

**MANUAL  
FOR  
MISSOURI MUNICIPAL CLERKS**

Revised December 2004  
Price: \$20  
(Single copies available to  
member cities at no charge)

Published by  
Missouri Municipal League  
1727 Southridge Drive  
Jefferson City, MO 65109

*\* The League extends a special thanks to the following city clerks: Jane Sharon, Denise Chisum, Brenda Cirtin, Sandra Williams, Phoebe Cameron, Dorris Carter, Joy Rushing, Sheryl Brashear, Diann Warner, Donna Barnes, Bruce Lowrey & Phyllis Powell. Their expertise was instrumental in making revisions to the many editions of this manual.*

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## INTRODUCTION

The office of city clerk always has been one of the most important positions in municipal government. The general public expects the city clerk to know everything about the affairs of the city. The governing body expects the clerk to know how to accomplish anything that must be done. The law and practice of municipal government seems to assume, for most cities, that any matter not specifically delegated to some other office is the job of the city clerk. And, sometimes, the clerk performs duties officially assigned to some other position.

This *Manual for Missouri Municipal Clerks* has been prepared to aid and guide the clerk in the performance of the many and varied duties of the office. It should be of special help to newly appointed and part-time clerks. However, it was not written for them alone, but for all those who hold this important position and their deputies and assistants. This *Manual* represents the achievement of a major goal of the Missouri Municipal League and the Missouri City Clerks and Finance Officers Association whose members assisted in deciding the subject matter, preparing several of the chapters and reviewing and modifying all chapters.

This *Manual* is not final and complete. It never will be, for the duties of the city clerk vary daily as well as yearly. We will have accomplished our purpose if this publication serves as a helpful guide in assisting city clerks in their numerous duties and responsibilities. As always, we welcome your comments, including suggestions, modifications and corrections.

## LOCAL GOVERNMENT IN MISSOURI

### Municipalities in the Federal System

Most city officials are well aware of the important role municipal government plays in the federal system. Also, most officials are aware of the fact that decisions made at the county, state and national levels often have important repercussions at the municipal level.

Many citizens view American federalism as a layer cake with local governments at the base, state governments in the middle, and the national government at the top. This view implies that governmental activities are parceled out to one of these layers: for example, municipalities provide sewage treatment, states maintain universities, and the national government maintains the national defense.

However, in practice, American federalism has been characterized by far more cooperation, coordination and sharing of responsibilities than by separation. The traditional view of American federalism simply does not conform to reality.

A far more accurate image is the rainbow or marble cake, characterized by an inseparable mingling of differently colored ingredients, the colors appearing in vertical and diagonal strands and unexpected whorls. As the colors are mixed in the marble cake, so functions are mixed in the American federal system.<sup>1</sup>

Actually, it is very difficult to identify programs of the national government in which states and municipalities do not participate, or state and municipal programs in which the national government does not participate. For example, most municipalities could not construct sewage treatment plants without state and federal funds, and all sewage treatment plants must conform to state and federal pollution standards; the national defense is dependent on state National Guard units for reserves and on the state and municipal civil defense systems.

Thus, federalism has come to mean the sharing of powers between the nation, the states and local governments, rather than a sharp separation between their respective responsibilities. This idea of sharing powers and responsibilities of government in a wide variety of program areas has come to be called the "New Federalism" or "Cooperative Federalism."

However, when the federal government contributes financially to municipal programs and services, local officials generally must surrender some of their discretion. Federal funds are invariably accompanied by federal standards and guidelines with which local officials must comply in order to qualify for the funds. These regulations and guidelines are designed to insure compliance with minimum national standards and goals, but they often annoy local officials. However, in some cases, the project or program would not be financially feasible without the federal funds.

### County Government

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<sup>1</sup> Morton Grodzins, "The Federal System," The American Assembly, Goals for Americans (Englewood Cliffs, N.J.: Prentice-Hall, Inc. 1960), p. 265.

Missouri's 114 counties are subdivisions of the state with a specified structure and responsibilities. Counties, with the exception of the three home rule counties – St. Louis County, Jackson County and St. Charles County – have no inherent or reserved powers of their own, but only those powers granted to them by the Missouri Constitution or statutes.

Counties with more than 85,000 population are eligible for home rule status by electing a charter commission to draft a home rule charter for submission to the voters. The powers of home rule counties were significantly expanded in 1970 when the voters approved an amendment to the Missouri Constitution to permit home rule counties to extend services and functions to municipalities within the county. At the present time, only St. Louis County, Jackson County and St. Charles County have adopted home rule charters, but efforts have been made in several counties to attain home rule status.

In the other counties, a number of factors hinder effective administration. First, counties basically are agents of the state government, with only those powers specifically granted by the state. State laws mandate numerous services the county must perform, but the state seldom provides the funds for these services. In short, county officials have little control over the county's budget and the allocation of revenue. Secondly, these counties lack the power to reorganize their inefficient governmental structures. The existing structure lacks coordination and centralization, because each separate elective county official performs his respective duties without any accountability to any other county official. This situation leads to inefficiency, waste and duplication.

In theory, the county legislative body, known as the county commission, should coordinate county operations in the non-home rule counties. However, their efforts easily are frustrated by other independently elected office holders, such as the county clerk, assessor, recorder of deeds, prosecuting attorney, sheriff, treasurer and auditor.

The township form of government, which still exists in 23 counties, serves to further fragment county government. Each county with this structure is divided into seven to 24 administrative townships. Each township has the following officials: a three-member policy board, a clerk-assessor and a collector. The township functions are: road construction and maintenance, property assessments, tax collection and township elections. The township structure is extremely inefficient and ineffective, but has proven difficult to abolish because of the many officeholders involved.

Missouri counties are divided into four classifications based on the assessed valuation of property within the county:

Class I – more than \$450 million for a five-year period,

Class II – between \$300 million and \$450 million for a five-year period,

Class III – less than \$300 million for a five-year period, and

Class IV – those that have attained the second classification prior to August 13, 1988, and which would otherwise return to the third classification after this time because of changes in assessed valuation, shall remain a county in the second classification and shall operate under the laws of this state applying to the second classification.

In the future, we can expect cities and counties to engage more often in cooperative programs and services, such as landfill or emergency dispatching centers. However, counties will have to overcome several deficiencies, such as inadequate revenues, fragmented internal structures and insufficient powers, before they can develop a real "partnership" with municipalities. Many people feel that lowering the 85,000 population requirement for county home rule would be an important step in

improving county government. Over the years, the inadequacies of county government have contributed to the incredibly large number of special districts in Missouri.

### Special Districts

Missouri, long known as the “Show-Me State,” could also be referred to as the “Special District State.” We have the dubious distinction of having more than 1,700 special districts (no one knows the exact number) performing some 20 different functions, such as roads, fire protection, street lighting, ambulance service, water supply, water conservation, river levees, maintenance, hospitals, nursing homes, sewers, drainage and libraries, under 28 different statutory authorizations.

The bulk of these special districts are road districts that may be formed in any county, except Jackson County and St. Louis County. We have more than 500 special road districts in Missouri, which ranks Missouri first in the nation. Idaho ranks second in the number of special road districts with 78. Incredibly, 63 percent of the nation’s special road districts are found in Missouri. These districts are formed for the purpose of ensuring that the bulk of road and bridge tax revenue collected in an area is spent within that area. Most road districts were formed because the county did not perform the amount of work on the roads that was desired by the citizens of an area. Many of these special road districts are quite small, some maintaining only a mile of roadway.

State laws have been enacted requiring some of the larger counties to expend road and bridge revenues collected within municipalities on streets within these municipalities. Generally, these laws require the county to spend at least 25 percent of the funds collected within the municipality on streets designated by the city council. The Missouri Municipal League has supported similar legislation on a statewide basis. Such legislation would strike at the basic cause for fragmenting road administration into special road districts.

Special districts cause inefficiency and general lack of economies of scale because of the small size of the individual districts. Service could be rendered more economically by a single district that covered a large area than by many small districts each trying to provide the desired service. Also, the numerous special districts impair planning because of the lack of coordination and communication between the various levels of local government.

Special districts, if properly governed and wisely used, are an important and effective unit of government. However, in Missouri, the proliferation of various types of special districts, particularly special road districts, has created a confusing patchwork of local government.

### Municipal Government

In Missouri, a community may incorporate as a municipality upon a petition to the county court signed by 15 percent of those voting in the last gubernatorial election. The county commission then calls for an election in the unincorporated area, and a municipality is incorporated if a majority of the voters support the proposal. Municipalities are permitted to provide certain types of local services, such as police and fire protection, sewage disposal and traffic control, which cannot be provided by unincorporated entities or by the county government.

Classification of Municipalities

Municipal officials and the citizens of their respective communities do not have complete discretion on the structure of their municipal government. Missouri statutes classify municipalities on the basis of population and limit the form of government options of each classification. Missouri statutes provide that a community may incorporate as a city of the third class, fourth class or village on the basis of the population at the time of incorporation (see Table A, below). It should be emphasized that once a community is incorporated under a given classification, the municipality does not automatically change classification with a gain or loss of population. A municipality may change classification only when the change is approved by a majority vote of the people.

TABLE A		
<u>Class</u>	<u>Population Requirement</u>	<u>Total Number</u>
Class 3	3,000 - 29,999 inhabitants	57
Class 4	500 - 2,999 inhabitants	525 (approx.)
Village	fewer than 500 inhabitants	325 (approx.)
Constitutional Charter	more than 5,000 inhabitants	37
Legislative Charter	no requirement	6

Forms of Government

Before analyzing in detail the various forms of government, it is necessary to discuss the forms of government permitted for each classification of municipality. Villages are permitted only one form of government – an elected board of trustees, five in number if the village has less than 2,500 population and nine if more than 2,500 population. Fourth class cities are permitted to have the mayor-board of aldermen form and the mayor-city administrator-aldermen form. The board of aldermen may adopt the city administrator form by ordinance, without a vote of the people. Third class cities are granted greater flexibility with the authority to establish the mayor-council form, the council-manager form, the commission form, and the mayor-city administrator-council form. Finally, constitutional charter cities may adopt any form of government the people approve in the charter. Table B on the next page provides a summary of the forms of government available to each class. Table C lists the number of municipalities that have adopted the corresponding form.

TABLE B	
<u>Class</u>	<u>Structure of Government</u>
Village	Board of Trustees
Fourth	Mayor - Board of Aldermen Mayor - City Administrator - Aldermen
Third	Mayor - Council Mayor - City Administrator - Council Council - Manager Commission
Constitutional Charter	To be decided by the people

TABLE C

Structure of Government in Missouri Municipalities

Mayor-Council	760* (approx.)
Mayor-Administrator-Council	132
Council-Manager	36
Commission	2

\*Includes villages that have a chairman and board of trustees.

#### A. Mayor-Council Form

The mayor-council form (also known as the mayor-board of aldermen form in fourth class cities) is the most common form of municipal government in Missouri, as in other states. There are two types of mayor-council form, the weak mayor-council form and the strong mayor-council form. Under the weak mayor-council form, the mayor does not have a great deal of appointive powers because most of the administrative officials, such as the collector, treasurer, assessor and marshal, are elected by the voters. Thus, under the weak mayor-council form, the mayor does not have a great deal of administrative authority because many administrative officials are independently elected and are responsible only to the electorate.

On the other hand, under the strong mayor-council form, the mayor appoints the administrative officials, usually subject to approval by the council, and the administrative officials are directly responsible to the mayor and council. In Missouri, the state statutes allow the election of some administrative officers in both third and fourth class cities. Therefore, because many of these officials are elected rather than appointed by the mayor, Missouri municipalities with the mayor-council form characteristically have the weak mayor-council variety, with the exception of some constitutional charter cities that provide for a strong mayor-council form.

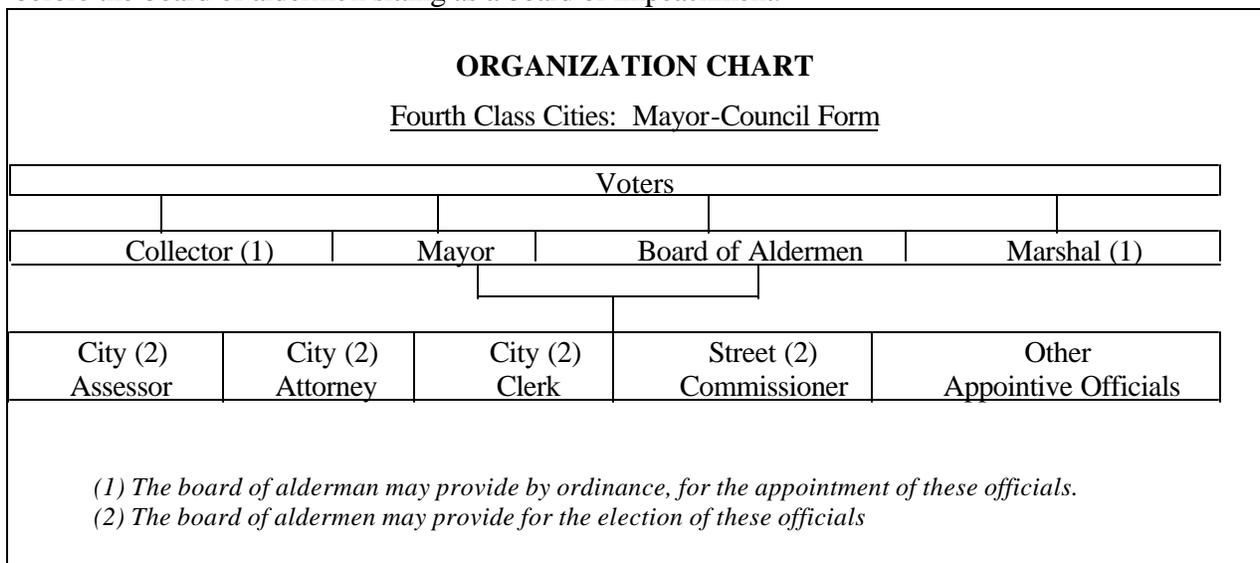
##### 1) Third Class Cities Mayor-Council Form

In third class cities with the mayor-council form, the voters elect a mayor to a four-year term, councilmen from wards to two-year terms, and the following officials to two-year terms: municipal judge (except cities where ordinances have been passed to appoint a municipal judge or to use the circuit court), city attorney, assessor, collector and treasurer. The General Assembly has provided a four-year term for elected marshals (cities with a merit system police department appoint a chief of police). In 1985, the General Assembly enacted legislation to permit third class mayor-council cities, by ordinance, to provide that all officers, except the mayor and councilmen, may be appointed instead of elected.

##### 2) Fourth Class City Mayor-Board of Aldermen Form

In fourth class cities with the mayor-board of aldermen form, the voters elect the following officials to two-year terms: a mayor, aldermen from wards, collector and marshal. In 1989, the

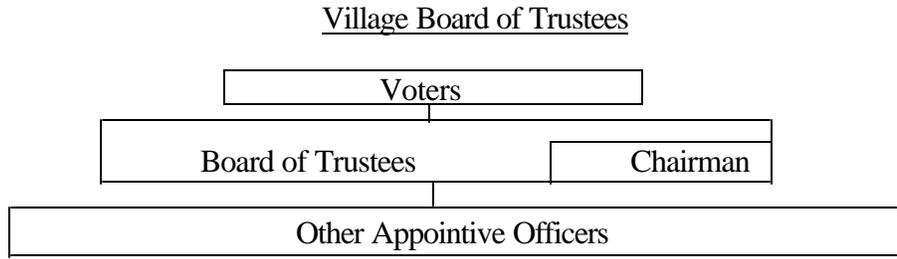
General Assembly authorized fourth class cities to provide, by ordinance, that the mayor and collector be elected to four-year terms. In 1998, the General Assembly authorized fourth class cities, by ordinance and with approval of the voters, to provide a four-year term for members of the board of aldermen. The mayor, with the approval of the board of aldermen, has the authority to appoint a treasurer, city attorney, assessor, street commissioner and night watchman, and such other officers as authorized by ordinance. Appointive officers may be removed by the mayor at will with the consent of a majority of all the members of the board of aldermen or without the mayor's approval or recommendation if approved by a two-thirds vote of all the members elected to the board of aldermen. The board of aldermen may provide for the election of the following city officials: city assessor, city attorney, city clerk and street commissioner. Elective officers may be removed from office, for cause shown, by the mayor with the consent of a majority of all the members elected to the board of aldermen, or without the mayor's approval with a two-thirds vote of all members elected to the board of aldermen, but elective officials first must be given an opportunity, together with witnesses, to be heard before the board of aldermen sitting as a board of impeachment.



3) Villages: Chairman-Trustee Form

Villages are permitted by Missouri statutes to have only one form of government – an elected board of trustees. In villages under 2,500 population, the board of trustees consists of five members, and in villages over 2,500 population, the board may consist of nine members. The trustees are elected to two-year terms. The trustees select one of their members to serve as chairman and another member to serve as village clerk. The chairman may vote on any issue before the board except when the office of chairman becomes vacant. When this happens, the remaining members select one of their own as temporary chairman and then proceed to elect someone to fill the vacancy; provided, the chairman or temporary chairman has no vote except in case of a tie. The chairman also is required to publish a semiannual financial statement of all receipts and expenditures. The board of trustees is granted statutory authority to pass ordinances in more than 40 specified areas. The board has the power to appoint an assessor, collector, marshal, treasurer and such other officers as may be necessary; to remove them from office; to prescribe their duties; and to fix their compensation. The board may provide by ordinance for either the appointment or election of a municipal judge. The village form of government is relatively easy to chart: the voters elect the board of trustees, which appoints the other municipal officials.

ORGANIZATION CHART



B. Commission Form

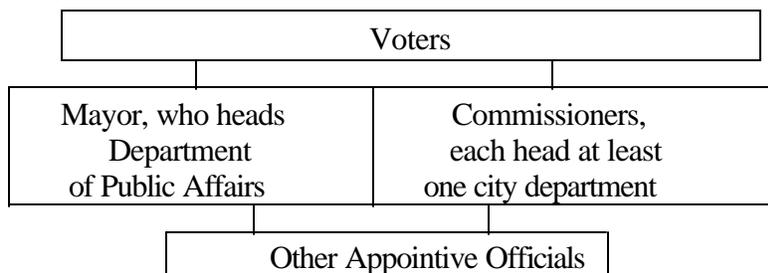
At the present time, two Missouri municipalities operate with the commission form: Monett and West Plains. Under the commission form of government, each member of the city council, referred to as the commission, directly heads or supervises an administrative department. Thus, the commissioners serve a dual capacity: as the municipal legislative body, they formulate municipal policy; as individuals, they serve as administrative heads of the various departments. The voters elect a mayor who presides at meetings of the commission, but the mayor typically does not have significant powers over the operations of the other commissioners' departments.

The executive and administrative powers, authority and duties are distributed into the following five departments: public affairs, accounts and finance, public safety, streets and public improvements, and parks and public property. The commission determines the powers and duties of each department. By state law, the mayor must be the superintendent of the department of public affairs, and the commissioners designate one of their members to head the other departments. In cities under 10,000 population, a commissioner may be assigned more than one department.

The commissioners are authorized to appoint, by a majority vote, the following officers: city clerk, attorney, assessor, treasurer, auditor, engineer, marshal, fire chief, police judge and any other officers and assistants deemed necessary for the proper and efficient transaction of city affairs. Any officer or assistant appointed by the commissioners may be removed from office at any time by a majority vote of the members.

ORGANIZATION CHART

Commission Form

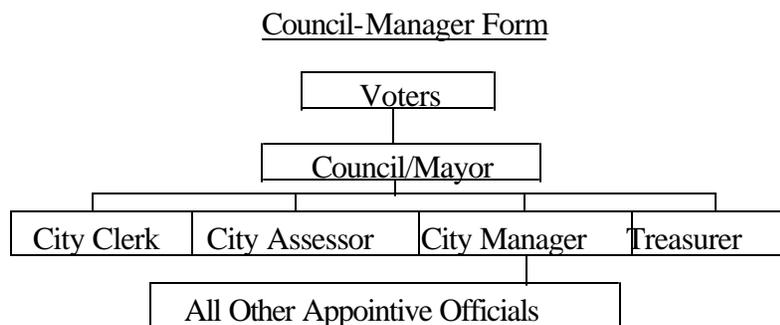


C. Council-Manager Form

Under the council-manager form there is a differentiation between the policy making function of government and the administrative function. The voters elect the city council that formulates municipal

policy. The council appoints the city manager who is responsible to the council for the administration of the city government. Usually, the councilmen deal with the various city departments only through the city manager. The manager has the responsibility to prepare the city budget for council approval and also to execute the budget after adoption. Under the council-manager plan, the mayor presides over council meetings and serves as the city's ceremonial and political leader but has no administrative authority or veto power. The city manager serves at the discretion of the council, which may hire and fire the manager at will, not merely for cause. The council-manager form provides clear lines of authority and responsibility with the city manager as chief executive officer who can be held strictly accountable for municipal operations.

