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CHAPTER 2

ADMINISTRATION

ARTICLE I. **IN GENERAL**

Section 2-1. Term of Office of Elective Officers.

The term of office of all elective officers in the City shall be two (2) years, beginning at the last meeting of the Board of Aldermen in the month of April of the year in which they are elected.

Section 2-2. Refusal, Neglect of Officers to Perform Duties.

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

Section 2-3. Suspension, Removal of Elective Officers.

- a. Any elective officer of the City may, for cause shown, be suspended or removed from office by the Mayor, with the consent of a majority of all the members elected to the Board of Aldermen, or by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval of recommendation. Among other causes, any of the following shall be deemed good and sufficient grounds for any such suspension or removal:
 1. Any willful violation of any official obligation;
 2. Culpable negligence or dereliction of duty;
 3. Incompetency;
 4. Willful misconduct in office;
 5. Abuse of authority in official capacity;
 6. Any act inconsistent with official duty or character.
- b. Before any elective officer shall be removed from office, charges shall be made in writing and preferred against him either by the Mayor or some member of the Board of Aldermen. Immediately after such charges shall

have been preferred, the Board of Aldermen shall fix a time and a place for investigating such charges, and the Police Chief shall serve the person so charged with a written copy of said charges and with a written notice of the time and place fixed by the Board for investigating the same. Such notices shall be served upon the accused in the usual manner of serving summons as provided by the state statute. On the day set for the hearing of the cause, the Board of Aldermen shall meet and proceed, according to such rules as it may adopt, to hear the evidence against and in favor of the accused, and the Board may adjourn from time to time as may be necessary, until all the evidence shall have been taken. The Board of Aldermen shall vote by ayes and nays upon the charges separately, and the question voted upon shall be, "Is the accused guilty?" If the accused is found guilty as provided in subsection (a.) of this section, he shall be removed from office; provided, however, that he shall not be so removed except by order made and entered of record in which shall be stated the grounds for such removal.

- c. Subpoenas for witnesses in such cases may be issued by the Mayor, or person acting as such, and shall be served and returned by the Police Chief in the same manner as if such subpoenas were issued out of any court of justice. The Board of Aldermen shall have the authority to compel witnesses to testify and produce papers and records relating to the charges against the accused. Depositions may be taken and read in the same manner as in a justice's court. At the conclusion of the evidence, argument may be heard according to the rules of practice in criminal courts.
- d. When the Mayor is the accused, the Board of Aldermen shall elect one of its members to preside during the hearing of such accusation.

Section 2-4. Suspension, Removal of Appointive Officers.

Any appointive officer of the City may be suspended or removed from office by the Mayor at will if a majority of all the members elected to the Board of Aldermen shall consent thereto or by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval of recommendation; provided, however, that before any appointed officer is suspended or removed from office, an order therefore shall be made and entered of record in which shall be specifically stated the grounds for such suspension or removal.

Section 2-5. Disbursement of Funds.

- a. No money of the city shall be expended except upon a warrant drawn, signed by the Mayor, and attested by the City Clerk. No warrant shall be drawn, nor shall any ordinance be passed appropriating money, unless there is an unexpended balance to the credit of the City in the fund upon which such warrant is drawn to meet such warrant, or a sufficient sum of unappropriated money in the fund upon which such money is drawn to meet such ordinance.

- b. Whenever the City is indebted to any person and the amount thereof has been audited and allowed by the Board of Aldermen, a warrant shall be drawn therefore in favor of such person for such amount.
- c. All warrants shall be assignable by endorsement thereon, signed by the payee and giving the name of the assignee and the date of the assignment.

Sections 2-6 through 2-15 reserved.

**ARTICLE II.
MAYOR**

Section 2-16. Qualifications.

No person shall be Mayor unless he is at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one year next preceding his election. The person shall be a voter under the laws and constitution of the State of Missouri and the Ordinances of the City of Nixa. No person shall be sworn into office who shall at the time be in arrears for any unpaid City taxes or municipal user fees. (#1132 7/00)

Section 2-17. Member of Board of Aldermen.

