

Chapter 115

CITY OFFICIALS

ARTICLE I

General Provisions

Section 115.010. Elective Officers — Terms.

The following officers shall be elected by the qualified voters of the City and shall hold office for the term of two (2) years, except as otherwise provided in this Section, and until their successors are elected and qualified, to wit: Mayor and Board of Aldermen.

Section 115.020. Appointive Officers. [CC 1979 §20.110]

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a City Treasurer, City Attorney, City Clerk, Chief of Police, Collector, Street Superintendent, Municipal Judge, Water Superintendent, Waste Water Superintendent, a certified building inspector as Building Inspector, Night Watchman, and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor. All appointed officers shall be appointed to serve at the pleasure of the Board of Aldermen.

Section 115.030. Removal of 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 vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds vote of all the 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 115.040. 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 115.050. Officers' Oath — Bond. [Ord. No. 370 §1, 10-8-2012]

Every officer of the City of Diamond 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 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 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 the amount of twenty thousand dollars (\$20,000) and with such sureties as may be designated by ordinance, conditioned upon faithful performance of his/her duty, and that he/she will pay over all moneys 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 115.060. Salaries Fixed By Ordinance.

The Board of Aldermen shall fix the compensation of all the officers and employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he/she was elected or appointed.

Section 115.070. 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 regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

Section 115.080. 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.

ARTICLE II
City Clerk

Section 115.090. City Clerk — Election — Duties.

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk", whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

Section 115.092. Duties Generally.

A. The duties of the City Clerk shall be as follows:

1. The City Clerk shall, in addition to other duties which are or may be required of him/her by this Code or other ordinance, or the Mayor, attend all meetings of the Board of Aldermen.
2. The City Clerk shall have the custody of the books, records, papers, and documents belonging to the City (i.e., Board of Aldermen minutes, real estate and personal property tax records, water, sewer & trash records, real estate transactions, City ordinances, letters, etc.).
3. The City Clerk shall prepare all certificates of election or appointment of the City Officers and City Policemen, responsible for the swearing-in action, and delivering the certificates to the persons elected or appointed. The City Clerk shall provide the County Clerk with all required papers for City elections.
4. The City Clerk shall keep a permanent record of the proceedings of the Board of Aldermen. The minutes of all regularly scheduled meetings shall be published within seventy-two (72) hours of each meeting, copies mailed to the Mayor and Aldermen, and an official copy kept on file at the City Hall. The City Clerk shall prepare a monthly newsletter to be printed after the monthly meeting of the Board of Aldermen, and to be distributed at the City Hall within two (2) weeks of the meeting.
5. The City Clerk shall be responsible for preparing and mailing the monthly utility bills, and determining the three (3) month average rate for each meter. The City Clerk shall be responsible for the preparation of a monthly utility account receivable control report at the end of each month, and provide the

Board of Aldermen with the amount payable, amount collected, amount owed, and a delinquent account list by name and amount.

6. The City Clerk shall be responsible for determining the real estate and personal property tax books of the City, and turn the same over to the City Collector by August first (1st) of each year. The City Clerk shall be responsible for the preparation of a monthly tax account receivable control report at the end of each month, and provide the Board of Aldermen with the amount payable, amount collected, amount owed, and a delinquent account list by name and amount.
7. The City Clerk shall be responsible to reconcile the monthly bank statement and special account statements to the monthly financial report prepared by the City Collector. This report is due to the Board of Aldermen at it's monthly meeting, with a record attached to the bank statements.
8. The City Clerk shall be responsible for the preparation, documentation, proper record keeping, and providing a copy of the official document to each Alderman, of all City ordinances.
9. The City Clerk shall be responsible to provide any person, certified copies of City records, as provided by the Law of the State of Missouri. The Board of Aldermen shall determine fees for certified copies of City records.
10. The City Clerk is responsible to perform all the duties of the City Collector in the temporary absence of the City Collector.