## ORGANIZATION CHART



Missouri statutes require that third class council-manager cities have a city council consisting of five councilmen who are elected at-large to staggered three-year terms. A 1985 statute provided an optional form in which seven councilmen are elected: five from wards and two at-large. A primary election is necessary when there are more than twice as many candidates for the council as vacancies on the council, unless the council, by ordinance eliminates the requirement for a primary election. The city council must elect one of its members as mayor and another as chairman pro tem for a term of one year. The mayor presides at all meetings of the council and has a voice and vote in council proceedings, but no veto power. The mayor is recognized as the official head of the city for legal and ceremonial purposes. When the mayor temporarily is absent or disabled, his duties are performed by the chairman pro tem. The city council must appoint a city manager, city clerk, city assessor and city treasurer. All other officers and employees of the city must be appointed and discharged by the city manager, but the council retains power to adopt and modify personnel rules and regulations.

### D. City Administrator Form

The city administrator form permits municipalities to combine the mayor-council form with a trained, full-time city administrator. It enables the mayor and council to delegate specific duties and responsibilities to an appointive city administrator, who is accountable to and serves at the pleasure of the mayor and council.

Unlike the city manager form, which requires petitions and an election before adoption, the city administrator form is adopted simply by ordinance of the governing body. The city administrator is employed by the governing body with the approval of the mayor. The administrator serves as the chief administrative assistant to the mayor and has general superintending control of the administration and

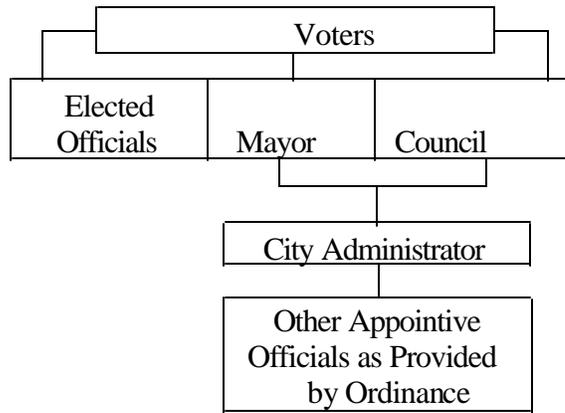
management of city business and municipal employees, subject to the direction and supervision of the mayor. When the governing body adopts a city administrator ordinance, they may provide that all other officers and employees of the city, except elected officers, may be appointed and discharged by the city administrator, subject to reasonable rules and regulations of the governing body. However, the ordinance may provide that such powers are to be retained by the mayor.

Similar to the city manager, the city administrator serves at the pleasure of the governing body and may be dismissed at any time. The mayor and governing body retain all the powers granted by statute to the city before the adoption of the city administrator form, and all ordinances in effect when the city administrator form is adopted remain in force until repealed or altered by the governing body.

The various city ordinances include a wide variety of powers, duties and qualifications of the city administrator. Some administrators have qualifications and powers of city managers, and others serve as an assistant to the mayor without the power to appoint and dismiss city employees. Because the structure of a city government under the city administrator plan depends on the particular ordinance, it is difficult to present the structure in the form of an organization chart.

## ORGANIZATION CHART

### City Administrator Form



#### E. Constitutional Charter Cities

In 1875, the Missouri Constitution led the nation in providing that the state's largest municipalities could provide their own structure of government by drafting home rule charters for approval of the voters. For many years, St. Louis and Kansas City were the only constitutional charter cities in the state. In 1946, the voters approved a constitutional amendment to permit home rule status for municipalities over 10,000 population. Since 1946, 35 municipalities have drafted and adopted home rule charters, in addition to the previously adopted charters in St. Louis and Kansas City. In 1971, the voters approved another amendment that broadened home rule powers and lowered the population requirement from 10,000 to 5,000. The amendment provided that:

“Any city which adopts or has adopted a charter for its own government, shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by the Charter so adopted or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law.”

The 37 constitutional charter or home rule cities have selected a wide variety of governmental structures. Although many home rule cities have adopted the council-manager form, others provide for the mayor-council form or the mayor-city administrator-council form.

# THE OFFICE OF CITY CLERK

## Appointment

The method of appointment for city clerks depends on the classification of the municipality. In a village, the clerk is appointed by the board of trustees. In the other classes of municipalities the city clerk may be elected by the voters or appointed by the municipality's governing body. Although the Missouri statutes authorize both methods of selection, in the vast majority of municipalities the city clerk is appointed by the governing body.

Statutes Governing Appointment of Clerk	
Villages	RSMo 80.060
4 <sup>th</sup> Class Cities	RSMo 79.050
3 <sup>rd</sup> Class Cities	RSMo 77.040

## Qualifications

The Missouri statutes set forth several legal qualifications for the office of city clerk. Both third class and fourth class municipalities are governed by the provision that "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." State law does not require that the municipal clerk be a resident of the municipality, however the governing body does have the authority to include this as a qualification.

Statutes Governing Qualifications of the Municipal Clerk	
Villages	-
4 <sup>th</sup> Class	RSMo 79.250
3 <sup>rd</sup> Class	RSMo 77.380

In addition to the statutory qualifications, the position of city clerk usually requires a number of other qualifications depending on the size of the city and the types of work assigned to the clerk by the board. In selecting a city clerk, the governing body probably will look for an individual with certain desirable qualifications, such as:

- 1) Knowledge of the principles and methods of finance, accounting and auditing;
- 2) Knowledge of office management procedures, practices and equipment;
- 3) Knowledge of purchasing procedures;
- 4) Ability to maintain cooperative working relationships with city officials, employees and the public; and
- 5) Ability to understand and carry out complex oral and written instructions.

Although these are "desirable" qualifications, rather than "minimum" or "legal" qualifications, the duties of the city clerk are complex and technical, and the governing body should examine realistically the duties and responsibilities of the office before establishing the qualifications and appointing a city

clerk.

Tenure

If the city clerk is appointed then the term will be determined by ordinance or charter. Elected clerks in 3<sup>rd</sup> and 4<sup>th</sup> class cities serve two year terms. Villages do not have elected clerks and terms, if any, for clerks in home cities would be determined by the charter.

Removal

Statutes Governing Removal from Office	
Village	RSMo 80.240
4 <sup>th</sup> Class Municipalities	RSMo 79.240
3 <sup>rd</sup> Class Municipalities	RSMo 77.340

In 3<sup>rd</sup> and 4<sup>th</sup> class municipalities, an elected city clerk may be removed from office, for cause shown, by the mayor and a majority of the aldermen; or by two-thirds of the aldermen without the mayor's approval. The same procedure would apply to an appointed city clerk, except there is no requirement to "show cause" for the removal. In village, it appears that a majority of trustees would be needed to remove the clerk from office, with or without cause.

Vacancies

Statutes Governing Vacancies	
Village	RSMo 80.060
4 <sup>th</sup> Class Municipalities	RSMo 79.280
3 <sup>rd</sup> Class Municipalities	RSMo 77.450

In 3<sup>rd</sup> and 4<sup>th</sup> class municipalities, if a vacancy occurs in an appointed city clerk's position, "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." If a vacancy occurs in an elected city clerk's position, the mayor shall convene a special session of the board of aldermen, and a successor to the vacant office shall be selected and shall serve until the next municipal election. In villages, vacancies are to be filled by appointment by the board of trustees.

General Duties

The general duties of the city clerk are established in state statutes, city ordinances and, quite often, by tradition.

- 1) The Missouri Statutes set forth a number of duties and responsibilities for the city clerk

including:

- a) Keeping a journal of the proceedings of the board of aldermen;
  - b) Safely and properly keeping all the records and papers belonging to the city that may be entrusted to the clerk's care;
  - c) Being the general accountant of the city;
  - d) Administering official oaths;
  - e) Coordinating all duties pertaining to city elections with the county election authority;
  - f) Attesting and affixing the city seal on all orders, drafts and warrants drawn on the city treasury for money;
  - g) Countersigning the sale of all lots in the city cemetery;
  - h) Handling the administration of special tax bills;
  - i) Preparing accurate tax books with the amount of taxes due from each person;
  - j) Performing all the duties required by the governing body; and
  - k) Maintaining the files of personal financial interest disclosure forms.
- 2) In addition to the above duties, the governing body may assign the city clerk various other duties and responsibilities. These duties vary from city to city, and may include:
- a) Arranging for the publishing of requests for bids, notices of hearings, ordinances and other official notices;
  - b) Preparing ordinances and resolutions;
  - c) Assisting in preparing the city budget;
  - d) Instructing and training other employees;
  - e) Administering the city's payroll and insurance programs;
  - f) Collecting certain city taxes;
  - g) Issuing licenses and permits;
  - h) Serving as purchasing officer;
  - i) Handling zoning applications;
  - j) Serving as secretary to other city boards and commissions;
  - k) Posting meeting notices and serving as custodian of public records under the Open Meetings and Records Law.
- 3) Also, many city clerks have duties and responsibilities that have fallen on them by custom or tradition. Some city clerks are ex officio municipal court clerks. Others serve as dispatcher for city vehicles, simply because the first day on the job they found the radio dispatching unit was located on their desk. Certain city clerks report that they are expected to raise and lower the flag outside city hall each day.

Obviously, the duties and responsibilities of the city clerk are many and varied. The state statutes prescribe a number of the most important duties, but local ordinances and custom require a great many additional responsibilities that vary from city to city. Subsequent chapters of this *Manual* will describe these duties and responsibilities in greater detail.

### **Professional Organizations and Associations**

There are a number of professional organizations and associations that provide assistance to city clerks. Following is a list of organizations and associations and their services:

1. International Institute of Municipal Clerks  
8331 Utica Avenue, Suite 200

Rancho Cucamonga, CA 91730

<http://www.iimc.com/>

*Services – Research, professional development, certification program, monthly newsletter and publications.*

2. Missouri City Clerks and Finance Officers Association  
c/o Mo Local Government Program  
Dept. of Political Science  
Southwest Missouri State University  
Springfield, MO 65804  
<http://www.mlgp.smsu.edu/moccfoa/>

*Services – Professional development, training, research, certification program, quarterly newsletter, and networking opportunities.*

3. Missouri Municipal League  
1727 Southridge Drive  
Jefferson City, Missouri 65109  
<http://www.mocities.com>

*Services – Research, publications, inquiry service, model ordinances, professional development and training, legislative and intergovernmental relations, clearinghouse for information.*

4. Regional Planning Commissions

Services – Technical assistance in city planning, management and grant application.

\*Call League Headquarters if you need assistance in locating the local regional planning commission

## **THE CLERK AS SECRETARY TO THE GOVERNING BODY**

The duties of the clerk in a municipality often are as varied as the makeup of the cities in which they serve. The position of the clerk is in many ways one of tradition, evolving over the years into distinct individual molds that suit the needs and tasks required by each individual community. There will be similarities in the duties of clerks, but each position will have its own distinct personality, as will each city.

The chief duty of the city clerk is to conscientiously and accurately record the public business of the city, keeping adequate records for future reference and for the information of the citizens of the community. To accomplish this, it is important to establish good record keeping habits in every area of responsibility.

### Preparation of the Agenda

The clerk can greatly assist the members of the governing body by helping the chief administrator of the city in providing information to members of the board in a concise and comprehensive fashion. It often is the custom to prepare an agenda for each board meeting that is mailed or delivered to each alderman several days prior to the meeting itself. For example, a city that holds its board meetings on a Monday evening should make the agenda available to its aldermen by the preceding Friday.

Each item on the agenda will require some type of background material to enable the governing body to be fully informed prior to the meeting. (See example of agenda in chapter appendix). Copies of the minutes of the previous meeting (if not sent earlier) and lists of claims or bills should accompany the agenda as a matter of course. Other items require differing types of background information. Member of the governing body must have sufficient information available to them to be fully prepared to discuss every agenda item. Members of the board will view a well prepared agenda as a valuable tool to assist them in doing their work.

The agenda is a guide, a means of making order in a public meeting at which the business of the city is to be conducted. Items for the agenda will come from many sources. In larger cities, the administrative staff of the city will prepare many agenda items. Other items may come from members of the board, citizens groups and interested individuals. Many municipalities have a written policy setting procedure for placing items on the agenda. In the absence of a policy people desiring that an item be listed on the agenda should be encouraged to make their request known at least one day prior to the usual time for providing the agenda. Without such an arrangement, it is impossible to adequately prepare needed background materials or to structure the coming meeting in some reasonable order. The city administrator or mayor may wish to support each agenda item by the preparation of material in the form of a letter to the aldermen, giving all available information and his recommendation as to action to be taken.

While it may be well to say the agenda is closed to further additions at a specified time, it must be kept in mind that the board meeting is an open forum, and as such, always should be, within reason, receptive to any citizen who wishes to bring an item to the attention of the board. Often an item called "miscellaneous hearings" is included as a regular item on the agenda. This item gives an opportunity for anyone to speak, but still allows continuity within the agenda itself. It often is wise to hold miscellaneous hearings early in the meeting. Such items tend to be of special interest in nature, and the person appearing before the board may appreciate the opportunity to speak his mind, without remaining for the entire meeting.

A copy of the prepared agenda should be made available to the local news media as a means of better informing the community of the public business to be undertaken at the coming meeting. Such prior notice is necessary to make the citizens of your community aware of the business to be considered by their elected representatives and to offer input on any items of interest.

An agenda should be geared to meet the needs of your particular situation. The general order of things should become standardized, so that each meeting will proceed in an order that will become habitual. Items of equal importance or those related in subject matter may be grouped in a reasonable order in such a way as to work through the business of the meeting in a logical sequence.

### Consent Agenda

A Consent Agenda contains routine items that are not controversial in nature and do not need further discussion. Early in the council meeting, the whole group of items may be approved with one motion and one roll call vote. In some municipalities, the Consent Agenda has been called the "Consent Calendar" or "General Order of Business," but its purpose and manner of use is the same.

Where it has been used most successfully, the Consent Agenda has been established with full consensus of the Board, Clerk and City Administration. It is wise, as in instituting any new program, to be certain that all are well informed and the Council is in agreement before proceeding.

Generally, the Consent Agenda portion of the printed agenda is preceded by an explanatory note to the public, such as the following:

All matters listed under Item 3, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

### Preparation of Ordinances

After the decision has been made that legislation is necessary on the part of the board to meet a particular need, it often becomes the duty of the city clerk to draft the actual bill for consideration by the board. An ordinance that is to appear on the agenda should be prepared early and copies made available to aldermen along with the agenda materials.

Guidelines should be received from the administrator of the city as to the necessary composition of such a bill. Often, an ordinance will be similar in form and content to previously passed bills on file in the office of the city clerk. These may be used as guides in the preparation of an ordinance. Sample ordinances and advice are available for the asking from the Missouri Municipal League. Another very practical source of assistance in drafting ordinances is discussion with a city clerk in another city. Almost all problems have been encountered before, and usually a solution has been found that may be useful in working through your particular situation.

An ordinance that deals with an entirely new and previously unexplored subject should be prepared with great care and a good deal of research. Usually, this type of ordinance is drafted or approved by the city attorney. It is important that the officer preparing an ordinance be fully informed as to the statutory requirements for certain types of ordinances; for example, those pertaining to

elections. Such ordinances have very specific guides based on state law and must be followed in detail.

A new piece of legislation should be assigned a bill number that is used for reference prior to its passage. A good method of assigning bill numbers is to begin on the first day of each calendar year and assign the first bill, for example, the number 03-1. In this manner, it is easily recognized as the first piece of legislation to come before the board in 2003. This system avoids the assigning of a permanent ordinance number to the bill before it is finally passed. It also is helpful to include the year of adoption in the ordinance number as an aid for future reference, i.e. Ordinance No. 121-03.

Each ordinance title should briefly and clearly state the purpose of the bill with only one subject per bill. The body of the bill should fully state the reason for the ordinance and include all clarifying, explanatory and penal information necessary for its implementation.

The form of an ordinance should be standardized. Avoid outdated and overly officious language that may disguise the real intention of the bill. Tradition and decorum have a place in the conduct of the business of your city, but pretentious, ponderous wording can defeat your purpose.

Statutes Governing the Passage of Ordinances	
Village	RSMo 80.110
4 <sup>th</sup> Class Municipalities	RSMo 79.130
3 <sup>rd</sup> Class Municipalities	RSMo 77.080

Once an ordinance is presented to the board, the procedure for its passage is clearly set out by state statute for statutory cities (See chart above). It is customary to give first reading to an ordinance the first time it appears on the agenda. Final passage usually is deferred until the next meeting to allow adequate time for consideration and to give an opportunity for comment from the public. This is custom only, and both required readings may be made during the same meeting in statutory municipalities. Home rule cities may have different procedures depending on their charter. Usually, conducting both readings in one meeting is only done if the ordinance concerns material of an emergency nature. In addition, state law provides that an ordinance may be read by title only if “copies of the proposed ordinance are available to the public prior to the time the bill is under consideration.”

Resolutions require only one reading and may be read and finally passed at the same meeting.

#### Keeping of Minutes

The minutes of board meetings provide an invaluable source of reference and information in all areas of city business. All decisions of the board must be carefully recorded as required by law. The explanatory information and miscellaneous comments should be included as briefly as possible and only as necessary to clarify and support the decisions being made. Minutes are not meant to be newsletters or as a forum for general comments. It will be obvious to the clerk, however, after a period of time, that the minutes will reflect the expectations and the personality of the board, and information felt by that board to be necessary to support the actions taken should be included in the minutes.

State law does set some minimum requirements for what must be included in minutes. §610.020.6 RSMo states:

“The minutes shall include the date, time, place, members present, members absent, and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each vote to ‘yea’ and ‘nay’ vote or abstinence if not voting to the name of the individual member of the

public governmental body.”

Additionally, the various statutes regarding the procedure for the passage ordinances require that a roll call vote be taken and that those votes must be recorded in the minutes. It should be noted that ordinances not having the documentation proving that a roll call vote was taken have been ruled invalid.

In preparing minutes, it may be helpful to the clerk to approach the board meeting with an outline of the agenda prepared for use at the meeting. This outline can easily be prepared to anticipate the actual business to be transacted and assists in the recording of motions, seconds to motions and the votes taken. Adequate space should be left for recording pertinent discussion and additional information that is important in the preparation of the minutes. Such an outline especially is useful to the clerk who does not take shorthand or who does not wish to make use of a tape recorder.

It is easy to see that the attached example of the recorded minutes has been prepared from the proposed outline. The minutes reflect the order as set forth in the agenda. It is important that the minutes be easily read, making some method of topical headings necessary for quick and easy scanning.

Copies of the minutes must be available to the aldermen prior to the next scheduled meeting to allow an opportunity for careful study and possible corrections and additions. It is a good idea to send a draft copy of the minutes to the board members shortly after the meeting. If they have corrections or additions, they can be made prior to the meeting. If corrections are made at the meeting, the clerk must draw a line through the original, official copy, and write in the correction with the date and initials. Never retype the minutes or block out the original version.

The final copy of the minutes with any necessary corrections and additions should be transcribed on a good, durable bond paper and bound in some sort of substantial binder for a permanent record. If your city has a system of microfilming, the microfilmed copy of the minutes and other city records is acceptable as a permanent copy and will be adequate for any legal purpose (§109.130 RSMo).

### Indexing and Filing Ordinances

After final passage by the governing body, an ordinance is ready to be signed by the mayor (chairman in villages). The mayor’s signature should be attested by the city clerk and the city seal affixed. The ordinance should be assigned a permanent number and bound in a substantial binder as a permanent record. It is customary that ordinances be kept numerically for reference.

In order to have the fastest and most efficient access to the ordinances, it is helpful to index them both numerically and by subject. This may be done by a simple card file system. Each card should bear the number of the ordinance, the date of its passage and the title, which should be adequate to describe the subject matter of the ordinance. It is also possible to develop an electronic index. A simple index can be kept in Excel or some other spreadsheet form. The same information can be included on the spreadsheet that would be on the cards. In addition, many city-wide computer systems have a module for indexing minutes and ordinances.