The Mayor may have a seat in the Board of Aldermen, but shall have no vote on any question except in a case of a tie vote, and shall have general supervision over all of the officers of the City.

Section 2-18. Presiding Officer of Board of Aldermen.

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

Section 2-19. Signer of Documents.

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

Section 2-20. Reports of City Business Affairs.

The Mayor or Board of Aldermen shall have power, when he or they deem it necessary, to require any officer of the City to exhibit his accounts or other papers and to

make a report to the Board of Aldermen in writing touching any subject or matter pertaining to his office.

Section 2-21. Enforcer of Health Regulations.

The Mayor shall have such jurisdiction as may be vested in him by ordinance over all places within five (5) miles of the City Limits for the enforcement of any health or quarantine ordinance or regulation thereof.

Section 2-22. Aid in Enforcing Laws.

The Mayor shall have power to call on every male citizen of the City over the age of eighteen and under the age of fifty years to aid in enforcing the laws and ordinances of the City.

Section 2-23. Granting Reprieves and Pardons.

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

Section 2-24. Vacancy in Mayor's Office.

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

Section 2-25. Approval of Bills.

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto in writing, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass the objection of the Mayor thereto notwithstanding?" The vote on this question shall be taken by the ayes and nays, and the names entered upon the journal, and if two-thirds (2/3) of all members elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the Clerk, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have the power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he neglect or refuse to sign any ordinance and return the same with his objections

in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his signature.

Section 2-26. Power to Appoint Officials.

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

Section 2-27. Power to Administer Oaths.

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

Section 2-28. Improvements of City Affairs.

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

Section 2-29. Annual Budget.

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

Section 2-30. Annual Election Proclamations.

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

Section 2-31. Issuance of Warrants.

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

Section 2-32. Liability of City for Court Costs.

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

Sections 2-33 through 2-54 reserved.

ARTICLE III.
BOARD OF ALDERMEN

Section 2-55. Qualifications of Aldermen.

No person shall be an Alderman unless he is at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City of Nixa, Missouri, for one year next preceding his election, and a resident of the ward from which he is elected. He shall be a voter under the laws and constitution of the State of Missouri and the Ordinances of the City of Nixa. No person shall be sworn into office who shall at the time be in arrears for any unpaid City taxes or municipal user fees. (#1132 7/00)

Section 2-56. Date Sworn into Office.

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

Section 2-57. Composition.

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

Section 2-58. Date of Regular Meetings; Adjournment.

Board of Aldermen shall hold its regular meeting on the second Monday evening of each month. Any regular meeting may be adjourned whenever deemed necessary, and any resumption of an adjourned meeting shall be, for all intent and purposes, a continuation of a regular meeting.

Section 2-59. Calling of Meetings.

Meetings of the Board of Aldermen may be called at any time by the Mayor or a majority of the Board of Aldermen. Notice of the time, date and place of each meeting, and its tentative agenda shall be given in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of a particular meeting and posting the notice on a bulletin board or other prominent place, which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting. Notice conforming with all of these requirements

shall be given at least twenty-four hours prior to the commencement of any meeting unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. When it is necessary to hold a meeting on less than twenty-four hours notice, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

Section 2-60. Attendance at Meetings Required; Quorum.

It shall be the duty of each member of the Board of Aldermen to be present at each meeting of said Board, and a majority of all the members elected shall constitute a quorum to do business.

Section 2-61. Election of Acting President.

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

Section 2-62. Call to Order.

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

Section 2-63. Roll Call.

Before proceeding with the business of the Board, the City Clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

Section 2-64. Order of Business.

All meetings of the Board shall be open to the public with the exception of executive sessions as determined by the Board and as permitted by law. Promptly at the hour set by law on the day of each regular meeting, the members of the Board, City Clerk, City Attorney, Mayor and City Administrator shall take their regular stations at the council chambers, and the business of the Board shall be taken up for consideration and disposition. The order of business shall be as determined by the Board of Aldermen and may consist of the following items:

1. Call to order;
2. Roll call;
3. Pledge of Allegiance;
4. Visitors;
5. Public Hearings;
6. Discussion Items;
 - a. Bills
 - b. Resolutions
 - c. