

## Chapter 110

### MAYOR AND BOARD OF ALDERMEN

#### ARTICLE I

#### Mayor and Board of Aldermen — Generally

##### **Section 110.010. 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.

##### **Section 110.020. 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.

##### **Section 110.030. Board To Select An Acting President — Term.**

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

##### **Section 110.040. Acting President 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 Acting President 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 110.050. Mayor and Board — Duties.**

The Mayor and 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 110.060. Mayor May 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 110.070. Ordinances — Procedure To Enact.**

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Diamond, as follows:" 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. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. 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. 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.

**Section 110.080. 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 110.090. 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 110.100. 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 110.110. 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 110.100, 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 a ordinance violation.

**Section 110.120. 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 therefor such fees as are allowed by law in the Circuit Court for similar services to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses.

**Section 110.130. 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 110.140. 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.

**Section 110.150. Mayor — Communications To Board.**

The Mayor shall, from time to time, communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City.

**Section 110.160. 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.

ARTICLE II  
**Board of Aldermen Meetings**

**Section 110.170. Regular Meetings.** [CC 1979 §22.010; Ord. No. 181 §1, 8-13-1990]

- A. The Board of Aldermen of the City of Diamond, Missouri, shall meet in regular session in the City Hall at 7:00 P.M. on the second (2nd) Monday of each month.
1. When any such meeting day is a holiday, the regular meeting shall be held at such time as may be provided by the Board on motion at the previous meeting.
  2. The Board may, by motion, dispense with any regular meetings, but at least one (1) meeting, regular or special, must be held in each calendar month.

**Section 110.180. Special Meetings.**

Special meetings may be called by the Mayor or by any three (3) members of the Board by written request filed with the City Clerk, who shall thereupon prepare a notice of such special meeting in conformance with Chapter 120, Open Meetings and Records Policy, of this Code.

**Section 110.190. Quorum Must Be Present.** [CC 1979 §22.030]

At the hour appointed, the Mayor, or in his/her absence the Acting President 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. A majority of the full membership of the Board of 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.

**Section 110.200. Compelling Attendance.** [CC 1979 §22.040]

In case that a lesser number than a quorum shall convene at a regular or special meeting of the Board of Aldermen, the majority of the members present are authorized to direct the Chief of Police or other City Officer to send for and compel the attendance of any or all absent members upon such terms and conditions and at such time as such majority of the members present shall agree.

**Section 110.210. Effect of Adjourned Meetings.** [CC 1979 §22.050]

All adjourned meetings of the Board shall, to all intents and purposes, be continuations of the meetings of which they are adjournments, and the same proceedings may be had at such adjourned meetings as at the meeting of which they are adjournments.

**Section 110.220. Rules of Order.** [CC 1979 §22.090]

Except as otherwise provided by law or ordinance, the proceedings of the Board of Aldermen shall be controlled by Robert's Rules of Order, as revised.

**Section 110.230. Decorum.** [CC 1979 §22.100]

The Presiding Officer of the Board of Aldermen shall preserve decorum and shall decide all questions of order subject to appeal to the Board of Aldermen. Any member may appeal to the Board of Aldermen. Any member may appeal to the Board from a ruling of the Presiding Officer upon a question of order. If the motion for an appeal is seconded, the member making the appeal may briefly state his/her reason for the same and the Presiding Officer may briefly express his/her ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question to vote as to whether the decision of the Chair shall be sustained. If a majority of the members present vote "aye", the ruling of the Chair is sustained; otherwise it is overruled.

**Section 110.240. Permission Required For Members To Leave Chamber.** [CC 1979 §22.120]

No member of the Board of Aldermen may leave the Council chamber while in regular or special session without permission from the Presiding Officer.

**Section 110.250. Order of Business.** [CC 1979 §22.130]

- A. At the meetings of the Board of Aldermen, the order of business shall be as follows:
1. Call the meeting to order.
  2. Roll call.
  3. Reading and acting upon unapproved minutes of previous meetings.
  4. Petitions, remonstrances, complaints and requests and the hearing of any person or group desiring to address the Board. All petitions, remonstrances, complaints and requests shall be presented to the Board in writing. However, the Board may decide to act on oral discussions of any petitions, remonstrances, complaints or requests presented by the interested parties appearing in open meeting. In this case such discussion by the interested parties shall be limited to five (5) minutes per speaker, except where an extension of time for oral discussion is granted by the Board.
  5. Opening of bids.
  6. Public hearings as required by law or ordinance.

7. Acting on unfinished business. The unfinished business from the last preceding meeting shall take precedence over any new business.
8. Reading of communications. All communications which in any manner whatever pertain to the business or functions of the City of any of its elected or appointed employees shall be read.
9. Reports of special boards, committees and City Officers.
10. Resolutions which require action by the Board.
11. Introduction and reading of bills.
12. Miscellaneous business.
13. Adjournment.

**Section 110.260. Expression of Dissent or Protest By Member.** [CC 1979 §22.140]

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 and to have the reason therefor entered upon the journal. Such dissent or protest must be filed in writing and presented to the Board not later than the next regular meeting following the date of the passage of the ordinance or resolution to which objection is taken.

**Section 110.270. Special Committees.** [CC 1979 §22.200]

All special committees shall be appointed by the Mayor of the City unless otherwise ordered by a majority of the Board. A special committee is a committee composed of members of the Board of Aldermen; the concurrence of the Board shall not be required as to the membership of the special committee, unless the Board shall order otherwise.

**Section 110.280. Rules of Procedure.** [CC 1979 §22.220]

The Board of Aldermen may by resolution prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business, but such rules shall not contravene the requirements of this Code or other ordinance.

**Section 110.290. Amendment or Suspension of Rules.** [CC 1979 §22.240]

Any rule of the Board may be repealed, altered or amended by a majority vote of the members. Every amendment offered shall lie on the table until the next meeting of the Board before being voted upon except by the unanimous consent of all elected members of the Board of Aldermen (including the Mayor). Any rule may be suspended by a majority vote of the members of the Board, or quorum being present by unanimous consent.