Since the ordinances of the city represent its enabling legislation, their value cannot be emphasized too strongly. Any ordinance that applies specifically to a particular department, such as police or public works, should be duplicated and copies made available to the appropriate department head, who will no doubt wish to keep such a copy on file in his office. The original of the ordinance should be kept in a fireproof vault or safe and should be locked away securely at the end of each working day.

It is wise to attach a permanent number to each book of ordinances. Anyone checking out an ordinance book for reference should be required to sign for the book he takes and a note made of the date and time he has taken responsibility for that record. Conversely, the book should be carefully returned to the vault, noting the date and time, and bearing the initials of the city clerk or deputy, showing that the borrowed records have been safely returned to the vault. As an alternative policy, some clerks retain the original ordinances in their vaults and prepare a copy of each ordinance that may be used by city officials and residents who request to see a particular ordinance. This procedure safeguards the original ordinances and still permits public access to their contents.

### Codifying

In addition to indexing, many municipalities, especially larger ones, find it beneficial to have their ordinances codified. Codification is a process in which ordinances are organized into a much more accessible and useable format. The ordinances are summarized and divided into chapters such as administration or offenses. Only the pertinent wording from the ordinance is included in the code book. Several companies specialize in providing codification services.

### Maintaining Public Records

The clerk is the official to whom the city seal is entrusted. In order for the acts of the city to be official, it is necessary that the city seal be affixed. The clerk also is required to countersign all official acts, such as ordinances, resolutions, official minutes, contracts and agreements. In all areas of record keeping, it is best to keep some method of dual or cross filing to make access to needed information as simple and efficient as possible.

In the case of contracts or agreements, it usually is stated in the body of an ordinance or resolution that a copy of the contract or agreement to which it refers be attached to and made a part of that particular piece of legislation. It is helpful also to maintain a separate file for contracts and agreements in which either the original or a copy is kept for easy reference. An easy way to organize this file is to alphabetize the contracts by the name of the person or firm with whom the city is contracting.

The *Municipal Retention Manual* is available through the office of the Secretary of State and should be closely studied and followed by the city clerk in the management and disposition of public records. The manual can be found online at:

<http://www.sos.mo.gov/archives/localrecs/schedules/municpl.asp>

The introduction to the manual states that “only by means of a disposition schedule can local governments ensure that valuable records are preserved, and that records of no further value are disposed of and thereby reduce the need for expensive filing space and equipment. The majority of records do not have values that warrant their permanent preservation. It is imperative that all agencies follow definite periods of retention for records. Some records, because of their administrative, legal or historical value, should be permanently retained. Others of short-term value should be disposed of promptly upon reaching the scheduled age of disposal. Because books, papers, manuscripts, documents, etc., deteriorate easily, the municipal storage areas should be neat, dry and clean, and all files, folders, boxes and storage containers marked and labeled for identification ...”

The retention periods set forth in the *Manual* are based upon experience and the best available information as to how long records should be kept. They are in no way meant to dictate to the municipal

official that certain types of records must be disposed of at the end of a particular period of time.

The disposition of records should be recorded in some permanently preserved document. The record should include the description and quantity of the record being disposed of, the manner of destruction, inclusive dates covered, and the date on which the destruction was accomplished.

### Open Meetings Law

The Missouri General Assembly has adopted an open meetings/records law to provide an equitable balance between the right of the public to know how government is conducting public business and the right of government officials to be protected from frivolous or vindictive prosecution. The Attorney General has put together a very informative booklet on the Missouri Open Meetings Law. Copies are available for free the Attorney General's Office or by contacting League Headquarters.

#### Scope of the Law

The open meetings law defines "public governmental body" as any legislative or administrative governmental entity created by state statute, local ordinance or executive order, including any agency, board, bureau, council, commission, committee, department or division.

The law defines "public meeting" as "any meeting of a public governmental body at which any public business is discussed, decided or public policy formulated, but does not include an informal gathering of members of a governmental body for ministerial or social purposes when there is no intent to avoid the purposes of the law." This definition allows the inevitable discussion of city business when members of the city council attend social events. It also allows department meetings for ministerial purposes; since city departments seldom formulate public policy, it seems that all such meetings are ministerial and may be exempt from the law. "Public meeting" includes conference calls and internet chats if a quorum is involved.

The law defines "public record" as "any record of any public governmental body including any report or document prepared and presented to the public governmental body by a consultant paid by public funds." Apparently, consultant reports may be closed until they are presented to the city council at which time they become a public record.

#### Exemptions from Open Meetings/Records

The law provides specific exemptions from the open meetings and records requirements. Specifically exempted are records and meetings pertaining to the following: 1) legal actions, causes of action or litigation involving a public governmental body and any confidential communications between a public governmental body and its attorneys (except to vote on condemnation decisions); 2) lease, purchase or sale of real estate; 3) hiring, firing, disciplining or promoting personnel (except the vote in these decisions must be made available to the public within 72 hours and the employee affected by the decision must be promptly notified and prior to public disclosures); 4) discussions between a governmental body and its representatives in preparation for negotiations with employee groups and all work products developed in preparation for negotiations with employee groups; 5) specifications for competitive bidding until the specifications are approved by the governing body or published for bids; 6) sealed bids and related documents until the bids are opened or all bids are accepted or all bids are rejected; and 7) individually identifiable personnel records, except the names, positions, salaries and length of service of employees. Other meetings and records must be open to the public unless otherwise provided by law.

## Notice of Public Meetings

The law requires each public governmental body to give notice of the time, date, place and tentative agenda of each meeting in a manner reasonably calculated to inform the public of the information. Reasonable notice includes making available copies of the notice to any representative of the news media who requests notice of a particular meeting and posting the notice at a prominent place that is easily accessible to the public and clearly designated for that purpose at the principal office of the governing body, or, if no such office exists, at the meeting place. Notice must be given at least 24 hours prior to any meeting of a governmental body, exclusive of weekends or holidays when the facility is closed, unless for good cause such notice is impossible or impractical. In such cases, officials must give as much notice as is reasonably possible.

Public meetings must be held at a place reasonably accessible to the public and at a reasonably convenient time, unless for good cause such place or time is impossible or impractical. Officials must make a reasonable effort to grant special access to the meeting to handicapped or disabled individuals.

When city officials depart from any of the above requirements, the nature of the good cause justifying the departure must be stated in the official minutes.

## Procedures to Close a Meeting

If a public governmental body decides to hold a closed meeting, record or vote, they must give notice of the time, date and place of the meeting and the reason for holding the closed session by reference to the specific exemption allowed in the law. Before closing a meeting, record or vote, the governmental body must publicly vote on the question of closing the meeting, and the question must receive an affirmative vote of a majority of the quorum of the body. The vote of each member of the body and the reason for closing the session by reference to the specific exemption must be announced at an open session and entered into the minutes. The closed meeting shall be held only for the specific, announced reason; other business, which does not directly relate to the reason announced as justification for the closed meeting, may not be discussed.

## Custodian of Records

Each governmental body must appoint a custodian of records who is to be responsible for the maintenance of records and to receive and process requests for copies of records. Each request must be acted upon within three business days, or the custodian must explain in writing the reason for the delay and state the place and earliest time and date the record will be available for inspection. If access is denied, the custodian must provide, upon request, a written statement of the grounds for denial, citing the specific provision of the law that provides for closing the record.

Each governmental body may set reasonable fees for providing copies of public records, not to exceed the actual cost of record search and duplication. Payment of these fees may be requested prior to the making of copies. These fees may be increased without submitting the increase to a vote of the people.

## Written Policy Required

Each governmental body must adopt a written policy in compliance with the open meetings/records law regarding the release of information on any meeting, record or vote. Any public employee who

complies with this written policy cannot be found in violation of the law. Sample policies are available from League headquarters.

### Penalty Provisions

The law permits any person to seek judicial enforcement of the open meetings/records law by bringing suit in circuit courts. Once the party bringing suit demonstrates that the governmental body held a closed meeting or vote, the body must demonstrate that they complied with the requirements of the open meetings/records law. In this regard, the official minutes will be extremely important. City clerks should be well informed of the requirements of this law and maintain the official council minutes accordingly.

If the court determines the evidence demonstrates a violation of the law, each member of the governing body who has been found to have knowingly violated the law may be subject to a civil penalty up to \$1000. Also, the court may order such members to pay court costs and attorney fees. Finally, the court may void any action taken in an illegally closed meeting. Lawsuits for enforcement of the law must be brought within one year of the violation.

### Importance of City Attorney

The law permits a public governmental body, which is in doubt about the legality of closing a particular meeting, record or vote, to seek a formal opinion of the attorney general or the city attorney or to bring suit in circuit court at the city's expense to ascertain the propriety of such action.

The law also authorizes any governmental body to provide for the legal defense of any member charged with a violation of the open meetings/records law. This provision ensures that a member of the governmental body does not have to bear the financial hardship of retaining legal counsel when charged with a violation of the law. Obviously, most municipal officials will rely on the advice of the city attorney. Therefore, it is extremely important that city attorneys be knowledgeable of the provisions of the open meetings/records law.

**APPENDIX I**

**BOARD MEETING**

***ANYTOWN, MO***

**123 MAIN STREET, ANYTOWN MO**

**AGENDA**

Thursday, June 19, 2003 - 7 PM

I. CALL TO ORDER

II. ROLL CALL

III. COMMENTS FROM RESIDENTS

IV. MINUTES

Regular Board Meeting, May 15, 2003

V. COMMISSIONERS' REPORTS:

- a. Treasurer
  - Approval of bills to be paid
- b. Public Works Commissioner
- c. Police Commissioner
- d. Public Relations Commissioner
- e. Chairman

VI. PROCLAMATION

**03-05** – declaring June 14 to be Flag Day in Anytown, Missouri

VII. RESOLUTION

**Res. 4-03** – Authorizing end of the year transfer of funds

VIII. ORDINANCES FOR CONSIDERATION

**Bill No. 2003-46** re: An ordinance adopting the proposed budget for the Fiscal Year 2003-2004 for Anytown, Missouri, and authorizing expenditures from general uncommitted tax funds of the village in accordance with the budget so adopted.

**Bill No. 2003-47** re: An Ordinance of the Town of Anytown, Missouri, To Regulate Bicycle Riding.

IX. MISCELLANEOUS BOARD COMMENTS

X. CLERK REPORT

XI. ATTORNEY COMMENTS

XII. ADJOURNMENT

**PLEASE NOTE:** IN ACCORDANCE WITH RSMO §610.021, THE BOARD MAY GO INTO CLOSED SESSION DURING THIS MEETING TO DISCUSS MATTERS OF LITIGATION, LEGAL ACTIONS, AND/OR COMMUNICATION FROM THE CITY ATTORNEY AS PROVIDED UNDER SECTION 610.021 (1), AND/OR PERSONNEL UNDER SECTION 610.021 (13), AND/OR EMPLOYEE UNDER SECTION 610.021 (3), AND/OR REAL ESTATE UNDER SECTION 610.021 (2).

**APPENDIX II**

Outline

Date \_\_\_\_\_ Council Meeting

I. Call to Order: (time)

II. Roll Call

Members Present:

Absent:

Also Present: Town Attorney – Tom Meyer  
Town Administrator – Jim Wall

III. Comments from Residents

IV. Approval of Minutes:

Move for Approval

Second

Ayes:

Noes:

Additions or Corrections:

V. Commissioner Reports:

Treasurer – Payment of bills

Move for approval

Second

Ayes:

Noes:

Public Works Commissioner:

Police:

Public Relations:

Chairman:

VI. Proclamation: Flag Day, June 14 –  
Discussion:

Approval by Chairman

VII. Resolutions:

**Res. 4-03** – Approval of end of year transfer of funds:  
Discussion:

Move for approval

Second

Ayes

Noes

VIII. Ordinances for Consideration

1. **Bill No. 2003-47** re: An Ordinance of Anytown, Missouri, To Regulate Bicycle Riding.

The title of the bill was read the first time by the attorney. A motion was made by xx, seconded and discussed to read the bill a second time and place it as an ordinance of the Town.

Discussion:

On roll call vote, the motion carried as follows:

Ayes:

Noes:

Absent:

Abstain:

Bill No. 2003-47 was declared passed and sent to the chairman for signature.  
Bill No. 2003-47 thus became Ordinance No. 123.

2. **Bill No. 2003-48** re: An ordinance amending Section 515.140 of the Village Code pertaining to Building Permit Fees. The title of the bill was read the first time by the attorney. A motion was made by xx, seconded and discussed to read the bill a second time and place it as an ordinance of the Village.

Discussion:

On roll call vote, the motion carried as follows:

Ayes:

Noes:

Absent:

Abstain:

Bill No. 2003-48 was declared passed and sent to the chairman for signature.  
Bill No. 2003-48 thus became Ordinance No. 124.

IX. Miscellaneous Board Comments

X. Administrator's Report

XI. Attorney Comments

XII. Adjournment - \_\_\_\_\_ p.m.

## APPENDIX III

Draft

ANYTOWN, MISSOURI BOARD OF TRUSTEES MEETING June 19, 2003
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The regular meeting of the Board of Trustees of Anytown, Missouri, was called to order at 7:00 p.m. on Thursday, June 19, 2003 by the chairman, John Smith, in the Town Hall at 123 Main Street. On roll call, the following members were present:

John Smith  
Ann Browne  
Joseph Clark  
Lucy White (late)

Absent: Ruby Blake

Also present was – Tom Meyer, Village Attorney  
Jim Wall, Village Administrator

Mr. Smith welcomed everyone to the meeting, explaining the meeting will be in two portions, the public portion and the business portion. Mr. Smith asked for comments from the residents.

### **PUBLIC PORTION**

Elsie Jones, 489 First, upset about the yard waste collection not being picked up. When they do pick up the trash, they do not clean up what is spilled. Also, they broke a mirror in the street and did not clean it up. Mr. Smith suggested she call the office when there is a missed pickup.

Nelda Schmidt, 1926 Main, said her neighbor trimmed some shrubs and bushes and they were not taken, even though they were in containers.

### **BUSINESS PORTION**

#### MINUTES

May 15, 2003 – A motion was made by Mr. Clark, seconded and carried on roll call vote to approve the minutes as presented.

AYES: 3- Smith, Browne, Clark  
ABSENT: 2-Blake, White

### COMMISSIONER REPORTS

Treasurer – A motion was made by Ms. Browne, seconded and carried on roll call vote to approve the payment of bills.

AYES: 3- Smith, Browne, Clark  
ABSENT: 2-Blake, White

Public Works Commissioner – Mr. Clark noted they have cut all the grass and are concentrating on cleaning up fence lines and shrubs. They are cleaning up the baseball field, even though it is not being used. There have been complaints about kids playing baseball in the streets instead of at the ball field. We have equipment for the ball field in the police station as long as a parent signs it out. (Ms. White arrived at 7:15)

Police Commissioner – Ms. White said she gave Officer Johnson a chart of violations that the officers will complete to show how many tickets of each kind are being issued to show that the violations are being cited.

Public Relations – (Ms. Blake was absent)

Chairman – Mr. Smith read a card of appreciation from the Moyers family for the expressions of condolences. Mr. Smith reported on the efforts to obtain a grant to repair the streets in the town.

### PROCLAMATION

**Proclamation 03-05** declaring June 14 as Flag Day in Anytown, Missouri; was read by the attorney and so proclaimed by the chairman.

### RESOLUTION

**Res. 4-03** – Approval of end of year transfers. A motion was made by Ms. Browne, seconded and carried on roll call vote to approve the transfer of funds.

AYES: 4-Smith, Browne, Clark, White  
ABSENT: 1-Blake

### ORDINANCES

**Bill No. 2003-46** re: An ordinance adopting the proposed budget for the Fiscal Year 2003-2004 for Anytown, Missouri, and authorizing expenditures from general uncommitted tax funds of the village in accordance with the budget so adopted. The title of the bill was read the first time by the attorney. A motion was made by Ms. Browne, seconded and discussed to read the bill a second time and place it as an ordinance of the Village. Mr. Clark pointed out that there are no raises for the employees. If we could afford it, we would, but we cannot afford it this year. On roll call vote, the motion to read the bill a second time and place it as an ordinance carried as follows:

AYES: 4-Smith, Browne, Clark, White

NOES: 0

ABSENT: 1-Blake

Bill No. 2003-46 was declared passed and sent to the chairman for signature. Bill No. 2003-46 thus became Ordinance No. 869. Mr. Smith thanked the board members for working diligently on presenting a balanced budget.

**Bill No. 2003-47** re: An Ordinance of Anytown, Missouri, to Regulate Bicycle Riding. The title of the bill was read the first time by the attorney. A motion was made by Ms. White, seconded and discussed to read the bill a second time and place it as an ordinance of the Village. Mr. Clark asked about motorized scooters, and said we need to make sure they follow the same regulations as the bicycles. There was also a short discussion about requiring helmets on bike riders. On roll call vote, the motion carried as follows:

AYES: 3-Smith, Browne, White

ABSENT: 1-Blake

NOES: 1-Clark

Bill No. 2003-47 was declared passed and sent to the chairman for signature. Bill No. 2003-47 thus became Ordinance No. 870.

#### MISCELLANEOUS COMMENTS:

Ms. Browne requested a closed session after this meeting to discuss personnel matters.

#### ADMINISTRATOR'S REPORT -

Mr. Wall mentioned that the street light at 7716 Sixth should be installed by the end of the week.

## ATTORNEY REPORT

Mr. Meyer mentioned he will contact the contractor who was responsible for damaging the truck and ask them to pay for the replacement. Also, he mentioned he will miss Mr. Conor's presence on the Board, and recognized the work he did for the town.

There being no further business, the Board adjourned at 8:45 p.m. Ms. White requested a closed session to discuss personnel matters. Ms. Blake arrived.

A motion was made by Ms. Browne and seconded to enter closed session to discuss personnel issues under RSMo 610.021 (13). On roll call vote, the motion carried as follows:

AYES: 5-Smith, Browne, Blake, Clark, White

NOES:

ABSENT: 0

The Board took a break at 8:50 and returned at 9 pm.

## CLOSED SESSION

Since the meeting was to discuss personnel issues, the clerk was excused from the meeting and Mr. Clark kept notes of the closed session.

A motion was made and seconded to return to open session. On roll call vote, the motion carried as follows:

AYES: 5-Smith, Browne, Blake, Clark, White

NOES: 0

ABSENT: 0

There being no further business, the meeting adjourned at 9:55 p.m.

Joan D. McStream,

Town Clerk  
**APPENDIX IV**

**BILL SUMMARY**

BILL NO. \_\_\_\_\_

SPONSOR: Councilman \_\_\_\_\_

SUBJECT: \_\_\_\_\_

DATE INTRODUCED: \_\_\_\_\_

Origin of Request:

Department Responsible:

Contact Person for more information:

Background Information:

Fiscal Information:

Contract/Ordinance Terms:

Staff Recommendation:

**OFFICE MANAGEMENT**

The purpose of this chapter on office management is to outline routine systems for handling routine situations. Unfortunately, the only thing routine in a municipal clerk’s office is the consistency with which

the routine is disturbed. Due to the tremendous number of interruptions and the wide variety of functions a city clerk must perform, it is extremely important to have good, basic procedures and techniques that can be altered to meet the existing need. This chapter is designed to help point out some of these basic systems.

Handbooks and guidelines, seminars and conferences, all are helpful to municipal clerks as well as deputy city clerks. It is important to get the best possible background in theory and to learn from the experience of others. Discussing mutual problems and concerns with colleagues is extremely beneficial. But the most important traits of a city clerk, and other municipal officials, are flexibility and common sense. With them, the job often is chaotic, without them, it's impossible.

### Availability to the Public

It is essential that the city clerk and other municipal employees be readily available to the public in person, by telephone, voice mail and e-mail, if available. The hours city hall is open has a tremendous affect on the convenience with which citizens are able to transact their business. The Internet can be used to increase availability and to help with routine requests. Citizens expect municipal employees to be available whenever they drop into city hall (or, surprisingly, outside city hall at such places as the supermarket or movie theater).

One way to improve availability is have city hall be open one evening a week or on Saturday morning to enable those employed during regular daily office hours to conduct business at city hall. These extended hours could be offered without an increase in staff or overtime by use of "flex time" for the applicable employees. An occasional morning off from work might be a fringe benefit to employees. The convenience might increase if city hall remained open on the same night as council meetings or municipal court. As an added safety precaution, the building would be occupied by more than the one or two employees on office duty. Remember that safety measures for employees should always take precedence, particularly for those who handle money.