Section 115.093. Temporary City Clerk. [CC 1979 §20.440]

- A. Upon temporary disability or inability of the City Clerk to perform his/her duties as set forth in this Code or other ordinances of the City due to illness, absence from the City or other cause, the Board of Aldermen shall, in the same manner as the City Clerk is elected as set forth in Section 115.090, proceed to elect a temporary City Clerk who shall have the same powers and duties as the regular City Clerk and shall hold office until the disability of the City Clerk is removed.
- B. Such temporary City Clerk shall receive as compensation such salary as the Board of Aldermen shall provide for at the time of the election of such officer.

ARTICLE III
City Treasurer

Section 115.095. Appointment. [CC 1979 §20.600]

The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election shall appoint a suitable person as City Treasurer who shall hold office for one (1) year and until his/her successor is appointed and qualified. It shall be permissible for the person selected as City Treasurer to hold another position with the City.

Section 115.100. Treasurer — Duties — Bond. [CC 1979 §20.630]

- A. The Treasurer shall receive and safely keep all moneys, warrants, books, bonds and obligations entrusted to his/her care and shall pay over all moneys, bonds or obligations of the City on warrants or orders duly drawn, passed or ordered by the Board of Aldermen, and signed by the Mayor and attested by the City Clerk, and having the Seal of the City affixed thereto, and not otherwise; and shall perform such other duties as may be required of him/her by ordinance. Before entering upon the duties of his/her office, he/she shall give bond in the amount prescribed in Section 115.050. [Ord. No. 371, 10-8-2012]
- B. *Duties Generally.* The Treasurer shall receive and safely keep all monies of the City which may come into his/her hands and shall disburse the same only upon warrants properly drawn, and which are signed by the Mayor and attested by the City Clerk. He/she shall keep, in a set of books provided for that purpose, a full and accurate account of all monies received and disbursed by him/her on behalf of the City, specifying the date of receipt or disbursement, from whom received, to whom disbursed, and on what account received and disbursed. He/she shall keep a separate account on each fund and appropriation, and the debits and credits belonging thereto. He/she 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. He/she 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 (1) of these receipts shall be given to the person making the payment, and the other he/she shall file with the City Clerk who shall thereupon credit the person named in the receipt with the amount of his/her payment and charge the Treasurer with the same. On the last week of each month, he/she 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. He/she shall receive and safely keep all warrants, bonds and obligations of the City entrusted to his/her care and shall dispose of the same only upon proper authority from the Board of Aldermen or as provided by this Code or other ordinances.

Section 115.102. Access To Officers' Books — City Clerk To Enjoy Same Access. [CC 1979 §20.650]

The City Collector and City Clerk shall have free access to each other's offices for the inspection of all books, accounts and papers which they respectively contain and free access to all other offices of this City for the inspection of such books, accounts and papers as concern any of their duties.

Section 115.110. Appointment. [CC 1979 §20.500]

The City Collector shall be appointed as provided by Section 115.020.

Section 115.120. Duties Generally.

- A. The Collector shall perform all the duties and assume the responsibilities as specified below:
1. Receive payments, write receipts in triplicate, maintain internal control, and deposit daily all money collected for utility payments, court payments, permits or other obligations.
 2. Insure that all payments are posted to individual accounts on City automated software programs.
 3. Maintain an automated accounts receivable control account to reconcile monthly billings and collections with the individual customer accounts and with daily bank deposits.
 4. Maintain an automated, double-entry general ledger accounting system to record transactions for all accounts.
 5. Prepare within seven (7) working days a monthly financial report describing all receipts, disbursements and month ending balances for all accounts and a total balance for all funds.
 6. In cooperation with the City Clerk, insure that the bank checking account and special accounts statements are reconciled to all accounts.
 7. In cooperation with the Mayor, invest funds in certificates of deposits.
 8. In cooperation with the City Clerk, prepare tax statements, reconcile tax receipts and prepare a monthly report reflecting taxes billed, received and unpaid.
 9. In cooperation with the Mayor and City Clerk, prepare an automated annual budget not later than June 30, 2001, and reconcile the monthly revenue and disbursements to the budget line items.
 10. Maintain control of the checkbook, paying bills, maintaining the payroll system and pay taxes.
 11. Maintain all financial records in a manner acceptable to the City Auditor.
 12. Serve as temporary City Clerk in the absence of the City Clerk.
 13. Such other duties as assigned by the Mayor.
- B. *Compensation.* The City Collector shall receive as compensation for his/her services a fee or percentage as may be fixed by ordinance.

