMISSIONS

Employees, except temporary and seasonal employees, are not permitted to be members of councils, boards or commissions that are advisory or administrative to the City, except where such membership is specifically authorized by City Ordinance. No elected official of this City shall be in direct charge of any department of the City.

CHAPTER 170. PERSONNEL POLICY AND REGULATIONS
PART 5. ZERO TOLERANCE DRUG AND ALCOHOL ABUSE POLICY

SECTION 170.500: POLICY STATEMENT

It is the policy of the City of Crane to provide safe, dependable, and economical services to its citizens and to provide safe working conditions for its personnel, and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of the City of Crane to provide healthy, satisfying, working environments for its personnel.

To meet these goals, it is the policy of the City of Crane to insure that its personnel are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work place environment free from the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage personnel to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

SECTION 170.505: PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect personnel and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal and state regulations governing work place alcohol and controlled substance abuse programs mandated under the above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The federal law has also established standards for collection and testing of urine and breath specimens, the reporting of certain drug-related offenses, protective measures for certain personnel tested, for the preservation of confidentiality, and for certain reporting.

SECTION 170.510: APPLICABILITY

This policy applies to all personnel (paid or otherwise) of the City of Crane and all operators of City-owned vehicles and equipment. This includes but is not limited to persons who are required to possess a CDL license for the operation of a commercial vehicle and all law enforcement, fire, emergency services personnel, and other safety sensitive positions in the jurisdiction whether full time, part time or volunteer.

SECTION 170.515: DEFINITIONS

- A. *MANAGING PERSONNEL*. The Managing Personnel shall include the City Clerk, City Superintendent, Chief of Police and Policy Administrator, if the City Clerk has duly delegated this duty.
- B. *PERSONNEL*. For the purposes of this Policy, "personnel" shall be referred to as one to whom this policy applies, subject to the restrictions in Section 170.510 above.
- C. *MEDICAL REVIEW OFFICER*. The City shall engage the services of an independent contractor to serve the City as the Medical Review Officer (MRO), properly credentialed and trained in compliance with the federal regulations, who shall not be personnel of the City. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the City needs to comply with the federal reporting requirements.
- D. *SUBSTANCE ABUSE PROFESSIONAL*. In order to comply with federal regulations, the City shall contract with a Substance Abuse Professional (SAP), properly credentialed and trained in compliance with the federal regulations, who shall not be personnel of the City.

SECTION 170.520: POLICY ADMINISTRATOR

Unless otherwise designated by the City Clerk in writing, the City Clerk shall be designated as the controlled substance and alcohol policy administrator for the City. Any inquiries concerning this policy, its application, its administration or its interpretation shall be made to the policy administrator.

The policy administrator shall develop all forms necessary to carry out the provisions of this policy, unless the forms are provided under federal regulations. The forms shall be provided to appropriate persons who are responsible for the implementation and management of this policy.

SECTION 170.525: ALCOHOL AND CONTROLLED SUBSTANCE PROHIBITIONS

- A. Personnel are expected and required to report to work on time and in an appropriate mental and physical condition for work. To do so, personnel must not have alcohol or illegal drugs in their system.
- B. Personnel are prohibited from the operation of a motor vehicle and/or from engaging in any work related functions, for alcohol related conduct:
 - 1. while consuming alcohol;
 - 2. while having a blood alcohol concentration of 0.02 or greater;
 - 3. within four (4) hours of consuming alcohol;
 - 4. after refusing to submit to an alcohol test;
 - 5. from consuming alcohol within eight (8) hours after an accident as specified in this policy.
- C. Personnel are prohibited from the unlawful manufacture, distribution, possession or use of a controlled substance at any time, whether on or off duty.
- D. Any personnel convicted of illegal conduct related to the unlawful manufacture, distribution, possession or use of a controlled substance or alcohol or who fails to report such conviction to the policy administrator shall be subject to immediate termination of service.
- E. Any personnel whose job performance requires the possession of a valid Commercial Driver's License (CDL) and who loses the CDL for a violation of or as a consequence of the law shall be subject to disciplinary action up to and including termination from service. The personnel shall notify the policy administrator and the personnel's immediate supervisor of the loss of the CDL. Failure to notify the policy administrator of the loss of the CDL shall result in immediate termination of service.
- F. Any personnel convicted of an alcohol related driving offense shall be subject to disciplinary action, up to and including termination from service. The personnel shall notify the policy administrator and the personnel's immediate supervisor of the conviction. Failure to notify the policy administrator of the conviction shall result in immediate termination of service.
- G. Any personnel who is consuming a prescribed or authorized controlled substance or other substance of any kind whose side effects may inhibit or impair the personnel's performance shall provide written notice to the policy administrator of such consumption upon reporting to work and prior to engaging in any work-related activity (or earlier, if possible). Failure to report shall result in disciplinary action, up to and including termination from service.
- H. Any sale of illegal drugs during work or in public facilities, City property or in City vehicles will be treated as gross misconduct, punishable by immediate discharge for the first (1st) offense.