Regarding telephones, decisions on the degree of automation should be based on each city's philosophy regarding personal service versus automated service. Most people become annoyed when transferred several times or when confronted with a recorded message. It is imperative that messages be answered promptly.

If a caller asks for a specific employee, the simplest means of handling the call is to transfer the call immediately and let that person determine the identity of the caller. If you prefer to have the receptionist identify the caller, make sure the caller is advised of your availability prior to determining the identity of the caller. Never let a caller feel whether a party is in or not depends on who is calling.

When citizens drop in and ask to see you, take time to see them and hear their complaints, comments or requests. Of course you are busy and such unexpected visits disrupt your schedule, but always take time for the city's residents and business people. Unfortunately, a serious concern of municipalities of all sizes today is employee safety. Your city should take into consideration the safety of its workers when dealing with the public and take measures to ensure that workers feel safe in their workplace. They should be trained to deal with situations that could become unsafe. It's helpful to request salespeople to set up appointments with you, but citizens of the community should be heard as soon as possible when they come to City Hall.

The Internet is playing an ever increasing role in contemporary municipal government. The city's

web page can be a great aid in making the municipal government more accessible. One advantage of the web page is that it is available 24 hours a day 7 days a week. In addition, the home page can provide answers to basic questions thus freeing up time that other municipal employees would have to spend answering such questions. At a minimum, the web page should provide the business hours for city hall and a directory of city officials. There is no limit to the additional services the web page can provide from listing the minutes from meetings, providing forms for complaints, or even allowing citizens to sign up for recreational activities. The key to the web page design should ease of access. Nothing should be more than a few clicks away. Also web page should be updated often; there is no reason for dated material to remain on line.

### Mail Handling and Dissemination

All manner of correspondence is address to the mayor or city clerk, from reserving a ball diamond, complaining about weeds. If the mail is sorted by the information on the envelope and then opened in various offices, it often is misdirected and must be redistributed to the proper office in accordance with its contents. This is a waste of time. It is most efficient to have all incoming mail for the general legislative and administrative offices opened and date-stamped by one person and then disseminated to the proper persons or departments for handling. In this way, one person has an overall knowledge of all correspondence, and mail is forwarded to the right person immediately upon receipt. The same principle would apply to e-mail. The sender should be informed his or her correspondence is being forwarded to the department or person who can best handle their concern. And remember, e-mail now is considered “public records” and should be treated in the same manner as other forms of mail.

#### SUGGESTIONS:

- An efficient procedure for handling incoming mail would be to designate one person who is knowledgeable about the functions of the various departments to open all mail, then disseminate to the proper person or department.
- If e-mails are sent to the city’s Web site, one person should make sure all requests are forwarded to the correct department/employee.

One of the most common problems in municipal government is the lack of communication between the administrative staff and the elected officials. The mayor and council, or board of aldermen, are charged with the responsibility of establishing policies and enacting legislation that will prove beneficial to the community. In order to do this effectively, they must keep abreast of all ideas, proposals, potential programs and problem areas relevant to the operation of their community. Such information constantly flows into City Hall – from residents, area businesses, other local, county, state, regional and federal jurisdictions and agencies, professional organizations and local, state and national municipal organizations.

The governing body is charged with the responsibility of establishing policies and enacting legislation that will prove beneficial to the community. In order to perform their duties effectively, they must be kept abreast of all ideas, proposals, potential programs and problem areas relevant to the operation of their community. A number of methods can be utilized to keep the governing body informed.

#### SUGGESTIONS:

- Establish a method to disperse information, either by e-mail, fax or separate boxes in city hall, to all members of the governing body. Information should also be provided to the applicable employee at the same time. If information is provided to one elected official, all others should receive the same data or be informed of the issue.

- One person should be designated to provide this service so members of the council or board of aldermen are not inundated with unnecessary or duplicate messages.
- Written reports could be provided by the city clerk or city administrator, either on a daily or weekly basis.
- A “summary” form (appendix III) could be used to provide an overview of the important information associated with each item, such as background, fiscal impact, staff recommendations, ordinance and/or contract terms, etc.
- Smaller items could be copied and sent to the officials. In addition, a policy could be established that any reports or contracts over a set number of pages would not be copied but made available at City Hall or upon request.
- A “reading file” could be provided, with the city clerk making an extra copy of any letter of interest to the board of aldermen or council before forwarding to the proper employee for handling.
  - These copies could be retained chronologically in a binder or folder, providing a single record of the general information received by the city.
  - Employees could also be encouraged to make one extra copy of outgoing correspondence of general interest for this file.
  - The reader could either initial the top of the last copy in order to know the last item reviewed or different colors of “Post Its” could be used to mark their places.
- Members of the governing body usually like to be aware of any new construction, especially in their ward. It’s a simple thing to make one extra copy of a building or excavation permit, and file these copies in the same way. Some aldermen might find it interesting and helpful to have purchase orders filed in a similar manner. These copies could be retained chronologically in a binder or folder, providing a single record of the general information received by the city. These all can be kept in a file drawer so that when an alderman has time, he can come to City Hall, go to one file drawer and thumb through four folders – incoming correspondence, outgoing correspondence, building/excavation permits and purchase orders – and have a good overall view of activities and areas of interest of the city staff as well as the citizens. If there is a particular item that interests an alderman, it is a simple thing to request more details or a complete report on that one item.

In order to properly handle the mail, the system for dissemination of the information must be adequate. Mail is not really handled until the information it contains is presented, in usable form, to those who are the prime intended recipients. In a city, all information should be funneled, in its proper form, to the appropriate municipal official.

### Filing

There are various kinds of files necessary for a municipal government. Some are most effectively maintained in the originating office or department, while others should be consolidated from all departments. In all cities, the city clerk should maintain the official files on ordinances and resolutions; minutes from meetings of the governing body; supplements and revisions to the city’s Code of Ordinances; local elections; contracts; and, any follow-up from actions of the governing body. Technical, departmental records should be maintained in the appropriate office. Filing tends to be a low priority task; however, the most important document is worthless if the information is not readily available.

#### SUGGESTIONS:

- General filing practices should be established and those practices conveyed to all employees for consistency.

- Recognized filing procedures and aids should be fully utilized but the system should be customized to meet the particular needs of each community.
- In order to save time and to make sure information is filed in the proper place. The person working with material should underline or mark the appropriate subject before giving it to the file clerk.
- For most correspondence on matters involving more than one department, one general file is the most effective, efficient filing system. Various departments or individuals might have correspondence regarding the same subject. To avoid duplication, these items should be filed in one general file.
- Correspondence should be filed by subject, in alphabetical order with a separate folder for each subject that generates more than two exchanges of correspondence. All material should be filed with the latest information on top. A miscellaneous file folder should be included for each letter of the alphabet for the subjects that do not warrant their own folder. This information should be filed in strict alphabetical order, so it will be apparent when a subject should have its own folder.
- Since some files could have more than one specific subject designation, it is most helpful to have an index of the subject folders to be used both by the file clerk and those who use the files.
- Check-out cards, or some similar device, may be inserted in the files when a folder or material is removed from the file, so that others looking for the same information would know who has it.
- Newsletters, minutes of organizations and other topical reports should be routed to those who would be interested in them and then filed on a temporary basis and disposed of after 30 or 60 days. Questions might be raised concerning such current information, but the likelihood of needing such documents after two or three months is so remote that the file space should not be wasted. If a back issue should be needed, a duplicate may be obtained from the originating organization.
- A follow-up file may be maintained on all memos or correspondence for which an answer is expected and for expiration dates of any temporary permits or variances. The simplest way of handling a follow-up file is to merely insert such items in a monthly folder with separate pockets for each date and then check it each day. Copies of correspondence and other information should not normally be put in the follow-up folder for more than one month. If the date for follow-up is more than a month in the future, it usually is more efficient to put the file in its regular place and simply put a memo in the follow-up folder, noting the item, where it is, and the follow-up date, including both month and day. In this way, any subsequent information on this same topic would be with the original file when the follow-up date arrives.
- Avoid keeping duplicate files in various offices unless there is a real need for it. More often than not, when duplicate files are kept, neither is complete, and time is wasted in filing extra copies. There are occasions when it is helpful to have a duplicate copy filed in a totally different way for a unique purpose, such as a reading file as outlined in the previous section on Mail Handling and Dissemination.
- Developing an index of all files is an excellent practice and helpful for anyone who wishes to access documents. By maintaining the index on computer, new files can be added in the appropriate place and a new index printed. Also, computers have a “search” capability that will assist in finding files.
- The Missouri Municipal Retention Manual shows the minimum time period for which records must legally be kept. A copy of this manual should be in every city clerk’s office. Copies can be obtained from the Missouri Secretary of State’s office or accessed from the State of Missouri web site at:  
<http://www.sos.mo.gov/archives/localrecs/schedules/municpl.asp>
- There always is a tendency to procrastinate when it comes to filing, but it is a most important part of any office procedure and should be done thoughtfully, carefully and often. The best information is worthless if it cannot be readily located when needed.

Certain items, such as contracts, have expiration dates; and, some actions must be considered by the governing body on an annual basis. Most computer programs have scheduler capabilities.

- A note could be placed on the appropriate future date as a reminder to prepare an item for consideration by the board or council.
- For example, most cities pass a “Personal Financial Disclosure” ordinance, as required by the Missouri Ethics Commission, either on an annual basis or every two years. According to State Statutes, a copy of the adopted ordinance must be submitted to the Ethics Commission by September 15<sup>th</sup>. A note could be placed on the scheduler in August as a reminder to prepare an ordinance for adoption.
- If a computer scheduler is not an option, a follow-up file could be maintained and divided on a weekly, monthly and yearly basis.

### Microfilming

Microfilming can be extremely helpful in condensing records and files that must be retained more than ten years. Once on microfilm, records usually are more readily accessible than when stored in various file cabinets or boxes. There is a tremendous variety of equipment and procedures that can be used in microfilming, providing a great amount of flexibility. The best system for your specific needs will have to be selected after a thorough investigation as to their capabilities and functions.

#### SUGGESTIONS:

- Representatives from the Missouri Local Records Division of the Secretary of State’s Office are a great resource for information on imaging and microfilming techniques. Grants are also available for microfilming and other record preservation projects from this office. Information can be found at: <http://www.sos.mo.gov/archives/localrecs/program.asp>
- Imaging could be used for those documents that are not designated as “permanent” in the Missouri Records Retention Schedule from the Missouri Secretary of State’s office. At the expiration date, the image could then be “purged” from the computer.
- Permanent documents could also be imaged for use as “working documents” in order to perform searches on the computer but the permanent file must be in hard copy or microfilmed.

### Certified Copies and Recording Copies

As keeper of records, the city clerk is called upon to certify that documents are true and correct copies of those on file in the city clerk’s office. For example, these copies are used for court proceedings and for documents to be filed at a county recorder’s office. A city clerk may be called upon to attend court hearings to verify copies of documents

State law is very specific on the form to be used for documents to be filed of record by a county recorder (see §59.310 RSMo). Rather than changing the document form, a cover sheet can be attached (see Exhibit #1 on the next page). The basic requirements are:

1. There must be a 3" space at the top of the first page.
2. There must be 7 items of information on that first page:
  - Title of document
  - Date of document
  - Grantor(s)
  - Grantee(s)
  - Mailing address(s) of Grantee(s)
  - Legal Description
  - Referenced book and page if required

3. All other margins are to be 3/4"
4. Only on 8 1/2" x 11" paper
5. Front side of the paper only
6. No taped on items, such as the certification statement
7. No essential in less than 8 point type

Violations of any of these standards will result in a \$25 fee (fine). Exhibit #1 on the next page provides a sample cover sheet.

### **Exhibit #1**

Title of Document:

Date of Document:

Grantor(s):

Grantee(s):

Mailing Address(s): (Grantee)

Legal Description: The Legal Description is found on Page 2

Reference Book and Page(s): Any required referenced book and page(s) will be

found on Page 2

**CERTIFICATION**

This is to certify that the following

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is a full, true, and complete copy as the original of the same is recorded in the Office of the City Clerk of the City of Independence, Missouri.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of said City of Independence, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

-----  
Bruce Lowrey, City Clerk

Media Relations

Maintaining good public relations is essential for a municipality, requiring cooperation and a good working relationship with the local media. In a number of cities, the city clerk will serve as the liaison between the governing body and the media.

There are a number of things the clerk can do to maintain and develop good relationship with the press. Most city clerks will be contacted periodically by representatives of the news media who want to inform the public of some phase of city operations. The clerk should cooperate fully and completely in order to ensure that the public is fully informed of municipal operations.

The city clerk should initiate these contacts with the news media when there is a need to inform the citizens about new services or a change in existing services and policies. Also, the media usually will cooperate in informing the public on deadlines – the last day to purchase auto stickers or dog tags.

SUGGESTIONS:

Know the deadline requirements of your community media. Editors and news directors appreciate receiving information as far in advance as possible. Weeklies that publish on Friday, for example, have Monday or Tuesday deadlines. Daily afternoon newspapers often have early or mid-morning publishing deadlines. The general rule for all media is: the earlier the better.

Make sure it's newsworthy. Don't prepare a news release unless your information announces an important item or change or points up an unusual event. Constant releases could be like calling "wolf" – when you really need attention, you may not get it.

Give all media an even break. Make sure all media have access to information. Don't play

favorites. On the other hand, respect the rights of a reporter who is working on an exclusive. Don't insist that other media be given access to the reporter's information. Give the information to other media only when specifically requested.

Watch timing. Once again, this particularly applies to newspapers. Sunday is a good day for features. Monday is often a "dry" news day, and a story may rate better coverage than on Wednesday, when it must compete with grocery ads for space. A story that may get a few paragraphs in a large metropolitan daily may rate major coverage in the local daily or weekly. If it's a weekly, try to schedule events so the weekly editor has material that still is of interest to his readers.

Watch what you say. If you don't want something printed or recorded, don't say it. Remember also that what you don't say or write (in a statement or news release) may be more significant than what you do say. Perhaps a newsman has uncovered what he considers unorthodox or even illegal practices in some city department. A "no comment" reply to newsmen's questions can be interpreted – by the public as well as by newsmen – as a cover-up by you and may serve to blow the incident out of proportion. If you can't comment on the incident, explain why. (Maybe you hadn't heard about it and need time to study the matter; or maybe the incident is under investigation and, if measures need to be taken, you will announce them at the proper time.)

Be concise. Have facts and figures ready. A printed text and a sheet presenting necessary technical data will help reporters in presenting the material to their audiences and will help reduce misinterpretations.

Watch your language. Translate technical terms. Most people don't know C-1 zoning from R-4 zoning, so explain the difference and the importance of the change.

Speak in performance terms. When talking about expenditures, talk about what the money will buy and what it will do for citizens. If the council has just spent a quarter million for new pipe, explain that "the new pipe we are purchasing will mean cleaner water for our citizens' homes."

Be candid. Don't be afraid to say "we goofed."

Be understanding. The reporter is looking for what is most interesting to his audience and what is most significant about what you have said or written. So what you may say first or think is most important may not be what gets into print or on the air. The reporter is trying his best to catch the often fleeting interest of his audience – that's what he has been trained to do and he can do it better than you can. Reporters, particularly in smaller communities, may be covering many community activities and can't be expected to have a deep knowledge about municipal affairs. So take time to explain matters to them.

Further media relations suggestions:

- Make a list of fax numbers for the local media. Fax agendas and notices whenever posting a meeting.
- A city newsletter, perhaps published on a quarterly basis, can be an effective public relations tool.
  - This must be strictly nonpolitical and should not include gossip-type articles about individuals, organizations or activities. The purpose of such a newsletter should be to inform residents and business people of city business, services and activities.
  - Mailings can be by bulk postal permit or delivered door-to-door. If mailed, various methods are available for addressing materials and should be considered when comparing costs. If delivered by hand, newsletters should be placed in clear plastic bags and hung on doorknobs, never in mailboxes or with other literature. Some cities include the newsletter with the utility bills.
  - Other items that should be covered in such a newsletter are articles on programs being offered by the municipality; reminders of ongoing programs; information on seasonal services and projects; recreational programs, fees and schedules; city-sponsored events, such as park

- concerts; reminders of elections, without endorsement or reference to candidates; full, factual details with regard to election issues such as annexation, bond issues or charter amendment proposals.
- Copies of newsletter could be mailed to other municipalities and organizations, such as the Missouri Municipal League. The League often prints stories from member Newsletters in the *Missouri Municipal Review* under the *News From Around the State* column.
  - A quantity of newsletters could be supplied to the Chamber of Commerce and distributed to anyone who inquires about the city.
  - New residents could be provided with new resident packets, consisting of a variety of information, such as city emergency numbers or numbers for utility companies. A brief fact sheet or history of the community could also be included in this “new resident” packet, as well as a city map, to assist newcomers in becoming acquainted with the community.
  - Most cities have a Web site. If unable to hire a professional web designer, local high school or college computer students could be recruited to develop a basic Web site as a class project; or, a local citizen with computer savvy might volunteer to develop and maintain a Web site as a service to the city. Do not be afraid to undertake the creation a city web page.

### Business Etiquette in the Electronic Age

Email is a great way to communicate because it's quick, simple and efficient. Business email should be created with the same degree of formality you would use when sending a message printed on letterhead. Here are some tips for creating email with a professional touch:

- Address your email with the recipients name as well as their email address. Set your options so that your full name and email address appear in the “from” line.
- Email signatures are the electronic version of company letterhead. Create your own signature with your name, title, company, address, and telephone number. You can also add you full mailing address, fax number, Web site address and email address; however, the signature should not be longer than six or eight lines.
- Don't use fancy graphics or fonts because many email programs cannot read them.
- Check spelling, grammar and punctuation before you click the send button and never use all lower or all upper case letters.
- Do not indent paragraphs since some programs will read this as an extra space.
- Use professional language and formal style in letters to people you don't know or only know professionally. Don't use smiley faces in any business letter.
- Always “sign” your emails with a closing phrase such as sincerely and your name.
- Nothing sent through cyberspace is confidential. Your email can easily be forwarded to anyone.

### Telephone Courtesy

Since most citizens contact the city clerk by telephone, it is extremely important that the clerk and other city hall personnel develop courteous telephone manners. The following tips on telephone courtesy may be helpful to you.

Answer Promptly. Answer on the first or second ring if possible. A prompt answer is the first good impression on the caller, and your conversation is off to a good start.

Answer Pleasantly. Friendly first impressions mean a lot to both you and your city government.

Identify Yourself. This does away with delay in getting to the business at hand. For instance: “City Clerk Allen speaking” or “This is Mr. Allen, city clerk,” or “City Clerk’s office, Karen speaking.”

Going Out? Always arrange for someone to answer your telephone when you’re away from it. Of course, this is not possible when the city clerk is the only person in the office. Be sure to leave word where you are going and when you expect to be back. It’s the courteous thing to do.

When You Make a Call:

- Be prepared; never call someone and expect them not to answer. Jot down a few key points to help remind you of what you want to say.
- Speak slowly and enunciate clearly so that the person you called does not have to listen to the message again and again to decipher it.
- Give your name and phone number at the beginning and again at the end.
- When recording your own voice mail greeting, be cheerful and professional. Keep your greeting up to date and give your callers accurate information about when you’ll return to your office.
- Use the 30-second rule; if the message is longer than 30 seconds, it’s probably better to send an email or schedule a meeting.

Your Voice is YOU. The way you speak can work for or against you.

Take a Tip on Technique. Hold the transmitter about half an inch from your lips and speak directly into it. Speak clearly in your normal tone of voice.

Leaving the Phone to Get Information. If you need to leave the telephone to get information, excuse yourself and give the reason. For example: “I’m sorry, but I’ll have to look at our records. Will you please hold the line for a moment?” When you return, use a phrase such as “Thank you for waiting, Mr. Green.” If you think you will be gone longer than two or three minutes, it may be best to offer to call back.

Answering Calls for Others. When you answer the telephone for someone else, first let the caller know he has reached the number he wants. For instance: “City clerk’s office, Miss Brown speaking.” The caller may ask you to take a message or you may offer to do so. Be sure you understand the message. Don’t hesitate to repeat it if you are in doubt. Then deliver the message the first chance you get. Most of the time, a written message, placed where it will be noticed, is better than a verbal one.