Section 115.123. Receipt and Posting of Payments. [Ord. No. 374, 11-12-2012]

The City Collector nor any other City employee or City officer shall receive nor post any payment on his or her own behalf for any moneys due the City of Diamond.

Section 115.130. Collector To Make Annual Report.

The Collector shall, annually, at the first (1st) meeting of the new fiscal year, make a detailed report to the Board of Aldermen stating the various monies collected by him/her during the year and the amounts uncollected and the names of the persons from which he/she failed to collect and the causes therefor.

Section 115.140. Deputy Collector.

The Mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector shall have taken and subscribed to the oath provided by this Code, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector.

ARTICLE V
City Attorney

Section 115.150. Appointment — Term.

- A. The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.
- B. *Qualifications.* No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

ARTICLE VI
City Engineer

Section 115.160. Office Established and Qualifications. [CC 1979 §20.900; Ord. No. 211 §1, 3-13-1995]

The Mayor, with the advice and consent of the Board of Aldermen, when necessary shall appoint a suitable person or firm as City Engineer who shall hold office at the pleasure of the Board of Aldermen.

ARTICLE VII
Waste Water Superintendent

Section 115.163. Duties Generally.

- A. The Waste Water Superintendent shall perform all the duties and assume the responsibilities as specified below:
 - 1. Manage the City waste collection system and treatment facility in accordance with Missouri Department of Natural Resources regulations and the City MoDNR operating permit.

2. Maintain, as a minimum, a current Waste Water Class D operator's license.
3. Budget, plan and coordinate for new, replacement or repair to components of the collection system and treatment facility.
4. Take and report samples as required, maintain files and correspondence with MoDNR, respond to customer complaints, inspect new service connections, repair or have repaired all malfunctions to the system.
5. Irrigate properly to insure that there are no illegal discharges.
6. Attend monthly Board of Aldermen meetings, and provide required monthly reports.
7. Prepare annual operator's report, and provide copies to Board of Aldermen and the MoDNR.
8. Perform additional duties as assigned by the Mayor.

ARTICLE VIII
Water Superintendent

Section 115.165. Duties Generally.

- A. The Water Superintendent shall perform all the duties and assume the responsibilities as specified below:
 1. Manage the City water production and distribution system in accordance with Missouri Department of Natural Resources regulations.
 2. Maintain, as a minimum, a current Water Class D operator's license.
 3. Budget, plan and coordinate for new or replacement, or repair to the components of the production and distribution system.
 4. Maintain and check pumps and tower weekly and after storms.
 5. Take and report samples as required, maintain files and correspondence with MoDNR, respond to customer complaints, install new service connections, repair or have repaired all malfunctions to the system.
 6. Responsible to assist in the collection of revenue for water service by reading meters in a timely manner, giving notice and/or shutting off water for non-payment, and restoring service as required.
 7. Flush the system monthly as per established schedule.
 8. Attend monthly Board of Aldermen meetings, and provide required monthly reports.
 9. Perform additional duties as assigned by the mayor.

ARTICLE IX
Street Superintendent

Section 115.167. Duties Generally.

- A. The Street Superintendent shall perform all the duties and assume the responsibilities as specified below:
1. Responsible to manage the street surface, roadway drainage and street signs to the satisfaction of the Mayor and Board of Aldermen.
 2. Responsible for routine operator's maintenance on all City street equipment.
 3. Responsible to budget, plan and coordinate for repair or hot-mix asphalt overlay to the street surfacing, and to maintain City equipment.
 4. Respond to customer complaints, size culvert pipe for new entrances, and to establish cost for repair of utility cuts to City streets.
 5. Perform additional duties as assigned by the Mayor.

ARTICLE X
Miscellaneous Provisions

Section 115.170. Officers To Report Receipts and Expenditures.

It shall be the duty of all the officers of the City to report annually 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 115.180. 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.