SECTION 170.530: CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROVISIONS

Personnel subject to this policy shall be subject to controlled substances and alcohol testing including the following types of tests: pre-employment testing, random testing, reasonable suspicion testing; and post-accident testing.

- A. *PRE-EMPLOYMENT TESTING.* Pre-employment urine drug testing shall be required of all applicants for positions covered by this policy as a condition of the application procedure. Receipt of satisfactory test results is required prior to commencement of employment or engaging in safety sensitive functions, and the failure of a controlled substance or alcohol test disqualifies an applicant from appointment to employment for a period of at least 120 days. Evidence of the absence of controlled substances or alcohol dependency from a Substance Abuse Professional (SAP) and negative controlled substance and alcohol tests shall be required prior to further consideration for any employment, including reports from prior employers by an employee's written authorization.
- B. *REASONABLE SUSPICION TESTING.* Reasonable suspicion testing shall be used to determine fitness for duty evaluations, including appropriate urine and/or breath testing when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting personnel's job performance or that the person has violated this policy. Reasonable suspicion referral for testing shall be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance use. Reasonable suspicion observations and reports can only be made by management personnel. The observing member or members of management must complete the appropriate required documentation concurrently with the observation and consideration to impose reasonable suspicion testing. Reasonable suspicion testing shall be required and completed whenever possible within two (2) hours of the observation, but in any case no later than eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.
- C. *POST-ACCIDENT TESTING.* Post accident testing shall be required to test personnel for alcohol and controlled substances after a vehicular accident has occurred in which:

Involved the loss of life; or

The driver receives a traffic citation under State or local law and disabling damage to one or more vehicles that requires towing from the accident site; or

An injury to a person requires transport to a medical treatment facility.

Post accident testing shall include both breath alcohol and urine drug testing of the personnel.

1. *Alcohol.* An alcohol test must be administered as soon as reasonably possible after an accident. It is recommended that the test be completed whenever possible within two (2) hours of the accident occurrence, but in any case no later than eight (8) hours after the accident for breath alcohol testing. If a test is not administered, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Personnel involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident.
 2. *Controlled substances.* A controlled substance test must be administered within thirty-two (32) hours following the accident. After this time the employer shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered.
- D. *RANDOM TESTING.* Random testing shall be conducted on all persons covered by this policy. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically-based selection method. Testing shall be conducted whenever and as ordered by appropriate supervisory personnel, but no less in frequently than required by federal law and regulations, and in such numbers as is minimally determined under the regulations.

In order to comply with Department of Transportation regulations, all holders of Commercial Driver's Licenses shall be tested in a separate random testing pool from other employees covered by this policy.

- E. *RE-TESTING.* Any personnel who questions the results of a required urine drug test under this policy may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a different qualified laboratory than where the original test was conducted. All costs for personnel -requested testing shall be paid by the personnel unless the second test invalidates the original test. A person's request for a re-test must be made to the Medical Review Officer within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the control of the personnel. The method of collecting, storing and testing the split sample required under this policy shall be consistent with the procedures established in 49 CFR Part 40.

- F. *FAILURE TO TEST*. Any personnel who fails to submit the required testing under this policy is considered to have tested positive and shall be subject to all of the consequences that result from positive testing. Any personnel ordered to test shall report immediately to the test site upon being so ordered. No delay of any type may be granted or taken. Delay in reporting by the personnel shall be treated as a refusal to test and shall subject the personnel to all of the consequences that result from positive testing. Failure to provide a sufficient sample or providing an adulterated sample shall be considered as a refusal to test and shall subject the personnel to all of the consequences that result from positive testing.