Ending the Conversation. End the call gracefully, in a way that will make your last impression a good one. Thank the other person if he has been helpful. Say “Goodbye” so he will know you have finished.

For Extra Measure. A person’s name is music to his ears. Call the other person by name, if possible, and be extra careful to pronounce names properly.

## Complaints

In smaller municipalities, the city clerk often is the only city official the public can contact easily thus the clerk usually is the first to receive complaints. A simple way to handle such complaints is to utilize a three-part form that has space for the request or complaint, the location of the problem, name, address and telephone number of the person reporting the matter, the date and to whom reported (See sample in Appendix I).

The form can be filled out very quickly while taking the message, either on the telephone or in person. The form then is forwarded to the appropriate person or department. A brief summary of the action taken then is noted, along with the date of such action.

The form then can be returned to the chief administrative officer for review, signature and distribution. If the third copy of the form is on card stock, it is a simple task to address and mail the

complete report to the complainant. The form should contain a notation such as the following: Thank you for calling this matter to our attention. I hope the action taken meets with your approval. In the event it does not, I would appreciate your contacting me.

One copy of the form should be forwarded to the alderman concerned, and the second copy can be filed at City Hall, in numerical order, in case further reference to that report is needed.

Any time a process can be simplified, it is a step in the right direction. This form can efficiently handle routine complaints of weeds, dogs running loose, street signs down, holes in streets and all such nuisances. All information is on one small form, and those concerned are kept fully aware of the situation with no more effort on the part of the staff than writing a single brief memo.

## Boards and Commissions

It is best to keep a complete record of all matters pertaining to a board or commission of the city in chronological order in a separate binder for each term. If the board is reorganized, with new appointments or reappointments made each year, the books should encompass the activities, decisions, recommendations and minutes of all meetings of the board for a year. A listing of all members of the board, their addresses, telephone numbers, wards, terms and other pertinent information, should be in the front of each book. An index of matters heard and actions taken by the board should be maintained in each book, and the outside of the binder should be clearly labeled with the name of the board or commission and the year.

In addition, separate folders should be maintained for specific petitions considered by the board or commission under the name of the petitioner.

It is helpful to have a listing of the names and pertinent information regarding the members of all city boards and commissions, with copies distributed to aldermen and department heads.

It is most efficient if all the boards and commissions are established so that terms expire on the same date each year; for example, June 30 or December 31. Terms of members of an individual commission should be staggered so that no more than one-half have terms expiring at a given time. It really is better to have three-year terms, with only one-third of the members due for replacement or reappointment each year. This provides more continuity in the work of the commission and retains experienced people at all times.

The oath of office should be administered to each member at the beginning of his or her term, in accordance with each community's policy. It is a nice gesture to present each commissioner with a Certificate of Commission and perhaps some token or memento from the city as they are appointed to serve the community. Some communities also provide one annual dinner meeting for these groups.

## Schedule of Events

In addition to a general overall annual calendar, it is beneficial to prepare a monthly calendar, giving all relevant information, to be distributed to aldermen, department heads, the receptionist and others having a need for this information. All meetings of the board of aldermen, municipal court sessions, board and commission meetings, city holidays, municipal league meetings and special conferences, as well as any special information such as disaster siren test dates, court related driver training sessions and outside organizational meetings scheduled for City Hall should be noted.

This calendar can be distributed prior to the beginning of each month to keep everyone fully informed as to what is happening at City Hall. Any standard calendar with space by each date, such as the Missouri Municipal League calendar, can be used.

## Procedures and Policies

A loose-leaf notebook should be kept with details on all office procedures. Copies of form letters sent for various purposes can be included. Also, step-by-step procedural outlines for setting up public hearings, board and commission hearings and elections should be included as part of this notebook. Examples of news release formats also can be added.

These items should be carefully indexed so that in an emergency, or in the absence of the person who normally handles this function, someone else can follow directions and properly take care of the matter.

Such a book of procedures is extremely helpful to an employee covering for another who is on vacation. Sometimes the briefing just before someone departs seems very clear while they are there, but is inadequate once they are gone. The procedures book is a firm, explicit supplement to the verbal briefing. It also is a most helpful aid in training a new employee.

A similar notebook should be maintained for policies, including, but not limited to, major policy documents such as the personnel rules or employee handbook and policies set by ordinance, such as purchasing procedures. Such a policy book also should include individual policies on various items that are adopted by the aldermen or established by the administration.

Failure to set out these policies can lead to errors as they become obscure and vague in someone's memory. Then board minutes have to be perused and reviewed until the exact policy wording is found.

**APPENDIX I**

**CITY OF HAZELWOOD**  
9150 Pershall Road, P.O. Box 66 • Hazelwood, MO 63042  
731-1715

No. 255

Request \_\_\_\_\_  
\_\_\_\_\_

Location \_\_\_\_\_ Date \_\_\_\_\_

Reported by \_\_\_\_\_ Rec'd by \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_ Ref. To \_\_\_\_\_

\_\_\_\_\_  
Action Taken \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
By \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you for calling this matter to our attention. I hope the action taken meets with your approval; in the event it does not, I would appreciate your contacting me.

\_\_\_\_\_  
CITY MANAGER

## FINANCIAL ADMINISTRATION

The citizens of every municipality are entitled to an accounting from the officials, elected or appointed, who are responsible for conducting their government's affairs. In simpler times, a periodic publishing or posting of a record of receipts and expenditures would pass for an accounting. Today, however, accountability is a more complex concept as evidenced by the many demands for information that impose themselves upon municipal governments' accounting systems. There are, for example:

- Citizens who demand to know why their taxes continue to increase and what they are getting in return for them;
- State, federal and other local governments;
  - \* State government, which needs information to ascertain that revenues have been properly and wisely expended and that there has been compliance with state statutes;
  - \* The federal government, which must assure itself that grants are being expended effectively and efficiently;
  - \* Other cities and regional bodies that need comparative financial statistics and information for planning and program evaluation;
- Lenders and bond rating services, whose impressions of city administration, including fiscal administration, can make a significant difference in the cost of borrowed funds; and
- By no means last nor least, city officials who need financial information for planning and controlling the city's affairs.

There are three primary areas in which city clerks generally are involved in assuring the city's accountability to the public – the accounting system, the budgeting process and periodic financial reports. The state statutes provide that the city clerk “shall be the general accountant of the city” (§79.320 RSMo). In addition to keeping all the financial books and records, the city clerk must attest to the mayor's signature on all warrants drawn on the city treasury (§95.365 RSMo).

In order to assist city clerks in their responsibilities as the general accountant of the city, the Missouri Municipal League has prepared three publications – Financial Management for Small Missouri Municipalities: Volume I: Budgeting, Volume II: Accounting and Volume III: Financial Reporting. These publications set forth in detail the procedures for establishing and maintaining a municipal financial system and are available from League headquarters.

## PURCHASING

The purchasing function of local government nationwide has long been considered one of the more minor functions and has been relegated to an obscure point on the organizational chart. However, the day of purchasing being a low priority function in the day-by-day operation of local government is fast drawing to a close.

The particular form of organization for governmental purchasing really is of less importance than centralized control over purchasing and a competent person in charge of purchasing.

Purchasing must be classed as a fiscal function, with one of the advantages being that it makes possible more adequate accounting control over expenditures for supplies, materials and equipment.

A question that frequently arises is the extent to which purchasing should be centralized. Certain departments or agencies, such as waterworks and police departments, often feel that because of the specialized nature of their needs the purchasing office cannot buy for them satisfactorily. But there is no reason the purchasing office cannot conduct the purchase negotiations after specifications have been submitted by the users. This is a normal practice, for who knows better what the needs are than the user? The user always should either provide the specifications or be consulted in the writing of the specifications.

Purchasing is not a simple task that can be learned overnight. The purchasing agent must be familiar with the hundreds of items used by even the smallest city. He must know the sources of supply for each of these commodities or must know at least how to locate these sources. Through an understanding of price and market conditions, he must know the most favorable time to purchase each commodity compatible with the needs of the user's department. He must learn the reputation of suppliers and their ability to serve the needs of his city. He must be aware of the sharp practices sometimes used by vendors. He must be familiar with state statutes and his own municipal ordinances regulating purchasing. Expertise in these and other duties of the office comes only with training and experience.

Although purchasing, even in a small city, calls for all the qualifications stated above, in most small cities it is the city clerk who serves as the purchasing agent, and he need not be discouraged because he lacks the necessary training and experience at the outset. The understanding of a few basic rules, some good common sense, and on-the-job experience will in a short time produce a purchasing program adequate for most smaller cities.

Purchasing for small cities can be carried on inexpensively. In fact, in most instances, less time is expended on purchasing activities under a centralized plan than under a system where each department head attempts to negotiate independently for his needs.

The records needed for centralized purchasing will vary with the size of the municipality and the volume of purchases handled. In most centralized purchasing departments, files are kept of requisitions, quotations received from bidders, purchase orders and general correspondence. In planning future purchases and in carrying on the daily routine, constant reference is made to all these records of past experience. Requisitions are appropriately filed by departments. Purchase orders are numbered serially for all purchases and are filed in numerical sequence.

Three other sets of records are mandatory for the operation of any centralized purchasing function – a specifications file, a vendor file and a catalog file. The desirability of having commodity specifications

readily available is, of course, apparent. Various cities and organizations have prepared standards and specifications for their field of activity that are available for the asking. Specifications should be filed according to the alphabetic name of the item. A vendors' file of those offering their commodities to the city should be carefully maintained by eliminating those not responding to inquiries and those failing to live up to their quotations. A central catalog file should be kept with one copy of each catalog received by any department in the city, filed alphabetically. An index for this file is a must. This index should be by type(s) of products. The catalog file is extremely useful in obtaining descriptions of commodities and comparative values. They must be constantly "weeded out" in order to retain any usefulness.

Cooperative purchasing should be investigated by every municipality. In the State of Missouri, we have the State Cooperative Purchasing Program, which is jointly administered by the State Office of Administration. Through collective purchases of certain types of commodities for which standardization has been obtained, considerable savings may be effected.

When purchasing is decentralized, with each department buying as it sees fit, there frequently are as many brands or grades of commodities purchased as there are using departments. Before purchases can be consolidated, it is necessary to survey the types, sizes and grades of commodities used by the several departments and reduce them to the minimum actually needed. After this simplification has been achieved, standard specifications describing these commodities must be developed. The process of standardization must be limited to those items commonly used by several departments. It is not feasible to standardize all articles used in the small city. It would be a waste of time to attempt to standardize those articles used in small quantities by only one or two departments.

Although the purchasing agent should assume the initiative in standardization of commodities, he should not have the sole responsibility for this work. The preparation and adoption of satisfactory specifications must be a cooperative enterprise between the purchasing agent and representatives of the using departments.

Too much care cannot be taken in the preparation of specifications, for the description of each commodity and its characteristics must be so definite and precise as to eliminate all possibility of misunderstanding on the part of the purchaser, the vendor and the consuming department. The specifications must be made sufficiently elastic to include articles that are commercially available and are sold by a number of vendors so that maximum competition can be secured.

### The Purchasing Procedure

The purchasing procedure consists of the following operations: 1) the determination of purchase requirements, 2) conduct of purchase negotiations, 3) the award of orders or contracts, including emergency orders and purchase on price agreements, 4) the receipt, inspection and testing of deliveries and 5) the approval of invoices.

The first step in purchasing is the preparation of a requisition by the using department, which is submitted to the purchasing office. The purchasing agent then either solicits bids or negotiates for the purchase of the commodity and issues the purchase order.

As a general rule, wide competition leads to lower prices. Provision for securing competition should be a major element in all purchasing procedures and should be dispensed with only when an emergency requires that an order be placed with the nearest available source of supply, when the amount involved is trivial or when the commodity or service can be obtained from only one vendor. The

responsibility for development of competition rests with the purchasing agent. He should be continually searching out new sources of supply to meet the needs of the city.

### Advertising

Most cities require that purchases over a maximum of \$500 to \$1,000 or some larger amount be advertised for bids. You must be fully aware of your own local ordinances regarding purchasing. Keep in mind that very little, if any, benefit is obtained when the purchasing agent is required to advertise in the "Legal Classified" section of newspapers that have a limited circulation and exists in many instances merely to discharge a requirement for advertising. It generally is conceded that newspaper advertisements are of little value in securing competition for orders for supplies and materials. Furthermore, advertising retards the placing of orders and adds to the cost. However, the advertising of large purchases can be justified as a safeguard against the deliberate limitation of competition and as a protection to the purchasing agent against charges of discrimination or collusion. Where advertising is used, it should be supplemented by other forms of solicitations for price quotations.

### Telephone Bids

For small purchases or purchases that must be completed quickly, the common practice is to secure bids by telephone. This procedure makes it possible to hasten the award and is relatively inexpensive. Telephone bids should be recorded on a special form.

### Request for Quotation

The most satisfactory method of securing competition is to solicit bids by mail through the use of a request for quotation. In order to use this procedure effectively, it is necessary to compile and keep up-to-date lists or card files of vendors in all commodity lines. Since the mailing of requests involves the expenditure of time and money, it is essential that lists or files be confined to responsible and interested bidders.

Clear and concise written instructions to bidders are a must. The instructions should cover such topics as duration of contracts, qualifications of bidders, bid security, completion of work, delivery and penalties for failure to enter into a contract.

### Invitation for Bid

This procedure is identical to the request for quotation, except that under normal practice the request for quotation is used in the same manner as telephone bids. The invitation for bids is normally on larger or more expensive purchases and is a formal bidding procedure. The invitation for bids method requires that all quotations or bids be returned sealed in specially marked envelopes that are opened in public at a stated time. This public "ceremony" does not serve any useful purpose, although the underlying motive of insuring fairness to all bidders is commendable. It is vitally important that no bids are opened until the date and hour specified and that late bids be disregarded. A difficult problem arises when insufficient bids are received at the time of the bid opening. Only with the agreement of those who have submitted a bid on time, may the opening be delayed. This unusual step only should be taken to hasten the purchasing process for a sorely needed item.

### Bid Sureties

Certain municipalities require that all quotations or bids be accompanied by a certified check, cash or bond as a guarantee that the bidder will accept the order if it is awarded to him. Except in the case of construction contracts, purchases involving large sums of money or purchases in which failure to perform will result in a loss to the city, this requirement is a needless and expensive safeguard. It complicates procedure, discourages competition, and since the cost of the surety must be included in the bids, it increases costs as well. The same purpose can be served by giving the purchasing agent authority to declare vendors who default on their quotations, irresponsible bidders and to disqualify them on future bids.

### Tabulating Bids

After bids are opened, the quotations are tabulated on a summary of quotations form in order to facilitate comparison. This form is an illustration of the way in which bids may be easily and quickly tabulated. In most purchasing offices, an ordinary columnar pad is appropriately ruled and used for this purpose.

### Awarding the Order

In all Missouri cities, strict adherence must be made to §105.450-105.482 RSMo, regulating conflict of interest. These sections allow public officials, only under very limited circumstances, to do business with the political subdivision.

### Selecting the Best Bid

The process of advertising and obtaining competitive bids may have been fully complied with and yet the protection of the public interest will be thwarted by awarding the contract to a firm that did not submit the best bid. The fact that the city often has wide discretion in determining what is the “best” bid gives opportunity for abuse of that discretion.

Requirements with reference to the award of contracts appear in most city charters or ordinances. Some cities specify that awards shall be made to the “Lowest Bidder,” but this provision is very dangerous and should be abandoned if at all possible. Most cities now specify that awards shall be made to the “lowest responsible bidder” or the “lowest and best bidder” or some other terminology such as “most advantageous” to the city.

Whatever the terminology, the selection of the bidder to whom the award will be made often is the most difficult aspect of contract administration. Many city officials can cite instances where a low bid was received from a responsible firm, and yet the “lowest responsible bid” was not the best bid.

The Model Ordinance of the National Institute of Municipal Law Officers provides that contracts shall be awarded to the “lowest responsible bidder.” The ordinance then provides that in making this determination, the following standards must be considered in addition to price:

“The ability, capacity and skill of the bidder to perform the contract or provide the service required.”

“The ability of the bidder to perform the contract or provide the service promptly or within the specified time.”

“The character, integrity, reputation, judgment, experience and efficiency of the bidder.”

“The quality of performance of previous contracts or services.”

“The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.”

“The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.”

“The quality, availability and adaptability of the supplies or contractual service to the particular use required.”

“The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.”

“The number and scope of conditions attached to the bid.”

These provisions have the merit of permitting responsible officials to exercise reasonable discretion. The low bid is not necessarily the best bid, and in making awards, the purchasing agent and/or the city council must consider all the above factors if the needs of the operating departments are to be met. In a doubtful case, the interested department should be consulted before the award is finally made. When a number of vendors are bidding on several items, usually, but not always, it is advisable to make the award to the vendor whose total bid is lowest, rather than to attempt to single out and make the award on the basis of the low bid on each item.

#### Rejection of Bids

The city always should reserve the right to reject any and all bids when such action is in the public interest. The purpose of such a provision is to protect the public against the acceptance of a bid which, though the lowest, may not be the lowest responsible bid or for some other reason is not the best obtainable bid. Furthermore, if the city suspects collusion, even though such collusion cannot be proved, it should have the power to reject all bids.

When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere should be prepared and filed with the other papers relating to the transaction. This explanation and a list of all bids rejected may be entered on the reverse side of the summary or tabulation sheet. This record is important. The prices paid by a municipality are public record and a proper subject of public concern. The city and the purchasing office may be called upon at any time to justify its action to a disgruntled bidder or an interested taxpayer. The reaction is even more intense when the unsuccessful bidder also happens to be a local taxpayer.

#### Preference for Local Vendors

Many municipalities in the past restricted competition by giving local vendors preference over out-of-town bidders. Any preference to local bidders must be limited to instances in which price, quality and service are equal. Failure to adhere to this policy encourages collusion among local dealers for the purpose of charging higher prices. Safeguards against collusion are especially necessary in small communities where the number of vendors is limited. The mere fact that the city accepts and awards

business to out-of-town bidders usually is sufficient to guard against collusion.

### Receipt, Inspection and Testing

Upon receipt of a delivery, the purchasing office should be notified immediately. In most smaller cities, receiving will be made in the using department or possibly by the city clerk. Care must be taken here. If, as in most smaller cities, the city clerk serves both as the purchasing agent and the finance officer, deliveries should be received and inspected by another individual to eliminate any possible charge of collusion, since the clerk would be placing the order, receiving the merchandise and authorizing payment for the merchandise. The receiving report should indicate the quantity, description and condition of the commodities received. Some cities send the using or receiving department a carbon copy of the purchase order which, through the use of a strip carbon or a perforated form, does not show the quantity of goods ordered. The receiving employee must count or weigh the goods delivered before forwarding his report of the receipt of goods to the purchasing office. When an order is filled by partial shipments, separate reports must be prepared for each delivery.

The report of goods received is forwarded to the purchasing agent and by him to the finance officer in order that the vendor's invoice may be audited and approved for payment. This procedure makes it possible to take advantage of all cash discounts offered by prompt payment.

The purchasing office's copy of the purchase order is kept in a "live-order file" until the vendor's invoice has been received, checked and forwarded to the finance office. After completion of the purchasing process, the purchase order with associated papers is filed alphabetically by name of vendor.

### Storage and Stock Control – Central Stores

No discussion on purchasing would be complete without at least a brief discussion on the use of a central stores operation. All cities, regardless of size, will find it advantageous to maintain a stock of certain commodities that are in constant or frequent demand. The need for small stocks of stationery and a limited supply of repair parts is obvious. On the other hand, maintenance of large stocks of a large number of items is not practical or advisable. The particular articles to be stored should be determined by the experience of each city.

The responsibility for storeroom management, or for inventory control in the case of a departmental stockroom, usually is placed upon the purchasing agent. The purchasing agent or storeroom manager carefully inspects deliveries, judges the quality of articles and determines the quantities of items to be kept on hand.

### Control of Salvage

In addition to the duties already outlined, the purchasing agent is responsible for the effective disposition of surplus or outmoded articles. When such action is properly authorized, the purchasing agent should undertake to transfer commodities between operating departments as needed or to sell or trade-in those articles no longer of use to the city. Periodically, the various departments should prepare lists of all the property they have on hand that is no longer required. Expenditures for new materials, furniture or other equipment often can be avoided through transfer of this property. In other cases, it may be necessary to sell property before its value is lost through obsolescence, deterioration or spoilage. All waste, such as scrap metal, should be sold through the purchasing office. No disposition

of any asset item should be made by any department without clearance from the purchasing agent.

### Summary

We can summarize the need for every city having a formal purchase order system with the following eight statements.

1. To ensure that only authorized personnel are ordering items.
2. To ensure that all items ordered actually are received.
3. To account for any differences in prices between the invoice and the purchase order.
4. To provide for proper and expedient payment to vendors.
5. To ensure that vendors are not paid twice for the same order.
6. To provide for internal control on what is ordered by each department to take advantage of quantity discounts.
7. To ensure proper allocation to departments of purchases made by each department.
8. To give the auditors more reliance on the system as a whole.

Almost every city using a purchase order system has a system that is distinctive to their particular city, one that is designed to work well with their own personnel and accounting requirements. It almost is impossible to take one single system and transplant it to another community, especially to smaller cities due to personnel limitations.

# PERSONNEL ADMINISTRATION

## INTRODUCTION

### Importance of the Personnel Administration Function

Personnel administration is an extremely important, but at times neglected, aspect of municipal government in Missouri. The success of a city in reaching its goals is dependent upon its employees, and there is a direct relationship between personnel administration and employee morale and performance. Also, no other aspect of city government has such a profound impact on the city budget. Most municipalities allocate more funds for salaries and wages than for any other item of municipal expenditure, and mistakes in personnel administration can subject a city to large financial liability.

This chapter briefly describes: the federal and state requirements that apply to personnel administration; the employee selection process; working with employees, and employee records. Specific details, such as notice requirements, forms to be used, and other legal requirements are not set out in this chapter. For greater detail, city clerks should consult the *Personnel Manual for Missouri Municipalities* published by the Missouri Municipal League, the various web sites given in this chapter, and professional publications. Specific questions should be directed to your city attorney. The information in this chapter is current as of the date of its writing, but statutes and regulations enforcing them change often. Care should be taken to verify the current requirements of federal, state and local law when addressing personnel issues.

## FEDERAL REQUIREMENTS

### Discrimination in Employment

Several important federal laws prohibit discrimination in matters related to employment.

#### Federal Laws Prohibiting Job Discrimination

- *Title VII of the Civil Rights Act of 1964 (Title VII)*, which prohibits employment discrimination based on race, color, religion, sex, or national origin. (Covers employers with 15 or more employees.)
- *The Equal Pay Act of 1963 (EPA)*, which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination. [Covers employers who are covered by the Fair Labor Standards Act (FLSA)]
- *The Age Discrimination in Employment Act of 1967 (ADEA)*, which protects individuals who are 40 years of age or older. (Covers employers with 20 or more employees.)
- *Title I and Title V of the Americans with Disabilities Act of 1990 (ADA)*, which prohibit employment discrimination against qualified individuals with disabilities. (Covers employers with 15 or more employees.)
- *The Civil Rights Act of 1991*, which, among other things, provides monetary damages in cases of intentional employment discrimination.

### Federal Laws Prohibiting Job Discrimination cont.

- *Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)*. USERRA protects individuals from discrimination in hiring, promotion, and retention on the basis of present and future membership in the armed services.
- *The Immigration Reform and Control Act of 1986 (IRCA)* prohibits discrimination in hiring and discharge based on national origin and on citizenship status.

### Military Leave and Reemployment of Veterans

The Uniformed Services Employment and Reemployment Rights Act (USERRA) provides a number of protections to members of the uniformed services. The act prevents discrimination against members of the armed services. The act also requires that upon their return to their civilian employment qualified members must be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by their civilian employer if they return to employment after a military leave of up to five years. Returning veterans are also protected from termination without cause for a period time upon their return to employment.

### Employment of Non-Citizens

The Immigration Reform and Control Act of 1986 (IRCA) makes it unlawful for an employer to hire any person who is not legally authorized to work in the United States. Employers must verify the employment eligibility of all employees hired by the completion of an I-9 form. The form lists the types of identification which are required to verify employment eligibility. (The methods commonly used for United States citizens are social security card and drivers license.)

### Health Care Benefits and Medical Leave

Several federal statutes require employers to provide certain protections to employees in health-related matters.

*Consolidated Omnibus Budget Reconciliation Act (COBRA)*. COBRA applies to employers with 20 or more employees and any state or local government. It provides qualified employees the right to continue health coverage at group rates when coverage is lost due to certain specific events, usually termination of employment or reduction of hours of employment. This protection extends to the employee's spouse and dependent children. Spouses and children are also protected when coverage would terminate due to divorce or the death of the employee.

*Family and Medical Leave Act (FMLA)*. The FMLA requires employers with 50 or more employees to provide qualified employees with twelve weeks of unpaid leave time for a serious illness of the employee or an immediate family member, or for the birth or adoption of a child. Employees may elect to use paid leave time provided by the employer as part of this twelve weeks, and employers may require that employees use accrued leave time as part of their FMLA leave time.

*Health Insurance Portability and Accountability Act of 1996 (HIPAA)*. HIPAA provides protections to employees under group health care plans. An employee who has met the creditable

coverage requirements under one employer's health care plan is protected under a new employer's health care plan by:

- a limitation on exclusions for preexisting conditions;
- a prohibition on discrimination against employees and dependents based on their health status; and
- requiring an opportunity to enroll in health care coverage for an individual enrolled in other health care coverage who loses that coverage, or for a new spouse or child

### Payment of Wages

The Fair Labor Standards Act (FLSA) requires that covered workers be paid the current minimum wage. The act also sets 40 hours as a standard work week. Hours worked in excess of 40 must either be paid at one and half times the normal rate of pay or must result in the acculation of compensatory time off at a ratio of one and half.

Various individuals are either exempt or have special rules when it comes to the FLSA. Among these are emergency service workers, seasonal workers, or workers employed in professional, administrative or executive positions. More general information on the FLSA can be obtained from League Headquarters.

### The Civil Rights Act of 1863 (42. U.S.C., §1983)

42. U.S.C., §1983 provides an individual the right to sue a city if someone with the city has violated the individual's rights under the United States Constitution or other federal law. This statute may be relied on to address grievances where relief is not available under one of the anti-discrimination statutes discussed above. Other sections of the Civil Rights Act of 1863 provide for attorneys fees, and for a cause of action against any person conspiring to deprive an individual of protected rights.

### Fair Credit Reporting Act

If a credit history is being obtained as part of the application process in selecting new employees, the city must comply with the requirements of the Fair Credit Reporting Act. This act requires that, if a decision is made not to hire an applicant based on an adverse credit report, the applicant must be: informed of the reason for the adverse action; provided specific information regarding the source of the adverse credit report; and informed of the applicant's right to obtain a free copy of the credit report and to dispute its content.

### When In Doubt

The information provided on these federal statutes in this chapter is general in nature. This material does not discuss the details of the various federal statutes. The violation of any of these federal laws can have serious financial consequences for an employer. In addition to fines and damages to injured employees, staff can be required to spend significant time responding to complaints filed by employees, or former employees. The employer can often be required to pay not only their own attorney fees, but those of the person filing the complaint as well. The federal government provides substantial general information on its web sites about federal laws regarding employment.

- Discrimination: [www.eeoc.gov](http://www.eeoc.gov) (Equal Employment Opportunity Commission)
- Wages, benefits and veterans rights: [www.dol.gov](http://www.dol.gov) (Department of Labor)
- Discrimination and immigration: [www.usdoj.gov](http://www.usdoj.gov) (Department of Justice)
- Credit histories: [www.ftc.gov](http://www.ftc.gov) (Federal Trade Commission)

*Questions regarding specific issues of federal law should be directed to your attorney immediately.*

## STATE REQUIREMENTS

### Unpaid Taxes

Several state statutes provide that appointed officers of third- and fourth-class cities and villages may not be, at the time of appointment, “in arrears for any unpaid city taxes, or forfeiture or defalcation in office.” It is unclear which city positions are considered “offices” under these statutes.

### Conviction of a Felony

Conviction of a felony disqualifies an individual from holding an appointed public office “until the completion of his sentence or period of probation.” If the felony involves the right of suffrage, the disqualification is permanent. If the conviction occurs while the individual is employed, the individual forfeits his or her office. It would appear, however, that the individual could be reemployed upon completion of any sentence or period of probation.

Section 561.016 of the Revised Statutes of Missouri prohibits discrimination against an individual who has been convicted of a crime unless the disqualification is part of the court order of conviction, required by statute, or “when the commission of the crime or the conviction or the sentence is reasonably related to the competency of the individual to exercise the right or privilege of which he is deprived.” Thus, in order to justify not hiring an individual because of conviction of a crime, the crime must be one which is related to the duties of the position for which the person has applied. While conviction of a felony in and of itself might prohibit an individual from being a police officer, it may not be sufficient to disqualify them from serving in another position if the conviction had no bearing on the individual’s ability to perform the functions of that position.

### Conviction of a Drug Offense

Section 105.1112 of the Revised Statutes of Missouri provides that applicants for public employment may not have been convicted of a drug offense within the three years before application; or, if convicted, they must have completed a certified drug treatment program. If an individual is convicted of a criminal offense involving the use of a controlled substance, marijuana or other dangerous drug while employed by a city, they must meet certain requirements under the state statute to retain their employment. Upon a second conviction, the employee must forfeit his or her employment for a period of two years from the most recent conviction.

### Conflicts of Interest

Several Missouri statutes prohibit conflicts of interest between public employees and their duties as public servants. The most comprehensive provisions are found in Chapter 105 of the Revised Statutes

of Missouri. Section 105.452, prohibits public employees from:

- Accepting money to act or fail to act in their capacity as a public employee;
- Using or disclosing confidential information obtained in the course of employment for financial benefit to the employee or to the employee's family; or
- Acting on any matter in their capacity as a public employee in such a manner as to benefit the employee or the employee's family.

Additional prohibitions apply to public employees serving in an executive or administrative capacity, and employees with rulemaking authority.

Some activities of public employees constitute criminal offenses under Chapter 576 of the Revised Statutes of Missouri. Examples of prohibited activities are: accepting a bribe; accepting or demanding pay for work other than the pay to which the employee is entitled; discriminating against any employee or applicant for employment on account of race, creed, color, sex or national origin; ordering the payment of money for any purpose other than the specific purpose for which the money was intended; and the use of official information for personal benefit or to benefit another.

### Nepotism

Public officers and employees are prohibited by Article VII, §6, of the Missouri Constitution from appointing any relative within the fourth degree, by consanguinity or affinity, to office or employment. An officer or employee who appoints such a relative forfeits their office or employment.

### Military Leave

In addition to the protections in federal law, the State of Missouri protects employees who are called to serve in the military. Section 105.270 of the Revised Statutes of Missouri requires employers to provide paid leave for employees who are members of the National Guard and are ordered into service by the governor, and up to 120 hours paid leave per federal calendar year for employees performing on competent orders for any of the armed forces of the United States.

## GETTING STARTED

### Personnel Policies

One of the first and most important steps in establishing a sound program of personnel administration is to adopt a personnel manual that permits citizens, councilmen and employees to know quickly and accurately the city's personnel rules and policies. Written policies also document the city's intent to comply with the many federal and state requirements for personnel administration which were discussed earlier in this chapter.

In all municipalities there is a tendency to treat each employee individually and to address problems on a personal basis. Pressures for special treatment in such matters as pay increases, vacation leave and sick leave, can cause dissension among employees and among municipal leaders. This is particularly true in smaller municipalities, where employees usually are well known to the members of the governing body.

The adoption of written personnel policies, practices, rules and regulations should reassure

employees that they will be treated equally and consistently in personnel matters such as appointments, promotions, compensation and discipline.

A personnel policies manual may be adopted by ordinance or by resolution. Some attorneys advise adoption by resolution to maintain a city's position as an at-will employer. This topic is discussed later in this chapter.

At a minimum, a city's personnel manual should address the following subjects:

- Statement that employees are employees at will and that the manual does not constitute a contract of employment (or, in the alternative, that the city has adopted a merit system of employment)
- Statement of policy of non-discrimination
- Statement of policy on sexual harassment
- Statement of policy on employees and others with disabilities
- Drug and alcohol testing policy for persons covered by federal Department of Transportation (DOT) requirements
- Conviction of a drug-related offense
- Workplace violence
- Employee rights under the Family and Medical Leave Act (FMLA)
- Employee rights under COBRA
- Employee rights under the Health Insurance Portability and Accountability Act (HIPAA)
- Pay
  - Work period for purposes of FLSA
  - Compensatory time
- Benefits
  - Leave time
    - Military leave
    - Jury leave
  - Insurance
  - Retirement
- Conflicts of interest
- Nepotism
- Work-related injuries and diseases (workers' compensation)

Many cities have personnel manuals that are much more extensive than this, and cover subjects such as hiring, disciplining, promotion, transfer and termination policies; grievances; drug testing of safety sensitive employees; travel on city business; call-out time; vacation, sick and disability leave; use of the internet; smoking; and any other policies which the city intends to impose on employees.

#### Pay and Position Ordinance (Pay Plan; Table of Organization)

In addition to a personnel policies manual, cities should adopt an ordinance setting out positions and salary ranges associated with each position. Absent a general ordinance establishing positions and salaries, personnel must be hired by written contract, except as otherwise set out in state statute.

#### Job Descriptions

Job descriptions should be developed for each position in your city organization. Job descriptions

serve several vital functions in that they:

- Require management to define their expectations for the functions to be performed by the position
- Assist in planning for staffing.
- Inform employees of their job duties and the performance expectations of the city.
- Assist the city in meeting its legal obligations under the requirements of federal law.

Job descriptions should cover, as a minimum, the following areas:

- The main functional responsibilities of the position.
- Minimum educational requirements
- Minimum training/certification requirements
- Minimum experience requirements
- The minimum physical requirements of the position
- Any standards to which the employee will be held in the performance of the duties of the position.

Qualifications should reflect what the applicant needs to get the job done. You may lose potentially good workers if you have artificially high standards. For example, employers should:

- Eliminate requirements for a high school or higher diploma where none is required.
- Eliminate experience requirements when the job can be quickly learned
- Reduce experience requirements that are excessive.
- Ensure that physical requirements are job-related and do not unfairly discriminate against any group of people
- Not access arrest records for employment decisions. Arrest records can be closed records under state law. Also, an arrest is not a conviction, and a conviction may be redeemed by later conduct.
- Look at the whole person.

### Safety Manual

Cities should also develop and implement a safety manual, establishing safe practices for the daily activities of employees.

## **HIRING A NEW EMPLOYEE**

A city clerk often is involved in one of the most crucial factors in establishing an effective and efficient municipal administration – the recruitment and hiring of qualified personnel. This process involves five distinct steps – advertising open positions, accepting applications, interviewing the applicants, examining the applicants and selecting the best available person to fill the position. The following discussion is designed to assist city clerks in this process.

### Advertising the Position

Before any position is advertised, a job description should be developed for that position. The job description should state the minimum education, experience, and training (including any required degrees or certifications) and the minimum physical skills needed to perform the position. An advertisement should then be developed, based on this job description which communicates essential information to the prospective applicant. This information should include the title and duties of the

position, a salary range, the minimum qualifications, the method of making application, the closing date for application and some of the advantages of city employment.

In deciding how to advertise the position, a close look should be given at the pool from which the city is most likely to pull the best-qualified individuals for this position.

- All positions should be posted at a specified location on city premises (i.e., city hall or the personnel office)
- Most positions should also be advertised in a local newspaper (a newspaper of general circulation in the area in which the city is located)
- The city's web page, if the city has a web page.

Depending upon the position being advertised, other advertising options are:

- Posting on the local access channel of the cable television provider.
- Posting at a local high school, vocational school, community college, college or university.
- Journals, magazines and newsletters circulated to individuals already occupying similar positions, such as *The Missouri Municipal Review*,
- Advertising in a newspaper in a metropolitan area close to your city.
- Taking advantage of appropriate advertising venues on the internet. Often newspapers, journals, magazines and newsletters offer internet options.
- Notifying local organizations in that profession of the job opening.

If the city is faced with a situation where they are trying to recruit a number of employees for a few similar positions (i.e., fire, police and ambulance), an advertising campaign which includes brochures, color ads, and radio or television spots may be warranted. Sometimes such ads might be considered public service ads, which local stations would broadcast free of charge.

### Taking Applications

The first step in selecting applicants is to have each applicant complete an application form. The form should request the information about the individual which will be needed to assess the applicant's ability to perform the functions of the position for which you are hiring, including experience, education and references. The application form should be kept as short and as clear as possible in order to ensure that the applicant does not have difficulty in supplying the requested information. A copy of the job description for the position for which you are accepting applications should be attached to the application. A space should be provided for the employee to sign that the information on the application is accurate and complete, and to authorize the city to perform any required reference and/or background checks.

Cities should be careful that applications do not request information that could be considered discriminatory under the federal statutes discussed earlier in this chapter. Questions which may be considered discriminatory are questions regarding: race, ethnicity, gender, age or date of birth, family status, and medical condition (including workers compensation claims and other injuries). The application may ask whether the applicant is capable of performing the functions of the position, with or without an accommodation.

Once received, the application should be reviewed as soon as possible in order to make sure that it has been filled out completely and the information provided is clear. This initial review should ensure that the application includes a telephone number and an address where the applicant can be contacted, and that the applicant has signed the application. If the application does not provide sufficient information to assess the applicant's qualifications for the position, the applicant may be contacted for additional information or the application can be rejected. If it is apparent that the applicant does not possess the minimum qualifications for the position, the application may be rejected. When an application is rejected, the applicant should be notified immediately in writing that he or she no longer is being considered for the position.

### Interviewing Applicants

A number of the applicants whose qualifications most closely fit the requirements of the position for which you are hiring should be selected for a personal interview. Generally, three to five candidates are selected for interview, but this number can vary depending on the number and quality of applicants and the nature of the position being filled.

Depending on the structure and tradition of the municipal government, the interview may be conducted by the mayor, city administrator, personnel officer, department head, supervisor, city clerk or other qualified individual. Often, the interview is conducted by more than one person.

The interview simply is a conversation with a purpose – to determine whether the education, experience, interests and temperament of a person are a good fit for the position you are trying to fill. The interviewer should ask questions the answers to which will assist in determining the applicant's work experience, training, education and personal qualities for the position for which he is applying. The interviewer might present the applicant with a hypothetical problem related to the work the applicant would be performing if hired, and ask the applicant how he or she would handle that situation. The response should indicate whether the applicant is able to analyze a problem, evaluate alternative courses of action and arrive at a decision. These problem-solving exercises are particularly useful when the applicant is applying for a supervisory position.

Care should be taken not to ask questions regarding the applicant's family status (are they married, do they have children), religion, ethnic background, or any other characteristic discussed earlier in this chapter in the section on discrimination. Even if the information provided in response to such a question is not used in determining the applicant's qualifications for the position, the inference can be made that the purpose of the question was to obtain information to be used in making the hiring decision, and could result in charges of discrimination. One way to avoid improper questions is to draw up a list of questions before the interviews are conducted, reviewing the questions to ensure they are appropriate and cover the needed information, and ensuring that each candidate is asked the same questions.

In addition to evaluating the qualifications of the applicant, the interviewer should explain in detail the duties and responsibilities of the position, and should provide some information on the city and its work force. When the interview is completed, the interviewer should be able to judge the qualifications of the applicant, and the applicant should be able to judge the desirability of the position. The interviewer should record his impressions of the applicant, preferably on an interview impact rating form.

When applicants are interviewed be sure that:

- Interviewers understand and carry out the city's equal employment policies.
- The Equal Employment Opportunity poster is displayed.
- The interviewer is not biased by dress and grooming styles that are unique to certain racial or ethnic groups.

### Examination of Applicants

For some positions in municipal government, some sort of examination is an important step in the selection of the most qualified personnel. Examinations may consist of written tests of knowledge, performance tests of skills, and physical agility tests.

Written tests of knowledge are most often used in the selection of police officers, fire fighters, and building inspectors. Skills tests are most often used for clerical personnel and individuals working in utilities positions. Physical agility tests can be used for any position which requires a high level of physical strength, such as utility workers, police officers and fire fighters. All tests must test for the attributes necessary to perform the position being filled. Particular care should be taken to ensure that written tests and physical agility tests, in particular, are not structured in such a way as to discriminate against minorities.