SECTION 170.535: TESTING PROCEDURES

- A. *ALCOHOL*. To comply with federal regulation, alcohol tests shall be carried out on Evidential Breath Testing devices approved by the National Highway Safety Administration. Any result less than 0.02 blood alcohol concentration is considered negative. If the blood alcohol concentration is 0.02 or greater, a second confirmatory test must be conducted. Any personnel who tests with a blood alcohol concentration of 0.02 or greater shall be immediately terminated.
- B. *CONTROLLED SUBSTANCES*. Controlled substance testing shall be conducted for the following controlled substances: (a) Marijuana (THC metabolite); (2) Cocaine; (3) Amphetamines; (4) Opiates (including heroin); and (5) Phencyclidine (PCP).

The testing for controlled substances is a two-stage process. First a screening test is conducted. If the test is positive for one or more of the controlled substances, a confirmatory test is conducted for each identified controlled substance. The confirmatory test is a gas chromatography/mass spectrometry (GC/MS) analysis.

- C. Any personnel who violates this policy shall be terminated from employment.

SECTION 170.540: EMPLOYMENT ASSESSMENT

In order to comply with federal regulations, personnel who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in the federal regulations shall be informed of his or her right to be evaluated by a Substance Abuse Professional (SAP). The SAP shall evaluate each personnel who tests positive to determine what assistance, if any, the personnel needs in resolving problems associated with the controlled substance or alcohol.

Assessment by a SAP does not protect personnel from disciplinary action or guarantee continued employment or reinstatement by the City. The City disciplinary policy provides guidance to the discipline that may be imposed, unless otherwise stated in this policy.

SECTION 170.545: REHABILITATION EFFORT

Any employee who is determined to be in need of assistance for a controlled substance or alcohol related problem under this policy by the SAP may be permitted to enter into a rehabilitation plan approved by City, provided the employee agrees to adhere to the terms of the rehabilitation contract with the City. Rehabilitation assistance may only be granted to an employee once while employed by the City. Failure to complete the rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the City.

The rehabilitation contract shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

1. The employee shall agree to undertake and successfully complete the rehabilitation assistance plan established for the employee by the SAP or by a rehabilitation professional accepted by the City;
2. The employee agrees to refrain from any violation of this policy and the use of controlled substances and alcohol consistent with the plan of rehabilitation and this policy;
3. The employee provides a release of all medical records for use and review by the City relating to the rehabilitation assistance plan for the assistance undertaken and compliance;
4. The employee agrees to unannounced random testing for City determined periods of time subsequent to the employee's return to work consistent with this policy;
5. The employee agrees to submit to return to work testing demonstrating that the employee is negative under controlled substance and/or alcohol tests standards; and
6. The employee agrees that any future controlled substance or alcohol violations shall be considered as a resignation of the employee from service without recourse.

SECTION 170.550: CONTRACTUAL SUPPORT PROFESSIONALS

The City shall secure a contract with an appropriately certified testing laboratory to conduct the controlled substance testing analysis and reporting required under this policy and under the federal regulations in conformity with the standards established under the federal regulations. The City may contract for the required alcohol testing or may perform the testing using qualified City personnel who utilize appropriate testing equipment.

The City shall engage the services of an independent contractor to serve the City as the Medical Review Officer (MRO) properly credentialed and trained in compliance with the federal regulations who shall not be an employee of the City. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the City needs to comply with the federal reporting requirements.

The City shall appoint a SAP for the providing of services under this policy and in compliance with the federal regulations.

SECTION 170.555: EDUCATION AND TRAINING

The City shall provide all personnel with a copy of this policy and available materials related to the effects of the use and/or abuse of alcohol and controlled substances. The City shall also provide information to personnel regarding treatment and rehabilitation available. Personnel shall be required to confirm receipt of this policy and any revisions and of the educational materials in writing, noting the date of receipt and acknowledgment by signature witnessed by the supervisor providing the materials.

The City shall develop and provide training for all Managing Personnel who are responsible for the administration and enforcement of this policy. The training, at a minimum, shall include at least sixty (60) minutes of program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators on the effects of alcohol use and abuse, the side effects of abuse and the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to personnel. The training, at a minimum shall include at least sixty (60) minutes of program on the physical and behavioral effects on personal health, safety and on the work environment and performance indicators of controlled substance use and abuse, the side effects of controlled substance abuse, and the consequences of prohibited activity involving substances. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping.

SECTION 170.560: CONFIDENTIALITY

All records developed and/or acquired pursuant to this policy shall be maintained under strict confidentiality by the City, the testing laboratory, the MRO and the SAP, when and as applicable. The records shall be maintained separately from other personnel records kept by the City and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected personnel, except under provisions provided in the federal regulations, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or to matters initiated by the personnel.

SECTION 170.565: COORDINATION WITH OTHER LAWS AND POLICIES

This policy shall be administered in compliance with other federal, state and local laws related to personnel health and welfare policies, leave policies, benefit programs and other related policies of the City. In the case of apparent conflicts between this policy, other policies and applicable laws, the policy administrator shall make the appropriate rulings to resolve the potential conflicts, wherever possible.

In the event that any part of this policy is judicially determined to be in conflict with any law or to be in violation of any law or is rendered ineffective because of some state or federal legislative enactment, that part(s) shall be invalid, but the remainder of the policy shall remain in effect. Parts that are invalid shall be replaced as soon as possible so as to maintain the full effect of this policy and to bring it into compliance with relevant laws.

SECTION 170.570: APPROVAL BY MANAGEMENT

Management will coordinate the implementation of this policy and assure reasonable and consistent application. All managers and supervisors are responsible for enforcing this policy and failure to do so will result in disciplinary action or removal.

SECTION 170.575: AMENDMENTS

This policy is subjected to amendment by the City from time to time. Amendments that are made shall be provided to personnel upon adoption and shall become effective as provided by the policy administrator.

SECTION 170.580: WORKERS' COMPENSATION

Missouri Workers' Compensation law (effective in 1990) allows penalties against personnel who use alcohol or illegal drugs up to total forfeiture of benefits, depending upon the circumstances.

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**CHAPTER 170. PERSONNEL POLICY AND REGULATIONS
PART 6. DISCIPLINARY POLICY****SECTION 170.600: EMPLOYEES' AND SUPERVISORS' RESPONSIBILITIES**

- A. It is the duty of every employee to attempt to correct any faults in his/her performance when called to his/her attention, formally or informally, and to make every effort to avoid violation of the City's rules and regulations.
- B. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. It shall be the responsibility of the supervisor to enforce these rules and regulations in a fair, impartial and consistent manner.

SECTION 170.605: GROUNDS FOR ACTION

The following are declared to be grounds for disciplinary action. The list is intended to be an example and therefore not all-inclusive. When, in the opinion of the Board of Aldermen or appropriate board or Department head, an employee's actions or standard of conduct do not reflect favorably on the City of Crane, its personnel system or civil employment, appropriate disciplinary action may be taken.

- A. Acts contrary to good conduct shall include, but not be limited to, the following:
 - 1. Conviction of a felony or other crime involving moral turpitude.
 - 2. Violation of the City Drug and Alcohol Abuse Policy.
 - 3. Any conduct unbecoming a member which is contrary to the good order and discipline of the Department and shall include but not be limited to the following:
 - a. Failure to report for duty at the appointed time (habitual tardiness or absenteeism).
 - b. Neglect of duty, sleeping or loafing while on duty, or being improper in performance of duty, which includes: incompetence; failure or unwillingness to render satisfactory service; failure to satisfactorily improve performance within ninety (90) days in an area rated unacceptable on an employee evaluation form.
 - c. Violation of the Employee Conduct Policies previously outlined in this Chapter.

4. Refusal or neglect to pay personal debts. Maintenance of effort to pay personal debts must be shown to clear employees of neglect charges.
5. Employee becoming physically or mentally unable to perform his/her duties.
6. Falsification of any information or report required by the City.
7. Failure to properly report any accidents or personal injuries.
8. Carelessness or neglect resulting in damage to City property or equipment.
9. Willful disregard or violation of departmental rules and regulations.
10. Violation of the City Drug and Alcohol Abuse Policies.
11. Borrowing, obtaining, receiving, soliciting, or accepting any money, securities, property, or other valuable thing or any credit or guarantee of credit either directly or indirectly, from any person under investigation or against whom a complaint has been issued, any person in official custody or free on bail or any relatives or employees of such persons.
12. Obtaining, collecting, or receiving any money, securities, property or other valuable thing from any person or company in settlement for personal injury or property damage incurred in the course of duty or employment, without first having notified the department head.
13. Using official position for personal gain.
14. Soliciting or accepting the aid of any person or knowingly permitting any person to influence hiring, or promotion on the member's behalf.
15. Soliciting, collecting, or receiving money or other things of value for charitable, gift or testimonial purposes, while in uniform or on duty, or when representing oneself as an employee of the City of Crane, without the consent of the Department head.
16. Failure, upon receipt of proper notice, to attend any trial, hearing, or proceeding before a court, board, bureau, or tribunal of the United States, State of Missouri, or any subdivision thereof, or the City of Crane, and to remain in attendance thereon until excused by the person causing such an appearance.
17. Violation of the City Sick Leave Policies.

- B. In addition, the following rules and regulations shall also apply to the Police Department:
1. The wearing of the police uniform or any portion of the uniform is restricted to the service of this Department on assigned duty, or when going to or from duty, unless otherwise authorized by the Chief of Police. Permission to wear the Department's police uniform while engaged in secondary employment must be approved by the Chief of Police. Non-duty activity (e.g., menial tasks, non-emergency simple manual labor) in uniform is inconsistent with the dignity associated with the uniform and is prohibited.
 2. Off-duty ingestion of alcoholic beverages should be in moderation. In no case shall any sworn officer assume an on-duty status with a blood alcohol content of greater than .02 or within eight (8) hours of consumption of an alcoholic beverage.
 3. Officers are cautioned that the ingestion of alcohol and some medications may impair both their reaction time and judgment and for those reasons they must exercise extreme caution and restraint if confronted with any situation in which the use of their firearm is necessitated.
 4. Failure to notify his supervisor of a condition which could impair his ability to perform his duties in a safe manner.
 5. Revocation or suspension of driver's license or other license or certification required as a condition of employment. It is the employee's responsibility to notify, in writing, the Chief of Police of the revocation or suspension of his driver's license within twenty-four (24) hours of such loss of driving privilege.
 6. Failure to maintain a telephone in good working order or to notify the Department within forty-eight (48) hours of a change of number. Every police officer must have a means of receiving prompt informational or emergency communications in order to respond accordingly.
 7. Department employees charged with criminal offenses. The Chief of Police shall suspend without pay any employee who has been formally charged with the commission of a felony or misdemeanor (if considered infamous) under the laws of this State, the United States, or any other State. In the event the criminal offense charged against any such employee shall be adjudicated by a Court in favor of any such employee, the Chief of Police shall decide whether the employee shall be restored to duty and whether the employee shall receive pay or any portion thereof during the suspension period. An employee convicted of a felony or misdemeanor shall be discharged; provided, however, an employee convicted of a misdemeanor not considered infamous may be disciplined as otherwise provided by this code.

SECTION 170.610: DISCIPLINARY ACTION

Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being:

- A. *Verbal Warning.* For minor infractions, the employee will be issued a verbal warning. The infraction shall be explained to the employee, indicating the corrective steps to be taken to prevent reoccurrence. The supervisor should explain to the employee that any reoccurrence of the infraction will result in more severe disciplinary action. Verbal warnings will be documented by the supervisor.
- B. *Written Reprimand or Warning Notice.* For repeated minor infractions or a more substantial infraction, the employee will be issued a written warning notice that misconduct has occurred and what corrective action must take place. If the situation does not improve, the supervisor may repeat the measure or take stronger disciplinary action. The written warning notice will be prepared following a disciplinary interview of the employee. The employee will be given an opportunity to comment in writing and will be asked to sign the notice, acknowledging receipt. Two (2) copies of the notice will be distributed; one (1) to the employee and one (1) to the employee's personnel file.

1. *First (1st) warning.*

The first (1st) warning is formal written notice to an employee that misconduct has occurred and what corrective action must take place. Any oral warning documentation must be attached to the first (1st) warning and will be placed in the employee file.

Any "first (1st) warning" form will be maintained in the employee's personnel folder a minimum of one (1) year from date of employee acknowledgment. If a second (2nd) written warning is written for an offense during the period, both will be retained as permanent records of the department. If there is no subsequent written warning during the one (1) year period, the written "first (1st) warning" form will be removed from the employee's file.

2. *Second (2nd) warning.*

This step is also a formal written notice to the employee that a problem exists; as in the previous step, corrective actions are outlined. However, the employee is also given notice that if the situation is not resolved, strong disciplinary action including suspension without pay, demotion and reduction in pay or termination for cause may be imposed.

This step is appropriate for situations when employees have failed to correct problems documented with the first (1st) warning form or because of an individual violation of policy, which is more than a minor infraction of City or departmental policies.

All "second (2nd) warning" forms become part of the department's permanent records.