Written tests can be obtained from several sources, including professional testing companies or organizations (such as the International Personnel Management Association). Performance tests can be structured by the department, or the city can seek assistance from an outside source, such as the local high school or vocational-technical school. Many of these schools offer a variety of business and technical subjects. Some of the same examinations given to students in these courses may be used to test applicants for related positions. Sometimes teachers will administer and score the examinations for a small fee. Physical agility tests can also be structured by the department. Some professional organizations can also provide assistance with structuring physical agility tests.

For some positions, when a written examination is not feasible, an oral examination might be administered. Several qualified individuals should sit as members of an oral board to rate applicants on experience and training for a particular position.

Generally, with regard to testing, you should:

- Ensure that the tests given actually measure the applicant's ability to perform the functions of the position.
- Avoid general intelligence and aptitude tests; and emphasize skills and performance tests
- Use test scores only as one of several criteria that are evaluated prior to selection for hiring

### Selecting Finalists

After completion of the interview and any required testing, the applicants should be rated on their apparent fit for the position being filled. Although it seldom is mandatory that the hiring individual employ the candidate who stands at the top of the list, it is in the best interest of the organization that the applicant hired be one of the best candidates.

### Checking References

Once the top applicants have been determined, references should be checked. Generally, the

city will proceed to check the references of the top candidate, and will check references of other candidates only if the references for the top candidate cause concern. The applicant should be contacted to let them know they are one of the finalists for the position and that the city is proceeding to contact references on the final candidates. *The applicant should not be told that he or she is the top candidate.*

In addition to the references listed on the applicant's application, it is important to contact the employee's previous immediate supervisor, if the applicant has consented to this contact. Also, every effort should be made to contact individuals who are familiar with the applicant but are not listed as references. The same requirement of nondiscrimination applies to the information requested from references as it does in the rest of the hiring process.

### Background and Credit Checks

Since the use of credit checks in making employment decisions can unfairly discriminate against certain groups of people, and thus be discriminatory in violation of the statutes discussed above, their use is discouraged. However, should an individual's credit history be reasonably related to the qualifications of the position for which the individual is being hired (i.e., treasurer, auditor, collector, or utility clerk), credit checks can be requested. A written authorization for the credit check should be obtained from the job applicant. The city must comply with requirements of the Fair Credit Reporting Act, discussed above, when using credit checks in the employee selection process.

### Making an Offer of Employment

Once you have selected the best applicant for the position, you can make an offer of employment. If you perform alcohol and drug testing on new employees, the offer should be made contingent on a negative result on the alcohol and drug test. During the offer process, an agreement should be reached concerning the starting rate of pay and starting date of employment. If the applicant does not immediately accept the offer of employment, the applicant should be given a deadline for acceptance, so that another individual can be selected from the current applicant pool should this candidate decline the offer.

Once you have hired the employee and they have started their employment, the other applicants should be notified that the position has been filled.

## **WORKING WITH EMPLOYEES**

### Training

Care should be taken to ensure that all employees are adequately trained to perform the functions of their position. Without proper training, it will be difficult to determine the cause of poor performance – is it because the employee does not understand the expectations for the position, the employee isn't capable of performing the functions of the position, or the employee just won't adequately perform. With proper training, you should be able to eliminate the first cause of poor performance – the failure to understand the expectations for the position.

Training can take many forms: training programs offered by private providers (including workers compensation insurers); training provided through professional organizations (such as MoCCFOA);

training programs developed by your city; departmental training programs; and training by working with other employees in the same position. If funding allows, employees should have the opportunity to attend training programs sponsored by other entities, where they can meet others performing similar duties for other employers, and learn from their experiences too.

Municipalities should ensure that employees receive the following training, at a minimum:

*Upon new hire:*

- Explanation of the city's personnel policies manual
- Explanation of the city's safety manual
- Training in performing the functions of the new position
- Training in the safety policies of the department

*Annual training should be provided in:*

- Selected portions of the city's personnel policies manual: discrimination and diversity, sexual harassment, drug and alcohol testing, work-place violence, and e-mail policies
- Performing the functions of the employee's position
- Safety policies, both city-wide and departmental, including fire extinguisher usage and evacuation policies for city buildings
- At any time that employee performance indicates a need for specific training

### Performance Reviews

Performance reviews offer an opportunity to improve the poor performance and reward the good performance of employees. Reviews should be conducted no less often than annually. In addition to periodic formal reviews, less formal reviews should be conducted whenever deficiencies in employee performance are identified.

A review form should be used that solicits information that is pertinent in judging the employee's performance of the functions of his or her position. These evaluations should be used as a guide in personnel decisions, such as raises and promotions. A form should be developed which is easy to understand, simple to use, and will result in employees being judged fairly. Although smaller municipalities prefer a relatively simple evaluation form, if the form is to be used to guide decisions on personnel transactions, it must cover all important elements of the job, and the supervisors must complete the form with care and deliberation. Generally, the evaluation form includes information concerning the employee's on-the-job behavior and job performance.

Once the supervisor has completed the review form, the supervisor should discuss the form with the employee. The employee should be given an opportunity to formally respond to the review, either orally or in writing. If the employee responds orally, the supervisor should note the employee's position on the review form. A copy of the review form, once it has been discussed with the employee, should be placed in the employee's permanent employee file.

The review process is an excellent time to set goals and objectives for the employee for the next review period. Goals set for employees should be consistent with departmental goals, which should be consistent with the goals for the city which have been set by the City Council or Board of Aldermen. Employees should be made aware of how their position contributes to the success of the city in achieving its mission.

If issues are identified with employee performance, a plan should be developed with the employee for addressing any deficiencies, and a date set to discuss the employee's progress in the plan. The sooner concerns about performance are addressed, the better for the employee and for the organization. Employees will have an opportunity to correct deficiencies before poor work habits become ingrained, and co-workers will be relieved of the burden of compensating for the poor performance of their fellow employee.

### Discipline and Termination

Absent an exception to the general rule, city employees in Missouri are employees at will. This means that an employee can be terminated without cause. Exceptions to this general rule are:

- A contract of employment
- A statute that provides that the employee can be removed only for cause
- An ordinance that appoints the employee for a specified length of time
- Adoption of a merit system of employment, usually as reflected in the city's personnel policies manual
- Where the termination would violate public policy because it is a result of unlawful discrimination, filing a claim for worker's compensation, or reporting unlawful acts by the employer

Even though in many instances employees may be dismissed without cause, it is in the city's best interest from the point of view of developing and retaining a competent and dedicated work force, to treat employees fairly and in a non-discriminatory manner in matters of discipline and termination.

General guidelines for employee discipline are:

- Have policies which are clear, appropriate and communicated to the employee in an ongoing manner
- Address deficiencies in performance at an early date by discussing poor performance with the employee, and developing a plan to improve performance
- Monitor progress in a performance improvement plan, and discuss that progress with the employee on an ongoing basis
- Provide a forum for employees to air grievances
- Investigate complaints of harassment and discrimination immediately and thoroughly
- Document employee problems, and how they were addressed
- Strive for consistency in employee discipline

When an employee cannot meet performance expectations in a reasonable amount of time, either transfer the employee to an available position which better suits his or her skills or, if that is not possible, terminate the employee. It is not in the best interests of the employee to maintain them in a position where they cannot succeed, and it is bad for overall employee morale for other employees to have to compensate for an unproductive (and sometimes disruptive) employee.

Some activities may warrant immediate termination. Those activities include, but are not limited to: insubordination; theft from the city; accessing and/or divulging confidential city information (such as personnel information and police records); providing false information in an investigation or report; driving a city vehicle without a valid license; violation of the city's policy on drug and alcohol abuse; violation of federal statutes or city policy on discrimination; violation of state statutes on conflicts of

interest or nepotism; violence or threats of violence in the workplace; and inappropriate conduct with fellow employees or citizens.

## **MAINTAINING EMPLOYEE RECORDS**

### The Permanent Personnel File

A permanent personnel file should be kept on each employee, and an individual with the city should be designated to ensure that the file is kept up to date and in an orderly fashion. Depending on the structure of the municipal government, the personnel files may be maintained by the city administrator, city clerk, personnel officer or any other designated responsible individual.

An employee's file should contain the following information:

- A copy of the employee's original application and any interview and examination results which were part of the employee's application process (NOTE: notes from individual interviewers which are not part of an interview form should not be retained).
- Up-to-date contact information for the employee: name, address, telephone number, date of birth, social security number, names of dependents, and contact information in case of an emergency
- A copy of the employee's current drivers license
- Copies of certifications/licenses pertinent to the employee's employment
- Copies of all performance reviews
- Copies of all disciplinary action taken, including probation agreements
- A record of any changes in benefits or pay

It is helpful if a log of all activity in the personnel file is kept, to make it easier to answer simple questions and to locate information in the file.

The employees' permanent personnel files generally are arranged in alphabetical order or by departmental unit. These personnel records should be the primary employment records for the city and duplicate departmental record keeping should be discontinued. For uniformity and efficiency of operations, the personnel files should be considered the central source for all information and transactions concerning employees.

The person maintaining the permanent personnel files of employees should ensure that the files remain free of notes, memos, messages, etc., which are related to official personnel action. Records kept by supervisors regarding an employee's behavior or performance in the workplace which have not been discussed with the employee as part of a periodic review or disciplinary action should not be retained in this official personnel file.

### Payroll Information

Information should also be kept on the employee's payroll history. This information may be kept manually, the case of cities with few employees, or electronically. It may or may not be retained in the employee's permanent personnel file. No matter what format this information is maintained in it should record all important events bearing on the compensation and benefits with the city. The payroll record should include the employee's date of first employment, department and the beginning salary. The

payroll record should include every subsequent change of status, whether salary increase, transfer, promotion or separation. Finally, the payroll record should show the accumulation and use of vacation leave, sick leave, etc.

### Medical Information

Any medical information pertaining to an employee should be kept separately from the employee's permanent personnel file. Such information is considered highly confidential, and serious consequences could result if the information becomes available to any persons who do not have a need to know the information. Medical information includes records of workers compensation claims, medical releases to return to work, information on medical conditions to be accessed in case of a medical emergency, and any other information relating to the health and medical treatment of the employee. *Information from an employee's separate medical file should not be made available to supervisors or department directors for purposes of making employment-related decisions.*

### Confidentiality of Personnel Records

Information concerning the position held by an employee and the employee's compensation is public information under state law. Information relating to the performance or merit of individual employees can be a closed record, and cities are prohibited from releasing an employee's social security number. The city should develop policies to govern responses to requests for information about individual employees, and to safeguard confidential information in an employee's personnel records.

### CONCLUSION

While employees can be a city's biggest source of liability, they are also its best asset. A well-trained staff that believe they are treated fairly and with respect will provide quality service for the city and the community. Such a staff gives citizens a positive impression of the city organization. Investing dollars in training staff and maintaining pay levels and benefits can be reap benefits in the form of community support for city programs.

**APPENDIX I**

**APPLICATION FORM**  
(Please print or write in ink)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_  
PHONE \_\_\_\_\_  
SOCIAL SECURITY NUMBER: \_\_\_\_\_

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*Have you ever worked for the City of \_\_\_\_\_? Yes No*

*Do you have any relatives currently employed by the City? Yes No*

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**EDUCATIONAL RECORD**

<u>Name of School</u>	<u>DATES ATTENDED</u>		<u>GRADUATED</u>		<u>COURSE OR DEGREE</u>
	<u>From</u>	<u>To</u>	<u>Yes</u>	<u>No</u>	
Grade School _____					
High School _____					
College _____ ---					
Other Additional _____					

---

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**PREVIOUS EMPLOYMENT RECORD (last employer first)**

	<u>From</u>	<u>To</u>	<u>Duties</u>	<u>Salary</u>	<u>Reason for Leaving</u>
Name _____ Address _____ ---					
Name _____ Address _____ ---					
Name _____ Address _____ ---					



**APPENDIX II**

CITY OF \_\_\_\_\_

**MERIT RATING FORM**

Position \_\_\_\_\_

NAME \_\_\_\_\_

AGE \_\_\_\_\_

---

	TRAIT	0	5	10	15
20					

---

1. PERSONALITY QUALIFICATIONS: Consider such factors as the following: General appearance, voice and speech, poise, ability to present ideas, friendliness, extent to which applicant engenders confidence.

---

2. TRAINING AND EXPERIENCE: Consider such factors as the following: Quality and extensiveness of applicant's training and experience in same line of work or in closely related work.

---

3. PERFORMANCE LEVEL: Consider such factors as the following: Familiarity with and facility in discussing subjects related to the duties and responsibilities of this position. Judgment. Alertness. Extent to which applicant seems to grasp important aspects of the job and gives evidence of ability to plan and organize work.

---

4. COMBINED OVERALL EVALUATION: (Double point value) In light of all the evidence regarding the applicant's qualifications, evaluate suitability for this position. Consider items mentioned above and any others you feel are pertinent such as: Age, attitude, social adjustment, adaptability, etc.

---

POINTS \_\_\_\_\_

TOTAL

5. COMPARATIVE RANK: On the basis of overall suitability for the position, rank the applicants you have interviewed today. This is your best estimate as to the person we should employ. (A tie-rank order is permissible.)

6. REMARKS:

Signature of Rater

**APPENDIX III**

**ATTENDANCE RECORD – VACATION RECORD**

**Vacations scheduled ahead should be marked in green. Indicate supervisory authorization.**

From \_\_\_\_\_ To \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_

**Scheduled absences other than vacation, mark in green. Indicate supervisory comments.**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Absence – explanation of illness and/or other explanatory information. Mark in red nonpaid time off.**

From \_\_\_\_\_ To \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_

From \_\_\_\_\_ To \_\_\_\_\_

**Accident Report (Explanation)**

Filed \_\_\_\_\_

Filed \_\_\_\_\_

Filed \_\_\_\_\_

**Other (Explanation)**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Tardy (Late to Work) (Explanation)**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Reprimands and Suspensions (Explanation)**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## CASH MANAGEMENT

Cash management, as one component of a comprehensive financial management program, is the process of managing a municipality's flow of cash receipts and disbursements to ensure maximum cash availability and maximum yield on the investment of idle cash.

A cash management program includes six major steps: the establishment of financial goals, the review and revision of cash handling practices, the review and projection of cash flow, the investment of idle funds, the analysis of short-term borrowing needs and the choice of financial institutions and services. Each of these steps will be discussed in greater detail below.

The major concern of cash management generally is the same as personnel management, time management or equipment management – achieving the most efficient use of the specified resource. This means making sure cash is received and disbursed in the most efficient manner possible and making sure it is invested, between the time it is received and disbursed, in the most efficient and profitable manner possible.

### Goals

The goals of a municipality's cash management program should include maximizing the availability of cash for the longest possible time and investing this available cash at the highest possible yield.

When possible, a single individual should be designated the cash manager and given responsibility for developing, implementing and directing the cash management program. The cash manager should make periodic activity reports to the council or board to keep them informed of investments, earnings and other activities. This individual should review any limitations imposed on a municipality's cash management activity by state statute or local ordinance (or custom). Where local ordinances or practices might limit cash management activity, the council or board should be informed and attempts made to change the provision.

### Cash Handling Practices

The three basic procedures in the cash handling cycle are collection, deposit and disbursement. Improvements in these three areas are the keys to maximizing the availability of funds to meet cash needs and for investment purposes. The development of policies and procedures that bring revenue dollars into the treasury and retain the use of those dollars for as long as possible can net a significant increase in investment dollars earned.

### Collection Procedures

Municipalities provide many services to the public, such as trash collection or electricity, for which a fee is charged. Payment for these services should be required in advance or, if that is not possible, very soon after the service is delivered. Penalties or late charges should be imposed for delinquent payments or, conversely, discounts for early payments could be offered (if the

discounts do not cost more than the expected earnings on the cash made available by early payments).

All billings for services, taxes, licenses or other fees should be mailed promptly at a scheduled time. Whenever possible, this mailing time should be moved forward as far as possible. For cycle billings, invoices should be mailed as soon as they are prepared, unless the municipality gains savings in postage costs through bulk mailing. Likewise, due dates for taxes and service charges should be moved forward as far as possible. Late payment penalties for taxes should be reviewed to make sure they are adequate.

Collection procedures for all delinquent receivables should be reviewed to make sure they are appropriate and are being followed aggressively.

Procedures for prompt filing of all applications and claims for federal and state grants should be established. It may be appropriate to assign a person as a “grants coordinator” to maintain communications with funding sources and ensure compliance with funding rules.

### Deposit Procedures

Deposit procedures affect the rate at which funds on their way to or in the hands of a local government get deposited into a bank account. The following deposit procedures include suggestions for improving the utilization of banking services.

All deposits should be made on at least a daily basis, with more frequent deposits made during heavy collection times (e.g., yearly collection of property taxes).

Prompt, daily deposits also should be made by all other departments that collect funds, such as police department or swimming pool concessions. Whenever possible, deposits should be made before the close of the banking day (usually 2 p.m.) to assure receipts are credited on the day they are received.

Also, during heavy collection times, personnel can be shifted from other divisions to speed the processing of mail and the sorting and depositing of checks.

Reducing the number of bank accounts used by the municipality makes it easier to identify idle cash available for investment. It also simplifies the mechanics of investing idle cash. Clerical savings in reconciling bank accounts also may result from operating with fewer bank accounts.

Some cash managers may wish to increase the use of float by running a zero cash balance on the municipal books. If so, the bank should be asked to help develop the mechanics, so as to reduce the chance of issuing checks in excess of the float. When such advance arrangements are made, the bank should agree to notify the cash manager of the cash balance on the bank’s records at the start of each banking day.

### Disbursement Procedures

To aid in improving cash flow, disbursements should be timed so they remove cash from the treasury only at the last possible moment. This desire, however, must be tempered by the need to conduct business in a fair and equitable manner consistent with local custom. The suggestions that follow for improving disbursement procedures are those related to accounts payable and payroll, the two major types of disbursements.

In most cases, the frequency of issuing accounts payable checks should be the same as for payroll checks. If this practice is not practical, a system of “aging payables” can improve disbursement control. As invoices are received, they should be reviewed and a payment date affixed. They then are filed by payment date and disbursements made on those dates.

Checks in payment of bills should be issued as late as permitted under the terms of the bill, except when cash discounts are offered for early payment.

Accounts payable checks should be released after the banks have closed for the day and, if possible, be mailed so as to gain one to two days additional float.

The progress-payment procedure in supplier contracts should be reviewed to make sure the municipality is paying for goods and services only after they have been received.

Regarding payroll frequency, the municipality might save in payroll preparation costs, as well as improve cash flow, if the payroll period can be extended.

Vacation-payment policy should be reviewed. Prepaid vacation payments can increase payroll preparation costs and impair cash flow.

#### Consolidating Bank Accounts

Almost all municipalities maintain more than one checking account. Several have numerous accounts. It is not uncommon for a municipality in Missouri to have ten or more separate accounts.

There are no federal or state requirements mandating separate checking accounts for any regular or special fund of a municipality. It appears this practice has been used most often as a substitute for a comprehensive accounting system. Other reasons so many accounts are used might be local custom or requirements of the depository institutions.

There are several reasons the municipality should consider consolidating bank accounts, ideally reducing the number to only one.

Substantial savings in clerical and administrative costs can be realized because there are fewer bank accounts to reconcile and balance. It becomes much easier to identify idle cash available for investment. Requirements for compensating balances in each account ties up cash that otherwise could be invested and earning income. The consolidated cash position of the municipality at any one time is easier to determine. Cash flows are less erratic with consolidation, permitting more accurate forecasting of income and expenditures and scheduling of investment maturities. Finally, a large number of checking accounts do not necessarily provide sufficient controls on municipal funds – it may, in fact, be more difficult to discover and prove employee theft.

On rare occasions, bond covenants may require proceeds for a specific bond issue be segregated in a special account. When this occurs, a special cash flow analysis should be done and, since the money often is held for more than one year, a special investment plan drawn up using long-term higher-yielding investments.

#### Cash Flow

In order to effectively invest idle funds to earn the highest return possible, a municipality must have a thorough understanding of its cash flow – when cash is received and when it is needed for disbursements. Without this knowledge, investment of funds is only guesswork.

The best way to understand the cash flow of a municipality is to prepare a cash budget. A cash budget shows the amount of estimated receipts for a month, the amount of estimated disbursements and the amount, if any, left over for investment.

An annual cash budget can be prepared using historical data and knowledge of future events. After the cash budget is prepared, it should be updated each month to reflect actual receipts and disbursements and their effect on future cash flow.

### Investments

Once the maximum amount of idle cash is accumulated and the length of time this cash will be available is known, the municipality should establish an investment program.