- C. *Suspensions.* The Department head may, for disciplinary purposes, suspend without pay any subordinate employee for up to five (5) working days. The employee shall be furnished timely notice as prescribed herein and shall have the right to appeal to the Board of Aldermen or appropriate board.
- D. *Demotion.* When appropriate, the Board of Aldermen or appropriate board, on the recommendation of the Department head, may demote an employee for violation of these rules and regulations. The employee shall be provided timely notice as prescribed herein and shall have the right of appeal directly to the Board of Aldermen.
- E. *Dismissal.* Any department head may suspend an employee with a recommendation to the Mayor and Board of Aldermen or appropriate board that said employee be dismissed from his/her position with the City of Crane. Except where appointed boards are authorized by ordinance, the Mayor and Board of Aldermen have the ultimate responsibility regarding the dismissal of employees. Said suspension shall be without pay and shall continue pending outcome of the dismissal process. Any employee may appeal to the Board of Aldermen for a reconsideration and rehearing of any disciplinary action taken by a department head or appointed board involving *dismissal*, *demotion*, or *suspension* without pay, loss of compensatory time, singly or in combination, for more than three (3) days.
- F. *Appeal.* The employee's request shall be in writing and presented within seven (7) calendar days of the disciplinary action. The request shall fully set out the employee's basis for appeal and all facts pertinent to the matter including any previous written communication on the issue. After receipt of the request and after notice to the department head and affected employee, the Board of Aldermen shall conduct a hearing at which time the employee may present witnesses or documents to support his/her position; technical rules of evidence shall not apply. The department head shall also be given the opportunity to present witnesses and documents supporting the disciplinary action taken. The employee may be represented by legal counsel at the hearing. The Board of Aldermen shall render a written decision to the employee within seven (7) calendar days of the hearing date.

SECTION 170.615: EVIDENCE

Normally, the deterioration of any employee's conduct is a progressive problem, and every effort should be made to reverse this trend as evidence should be available in the employee's personnel file to justify the degree of disciplinary action taken.

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**CHAPTER 170. PERSONNEL POLICY AND REGULATIONS
PART 7. SEPARATION FROM EMPLOYMENT****SECTION 170.700: TYPES OF SEPARATION FROM EMPLOYMENT**

- A. *Resignation.* An employee who resigns shall give at least two (2) weeks' written notice to his/her department head and the City Board of Aldermen or appropriate board. An employee who has failed to report for work for three (3) consecutive working days, except for approved leaves and sick days in accordance with the City's rules and regulations, shall be considered to have resigned.
- B. *Retirement.* All employees must retire by age 70 unless having obtained written approval from the Board of Aldermen or appropriate board authorized by ordinance for an extension of employment. Said extensions shall be given for periods not to exceed one (1) year at a time.
- C. *Disability.* An employee may be separated for disability when the person cannot perform the essential functions of his/her position due to physical or mental impairment. The department head, with the prior approval of the appropriate board, may require an employee to be examined by a physician for the purpose of determining an employee's ability to perform the essential functions of his/her position. However, where an employee has been employed under the following conditions:
1. For at least twelve (12) months; and
 2. For at least one thousand two hundred fifty (1,250) hours in the twelve (12) months immediately preceding the commencement of leave; and
 3. The employee suffers a serious health condition rendering him/her unable to perform the essential functions of his/her position.

Separation from employment may be effected when the employee's accumulated sick leave, vacation benefits and any unpaid leave under the Family Medical Leave Act have lapsed.

- D. *Layoff.* When it is necessary to reduce the number of employees of the City, the Board of Aldermen or appropriate board shall, utilizing department heads for assistance, make a thorough analysis of the problem. Such analysis shall include the activities to be curtailed and the positions thereby affected, the relative service rating of employees, the length of an employee's service and the advisability of demoting employees in higher positions. Thereafter, the Board of Aldermen or appropriate board shall proceed to select employees for release. Any employee so released shall be offered re-employment with the City upon vacancy of a position for which he/she might qualify.
- E. Dismissal.

SECTION 170.705: RETURN OF CITY PROPERTY

Any employee leaving the City's service shall be responsible for returning any City property of which they may have possession. Failure to return such property shall result in the employee's final check being withheld or deductions being made equivalent to the value of the property. The appropriate board and Department head shall determine the value of the property not returned.

SECTION 170.710: FINAL PAYCHECK

The final check of an employee will be issued at the next regularly scheduled payroll date for all City employees. Regular employees who separate, including by death, shall receive payment of all salary earned up to the effective date of the separation. If any employee with more than twelve (12) months' service with the City is separated, he/she shall be entitled to accrued, but unused, vacation time.

**CHAPTER 170. PERSONNEL POLICY AND REGULATIONS
PART 8. GRIEVANCE PROCEDURE****SECTION 170.800: PURPOSE**

The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of the grievances of the employees. It is the expressed desire of the City of Crane to adjust these grievances informally. Supervisors, employees and management personnel are expected to make every effort to resolve problems as they arise.

SECTION 170.805: POLICY

It is the policy of the City that any employee or personnel, be allowed to present his/her grievance within the established lines of authority. Grievances are restricted to matters in which the Department head shall have the authority and discretion to adjust. Grievances submitted which are not within this scope of authority shall be immediately returned to the employee.

SECTION 170.810: GRIEVANCE PROCEDURE

Employee grievances shall be submitted in writing along established lines of authority:

1. Within three (3) working days after occurrence of any grievance event, the employee, or an employee committee selected by the employee, shall submit his/her grievance to the Department head.
2. The Department head shall respond in writing within three (3) working days.

If satisfaction is not achieved by the employee from the Department head, the employee shall have the right to appeal his/her grievance first to the appropriate board, then to the Mayor and Board of Aldermen upon filing a written request for appeal within five (5) working days of receipt of the Department head's reply. The Mayor and Board of Aldermen shall consider the evidence and make a final determination of the grievance within fourteen (14) days and shall so notify all parties in writing. The decision of the Mayor and Board of Aldermen shall be final. Appeals of grievances shall not be submitted to the Mayor and Board of Aldermen until all preliminary appeals in Subsections (1) and (2) have been exhausted.

SECTION 170.815: EMPLOYEE APPEALS/GRIEVANCE PROCEDURE AND CHAIN OF COMMAND

A. The following procedure will be used:

1. If a City employee has a question, problem or complaint regarding the policies outlined in this personnel policy manual including, but not limited to, harassment or discrimination or the manner in which the policies have been administered, that employee must initially communicate his/her concerns to his/her immediate supervisor. The employee shall communicate his/her concern within ten (10) working days of the occurrence of the incident.
2. If he/she feels uncomfortable doing so or if the supervisor is the source of the problem, condones the problem or ignores the problem, the employee shall commit his/her concern to writing and sign, date and deliver it to the person listed below, depending on the department involved.

Public Works:	Director of Public Works
Street Department:	Director of Public Works
Police Department:	Police Chief
Fire Department:	Fire Chief
Office Staff:	City Clerk
Parks and Recreation:	Director of Parks and Recreation

3. If he/she feels uncomfortable doing so or if the individual listed above is the source of the problem, condones the problem or ignores the problem, they should report the problem in writing (signed and dated) to the Mayor.
4. If none of these alternatives is satisfactory to the employee, then they can direct their questions, problems, complaints or reports to the Board of Aldermen in writing (signed and dated).

B. At each level of the procedure outlined above, the supervisor or Department head shall process the concern expeditiously, but in no case shall they take longer than ten (10) working days to respond. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing. The Board of Aldermen shall respond expeditiously and within a timetable which seems most appropriate to them upon consultation with the City Attorney. The employee is not required to directly confront the person who is the source of the report, question or complaint before notifying any of the individuals listed.

- C. *Violation of Chain of Command.* The procedures listed above shall be followed and each level must be given ample time to deal with the matter before the employee moves on to the next higher level. An attempt to bypass any level within this chain of command is a direct violation of the rights of your superiors and constitutes an act of insubordination (disobedience to authority) and may result in disciplinary action.

SECTION 170.820: PROTECTION OF EMPLOYEES

No employee shall be disciplined or discriminated against in any way because of proper use of this grievance procedure. Documented abuse of the grievance procedure may be grounds for disciplinary action.

SECTION 170.825: AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

A. Purpose.

1. The Americans With Disabilities Act Grievance Procedure (hereinafter referred to as "procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., (hereinafter referred to as "ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35 requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the City Clerk.
2. In general, the ADA requires that each program, service and activity offered by the City of Crane, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
3. It is the intention of the City to foster open communications with all individuals requesting readily accessible programs, services and activities. The City encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

- B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

COMPLAINANT: An individual with a disability who files a grievance form provided by the City under this procedure.