The basis of any municipal investment program should be the passbook savings account. No cash should be kept in a checking account at any time. Deposits of receipts should be made to the savings account. Transfers of cash to the checking account should be made only when checks are written. This ensures that all funds are earning some interest every day between receipt and disbursement.

A number of options for higher yielding investments are available to municipalities that have accumulated funds in the savings account. These opinions are discussed in detail in *Cash Management for Missouri Municipalities* available from the Missouri Municipal League.

No matter what the investment, however, the municipality should ascertain that the institution with which the cash is invested provides sufficient collateral to cover the full amount invested.

### Borrowing

On occasion, it may be necessary for a municipality to borrow funds for a short period of time. Most often this is accomplished through a direct short-term loan from a bank. While this sort of loan does not require voter approval, it should be done prudently and as infrequently as possible.

### Financial Institutions

Every city needs a bank. Banks provide a number of services, such as checking accounts, which cities must have to operate effectively and efficiently.

There are a number of ways cities choose the bank with which to deal. In cases of smaller cities with only one bank inside their limits, the council or board invariably restricts business to that bank. In some cases of two or more banks, business is rotated between them. In other cases, the oldest bank, which had the city's business first, continues year after year.

None of these methods of choosing a bank is compatible with good cash management practice. Banks should be chosen on the basis of the types of services they are willing to provide at the lowest cost.

Banks provide a number of services municipalities may wish to consider. These include safe deposit boxes, payment collections, lockboxes, armored car pickups, account reconciliation, investment counseling, wire transfers, coupon redemption and direct deposit accounts.

Banks have two methods of charging for these services. One is a set fee charged on a per month or per transaction basis. The other, and the most common, is the use of compensating balances. Accounts must maintain a minimum balance each month. Banks invest these balances and use the proceeds to offset the costs of services to the account.

In summary, cash management represents the effective use of cash as a resource of the municipality. For more detailed discussions of this subject, see *Cash Management for Missouri Municipalities*, Missouri Municipal League.

## CONDUCT OF ELECTIONS

The county election authority is responsible for the conduct of the election. However, several very important responsibilities are left to the city clerk.

### General Duties

The governing body calls for the election usually by ordinance. Only certain dates may be selected except in the case of bond elections caused by emergency, contested elections, tie-vote runoffs or dates specifically provided by the city charter. The authorized dates are the first Tuesday after the first Monday of February, August (non-primary years), November and the first Tuesday after the first Monday in April (§115.123 RSMo). Election calendars are available from the Secretary of State's office ([www.sos.state.mo.us.gov](http://www.sos.state.mo.us.gov)) or the county election authority.

Generally the ordinance calling for the election includes the time and date of the election and the purpose of the election. Also, it instructs the city clerk to give notice of the election as prescribed by law (§115.125 RSMo). State statute has established a uniform filing period that opens 16 Tuesdays before Election Day and closes 11 Tuesdays before Election Day (§115.127(5) RSMo).

The following procedures are suggested as a guideline:

a) Notify the County Election Authority of the Election

The city clerk should notify the county election authority (either the county clerk or board of election commissioners) of the election date established by the governing body. This notification must be made no later than 5 p.m. on the tenth Tuesday prior to the election (§115.125 RSMo). The notice must be in writing, specify the name of the officer or agency calling the election and include a certified copy of the legal notice. The notice may, with prior notification to the election authority, be sent by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election, provided the original copy of the notice and a certified copy of the legal notice is received by the election authority within three business days from the date of the facsimile transmission (§115.125(1) RSMo). The county election authority will be responsible for conducting the election upon receipt of the notice.

b) Advertises filing dates

The legal notice must be published in at least one newspaper of general circulation in the political subdivision prior to the opening of filing. Such notice must include which offices are to be filled, the opening filing date, location to file at, and the closing date for filing (§115.127(5) RSMo).

c) Accepts filing of candidates for city office

Filing must begin at 8:00 a.m. the sixteenth Tuesday prior to the election and the closing date must be 5:00 p.m. on the eleventh Tuesday prior to the election (§115.127(5) RSMo).

d) City clerk provides and has each candidate sign a written notice of the obligation to file a personal financial interest (ethics disclosure) statement (§105.487(1) RSMo).

e) Remits estimated costs of election

The county election authority will estimate the cost of conducting the election no later than the fifth Tuesday prior to the election. The estimated costs must be deposited with the county election authority no later than the third Tuesday prior to the election (§115.077(2) RSMo);

- f) At first meeting of the governing body after election, the city clerk should present the canvass of votes as prepared by county election authority;
- g) City clerk issues the certificates of election and commissions to elected officials;
- h) In case of tie vote, city clerk issues a proclamation calling for a run-off election or determines the winner by the drawing of lots (§115.517(3) and §115.517(4) RSMo); and
- i) The total cost of the election is figured with additional payment or a reimbursement to the city made as quickly as possible by the election authority.

### Filing of Candidates.

The city clerk accepts filing of candidates for city office. There is a standard form prescribed in §115.349 RSMo for filing for state and county office. The city clerk may want to use this form with some modification for those filing for city office. If possible a deputy should be appointed to accept candidate filing in case of absence of the city clerk.

The order that a candidate's name appears on the ballot is often very important to the candidate. State law requires that the political subdivision responsible for the oversight of the filing shall clearly designate where candidates shall form a line to file. The law also gives the municipality the option of allowing candidates who file on the first day to determine by random drawing the order in which such candidates' names shall appear on the ballot (§115.124(2) RSMo).

State law requires that persons with unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy shall not be certified as a candidate for a municipal office, nor shall the person's name appear on the ballot as a candidate for such office (§115.346 RSMo). In third and fourth class cities state law also prohibits the election or appointment of individuals who are in arrears for municipal taxes (§79.250 RSMo §77.380 RSMo).

There are mixed opinions as to whether or not the city clerk must be assured that candidates filing for a particular office meet the eligibility requirements set out in the state statutes. A recent St. Louis County circuit court ruled that §115.346 RSMo was unconstitutional. However, officials with the Missouri Secretary of State's office and the Missouri Attorney General's office have stated that this circuit court decision carries no precedential weight and that §115.346 RSMo should still be considered valid.

An opinion has been released by the Office of the Attorney General that states that the county clerk may refuse to place on the ballot the name of a candidate he believes to be ineligible (Attorney General Opinion No. 87, April 11, 1972). The Secretary of State, Elections Division, has stated that this opinion is applicable to municipal elections as well. The city clerk may wish to seek legal counsel on this matter.

Candidates may challenge qualifications of opposition by filing a petition with the circuit clerk (§115.526 RSMo).

### Candidate Eligibility

### Fourth Class Cities

To qualify for the office of mayor, a candidate must be at least 25 years of age, a citizen of the United States and a resident of the city for at least one year prior to his election (§79.080 RSMo). The candidate also must be a registered voter and have paid all city taxes (§79.250 RSMo).

To qualify for the office of alderman, a candidate must be at least 21 years of age, a citizen of the United States and a resident and inhabitant of the city for one year prior to the election, and a resident of the ward from which he is elected (§79.070 RSMo). The candidate also must be a registered voter and have paid all city taxes (§79.250 RSMo).

All other elected officers must be registered voters, residents of the city and have paid all city taxes (§79.250 RSMo). Candidates must not be in arrears for any city taxes or fees on the last day of filing.

#### Third Class Cities (Mayor-Council Form)

To qualify for the office of mayor, a candidate must be at least 30 years of age, a citizen of the United States and a resident of such city at the time of and for two years next preceding his election. Whenever there is a tie in the election of mayor, the matter shall be determined by the council (§77.230 RSMo). The candidate also must be a registered voter and have paid all city taxes (§77.380 RSMo).

To qualify for the office of councilman, a candidate must be at least 21 years of age prior to taking office, a citizen of the United States, and an inhabitant of the city for one year next preceding his election, and a resident of the ward from which he is elected six months next preceding his election. Whenever there is a tie in the election of councilman, the matter shall be determined by the council (§77.060 RSMo). The candidate also must be a registered voter and have paid all city taxes (§77.380 RSMo).

All other elected officers must be registered voters and must be residents of the city and have paid all city taxes (§77.380 RSMo).

#### Third Class Cities (Council-Manager Form)

In third class cities, with the manager form of government, the five council members are elected at large and must meet the same qualifications as council members in regular third class cities, except for the ward requirement (§78.460 RSMo). The mayor is chosen by the council from among its members.

#### Villages

To qualify for the office of trustee, a candidate must be 21 years of age, a citizen of the United States and a resident of such village at the time of and for one year next preceding his election (§80.050 RSMo).

#### Residency

State law requires that candidates for municipal office must be residents of the municipality for which they seek office (see above for references). However, a recent court case has questioned what role the municipal clerk should play in determining whether a candidate is indeed a resident. The case, from the Southern District Court of Appeals, held that the municipal clerk did not have the authority to

refuse to certify a candidate for office solely based on the clerk's belief that the candidate was not a resident. In light of this case, clerks would be advised to seek their city attorney's advice before considering residency as reason not to certify a candidate.

### Financial Interest (Ethics Disclosure) Statements

In cities with an annual operating budget in excess of one million dollars, candidates for elective office must file a personal financial disclosure statement with the city clerk and the Missouri Ethics Commission within the prescribed time period, unless the municipality adopts an ordinance, order or resolution pursuant to §105.485(4) RSMo, establishing its own method of disclosing potential conflicts of interest and substantial interests (§105.483(11) and §105.485 RSMo). The clerk must keep the disclosure reports available for public inspection and copying during normal business hours. Personal financial disclosure calendars and other forms are available from the Missouri Ethics Commission at 1-800-392-8660 or on the Ethics Commission's website at [www.moethics.state.mo.us](http://www.moethics.state.mo.us)

At the time of filing, the city clerk must provide the candidate written notice of the candidate's obligation to file a financial interest statement, which must be signed by the candidate. (§105.487(1) RSMo). The notice must set out the requirement, deadline and consequences for failing to comply. The Ethics Commission has a draft notice available, although no particular form is required to provide notice. In 2000 the Court of Appeals determined that the "Summary of Conflict of Interest and Campaign Finance Laws" published by the Missouri Ethics Commission did not satisfy the local election officer's obligation to notify a candidate of his or her duty to file a financial interest statement (Jackson County Bd. of Election Commissioners v. Paluka, 13 S.W.3d 684/Mo. App. W.D. 2000); therefore, the Commission urges local election officials to review the court opinion and consult with their local attorneys to determine whether local policies and procedures for giving notice comply with the statutory requirement and standards set by the appeals court.

### Campaign Finance Disclosure

The Missouri Ethics Commission will send the "Summary of Conflict of Interest and Campaign Finance Laws" booklets to the clerk before the candidate filing period opens. The booklet is a summary of the laws contained in Chapters 105 and 130 RSMo. Candidates must sign the acknowledgement form attached to the front of the booklet at the time of filing, verifying that the candidate received the summary when filing for office (§105.973 RSMo). When the date for candidate filing has ended, the city clerk mails the yellow copy of the signed form to the Missouri Ethics Commission and retains the white copy in the clerk's files. The law and campaign finance reporting forms are available from the Missouri Ethics Commission, P. O. Box 1370, Jefferson City, MO 65102, 573-751-2020 or 1-800-392-8660.

Certificates of election, or the issuing of an oath of office to any candidate, should be withheld until any required campaign finance disclosure forms are submitted to the city clerk by the winning candidate (§130.071 RSMo). The campaign finance disclosure forms should be filed immediately upon receipt and made available for public inspection (§130.056 RSMo). All candidates for election in a city election must file the applicable campaign finance disclosure forms.

\*\* Note: Nonpartisan candidates for municipal office in cities of 100,000 or less are not required to file an exemption statement to form a committee and file disclosure reports if the aggregate of contributions received or expenditures made does not exceed \$1,000 and the aggregate of contributions from any one contributor does not exceed \$250 (§130.016(6) RSMo).

### Write-In Candidate

To be eligible to be a write-in candidate, a declaration of intent to be a write-in candidate has to be filed. This declaration must be filed with the proper election authority prior to 5 p.m. on the second Friday immediately preceding the Election Day (§115.453(4) RSMo). This, however, does not apply when no candidate has filed for the office or if the number of candidates filed is fewer than the number of positions to be filled. When no candidate has filed, or if fewer candidates filed than the number of offices to be filled, write-in votes are counted regardless of whether a declaration of intent has been filed. An opinion has been released by the Office of the Attorney General relating to write-in candidates (Attorney General Opinion 110-01).

### Voter Registration

For a person to be eligible to vote, he must be registered on or before the fourth Wednesday prior to the election. The county election authority should have the opportunity to close the registration books at the proper time and all potential city voters should be given the opportunity to register (§115.135 RSMo).

### The First Meeting of the Governing Body

After the election, the city clerk should present the returns of the election to the governing body. The governing body should adopt an ordinance declaring the results of the election after the canvass of returns.

An election may be contested in circuit court within 30 days after the official announcement of the election results (§115.577 RSMo) or within five days for a primary election (§115.531 RSMo).

Once the city clerk issues the certificate of election and oath of office to successful candidates, the mayor then must sign all commissions of officers elected (§79.190 RSMo - fourth class cities; §77.320 RSMo -- third class cities). Various other procedures should take place following the certification of the election depending on the class of the municipality.

In villages, the board of trustees must assemble within 20 days and choose a chairman from among the board (§80.060 RSMo).

In fourth class cities, the board must select one of their own to be the acting president of the board of alderman (§79.090 RSMo). The alderman with this designation will have the full power of the Mayor when the Mayor is absent (§79.100 RSMo).

In third class cities, the procedures vary depending on the form of the government. Those with city manager governments must elect one of the council to be mayor and another councilmember to serve as chairman pro tem (§ 78.560). Mayor-Council cities have until the fourth Tuesday in April to select one of their members to serve as president pro tem (§77.070 RSMo).

### Duties of City Clerks in St. Louis, Clay and Jackson Counties

St. Louis County, Clay County and Jackson County have a Board of Election Commissioners. However, the city clerk is responsible for the following:

- Notification of the county election board of the date of the election and provision of issue and/or certificate of candidates for election.
- Accepting all candidates' filings for office and provision of the list to the Board of Election Commissioners in the order of time of filing.
- Issuance of certificates of election after acceptance by the governing body of the canvass of votes by the county board of election commissioners. Certificate of election, or the oath of office, may not be given to candidates until they have filed all the required campaign finance disclosure forms.
- Receipt and maintenance of the campaign finance disclosure and personal financial disclosure (ethics) reports, and assuring that those reports are available for public inspection. All candidates, whether they won or lost, who have filed for office in a city election must file the applicable campaign finance disclosure and financial disclosure forms with the city clerk.

Conclusion

If any question concerning the election process should arise, the city clerk may want to contact the city attorney, county clerk or board of election commissioners. Also, the Secretary of State, Elections Division, is a good source of information. They can be reached at 573-751-2301 or 1-800-669-8683.

## GENERAL ELECTION CHECKLIST

rev 06/20/03 plc

### Important Dates and Offices

ELECTION DATE (1ST TUES. AFTER 1ST MON. IN APRIL)	
OFFICES TO BE FILLED:	
LEGAL PUBLICATION (WEEK BEFORE & OF FILING OPENS, WEEK BEFORE FILING CLOSSES)	
FILING OPENS (16TH TUESDAY BEFORE ELECTION)	
FILING CLOSSES (11 <sup>TH</sup> TUESDAY BEFORE ELECTION)	
CERTIFICATION DUE (10TH TUESDAY BEFORE ELECTION)	
FINANCIAL DISCLOSURE DUE (14TH DAY AFTER FILING CLOSSES)	
FINAL FINANCIAL DISC. DUE (21ST DAY AFTER FILING CLOSSES)	
ORGANIZATIONAL MEETING (AFTER ELECTION)	

**Election Checklist:**

<b>TASK DESCRIPTION</b>	<b>DUE DATE</b>
<input type="checkbox"/> REVIEW ELECTION LAWS FOR APPLICABLE CHANGES	OCTOBER 1
<input type="checkbox"/> REVIEW CITY ORDINANCES FOR POSSIBLE REVISIONS	OCTOBER 1
<input type="checkbox"/> REVISE ORDINANCES AS REQUIRED BEFORE CALLING ELECTION	NOVEMBER 1
<input type="checkbox"/> DETERMINE FILING DATES & OFFICES	OCTOBER 1
<input type="checkbox"/> PREPARE ORDINANCE CALLING ELECTION	NOVEMBER 1
<input type="checkbox"/> REVIEW & REVISE PACKET FORMS	DECEMBER 1
<input type="checkbox"/> ORDINANCE CALLING ELECTION TO BOA	DECEMBER 1 (MTG: )
<input type="checkbox"/> COPY APPROVED ORDINANCE TO ELECTION BOARD (COURTESY )	AFTER ORDINANCE
<input type="checkbox"/> PREPARE LEGAL NOTICE FOR ADVOCATE	DECEMBER 1
<input type="checkbox"/> POST LEGAL NOTICE ON BULLETIN BOARD	AFTER ORDINANCE
<input type="checkbox"/> ASSEMBLE CANDIDATE PACKETS	DECEMBER 1
<input type="checkbox"/> LEGAL NOTICE TO ADVOCATE	DECEMBER 1
<input type="checkbox"/> ETHICS—CANDIDATE LIST & VERIFICATION FORMS	AFTER FILING CLOSES ( )
<input type="checkbox"/> TAX COMPLIANCE CHECKS DONE	<b>AS RECEIVED</b>
<input type="checkbox"/> FILING FEES TO CUSTOMER SERVICE FOR RECEIPT	AFTER FILING CLOSES
<input type="checkbox"/> CERTIFICATION TO ELECTION BOARD W/ORD. & LEGAL (CERTIFIED) 7 DAYS AFTER FILING CLOSES	
<input type="checkbox"/> SCHOOL & WATER DISTRICT CANDIDATES: REQUEST ADDRESSES & SEND SIGNAGE LETTERS	AFTER FILING CLOSES
<input type="checkbox"/> PREPARE PURCHASE ORDER FOR DEPOSIT (ATTACH ORD. COPY)	MID-FEBRUARY
<input type="checkbox"/> MAIL DEPOSIT CHECK W/LETTER TO ELECTION BOARD ( ) 3 <sup>RD</sup> TUESDAY BEFORE ELECTION	
<input type="checkbox"/> CALL ELECTION BOARD FOR TALLY/CHECK WEBSITE	MORNING AFTER ELECTION
<input type="checkbox"/> PREPARE ORDINANCE DECLARING RESULTS	BOA MEETING AFTER ELECTION
<input type="checkbox"/> LETTERS TO SUCCESSFUL CANDIDATES	AFTER ELECTION
<input type="checkbox"/> ORIENTATION PACKETS FOR NEW ELECTED OFFICIALS	AFTER ELECTION
<input type="checkbox"/> LETTERS TO UNSUCCESSFUL CANDIDATES	AFTER ELECTION
<input type="checkbox"/> OATHS OF OFFICE FOR ALL NEWLY ELECTED OFFICIALS	AFTER ELECTION
<input type="checkbox"/> COMMISSIONS FOR ALL NEWLY ELECTED OFFICIALS	AFTER ELECTION
<input type="checkbox"/> RBA, OATH OF OFFICE & ACTING PRESIDENT OF BOA	AFTER ELECTION
<input type="checkbox"/> ORDER PLEXIGLASS NAMEPLATES FOR NEW OFFICIALS	AFTER ELECTION
<input type="checkbox"/> UPDATE MEMORIAL BOARD FOR ELECTED OFFICIALS	AFTER ELECTION
<input type="checkbox"/> UPDATE ELECTED OFFICIALS HISTORY FILE/NOTEBOOK	AFTER ELECTION
<input type="checkbox"/> UPDATE PUBLIC OFFICIALS LISTING	AFTER ELECTION
<input type="checkbox"/> UPDATE HISTORICAL COMMUNITY PROFILE	AFTER ELECTION
<input type="checkbox"/> PREPARE ROLODEX CARDS FOR CLERK & ASSISTANT/CC: ACCTG.	AFTER ELECTION
<input type="checkbox"/> PAYROLL & WITHHOLDING FORMS FOR NEW OFFICIALS	AFTER ELECTION
<input type="checkbox"/> BOA SALARY INCREASES MEMO (CREDENZA FILE 3-CC)	AFTER ELECTION
<input type="checkbox"/> UPDATE BOA PROFILES FOR NEW BOARD MEMBERS	AFTER ELECTION