DESIGNATED COORDINATOR: The Department head shall act as the "designated coordinator" for their department. The designated coordinator is a person appointed by the City who is responsible for the coordination of efforts of the City to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See 28 CFR 34.107.

GRIEVANCE: Any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the City of Crane and believes he/she has been excluded from participation in or denied the benefits of any program, service or activity of the City or has been subject to discrimination by the City.

C. Procedure.

1. Grievances must be submitted through the channels defined in Policy No. 170.815, "Employee Appeals/Grievance Procedure and Chain of Command" in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing.
2. A complainant's failure to submit a grievance or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the City's last response.
3. The City shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the grievance form.
4. At the final step in the formal grievance process, the complainant shall be afforded an opportunity to appear before the Board of Aldermen. Complainant shall have a right to appoint a representative to appear on his/her behalf. The Board of Aldermen shall review the designated coordinator's written response and may conduct interviews and seek advice as it deem appropriate.
5. The Board of Aldermen shall render a decision thereon in writing, shall state the basis therefore and shall cause a copy of the decision to be served on the parties. The Board of Aldermen's decision shall be final.
6. The grievance form, the designated coordinator's response, the statement of reasons for dissatisfaction and the decision of the panel shall be maintained in accordance with the records retention policy established for municipal entities.

- D. *Accessibility.* The City shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.
- E. *Case-By-Case Resolution.* Each grievance involves a unique set of factors which include, but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived and the nature of the service, program or activity at issue; the health and safety of others; and whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the City. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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**CHAPTER 170. PERSONNEL POLICY AND REGULATIONS
PART 9. CITIZEN COMPLAINTS****SECTION 170.900: PURPOSE**

The purpose of this section is to establish citizen complaint procedures to ensure the integrity of the various City of Crane employees. It will protect employees who discharge their duties properly and it will ensure corrective action if improper conduct is evident.

All employees, including part-time employees and volunteers that represent the City of Crane, are subject to the rules and regulations of this ordinance. All employees are presumed to have knowledge of the Laws of the United States, the State of Missouri, and the City of Crane, and of the rules and regulations of the Department.

SECTION 170.905: DEFINITION

A complaint is defined as an allegation that an employee has violated a Department rule or regulation, a federal law, state statute, or a city ordinance

SECTION 170.910: PROCEDURE FOR ACCEPTING CITIZEN COMPLAINTS

A complaint may be filed in person or in writing. Any member who receives a complaint from a citizen shall:

- A. Obtain information including the nature of the incident and the name of the Department member involved.
- B. Make arrangements for the complainant to appear personally before the Department head.
- C. Notify the supervisor of the complaint.

An Allegation of Misconduct must be completed by the supervisor and must be signed by the complainant.

Complaints which deal solely with differences of opinion between a department member and a citizen over the issuance of a traffic ticket or summons, not involving an allegation of Departmental rules or an allegation of a law violation against the member, nor involving an allegation such as verbal abuse by the member, may not be considered complaints, but rather a difference of opinion. These matters, therefore, may or may not be investigated, and should be resolved in court. [Police Department] The citizen can exercise his right to challenge the traffic ticket, or summons, by appearing in court and entering a plea of not guilty. Both the officer and the citizen will then present their respective testimonies to the judge, who will resolve the matter.

SECTION 170.915: DUTIES OF THE DEPARTMENT HEAD

Upon receipt of a written complaint, the Department Head may, at his discretion either refer it to a supervisor; or make a preliminary investigation and assign it to a supervisor to complete the investigation and submit a final report to the Department Head.

The Department Head shall have sole responsibility for proceeding with serious complaints, including, but not limited to, complaints alleging physical abuse and complaints possibly involving a criminal violation. The Department Head shall notify each complainant in writing that his complaint has been received and that he will be advised of the outcome in writing.

Any Department member upon whom a complaint has been filed and any member who has been suspended shall be notified immediately in writing of the complaint. The Department member's immediate supervisor will also be notified. However, if the nature of the complaint is such that the Department member's knowledge of same would impede the investigation, the Department member need not be notified immediately.

Upon a written formal complaint of any citizen against a department head, the Mayor, City Clerk and a representative of the appointed board, if such department head is answerable to a specific board appointed by the Mayor or Board of Aldermen, shall conduct a prompt investigation and submit their written findings to the full Board of Aldermen for hearing and review.

(This Section updated by Ordinance 1011, 12/08/2008)

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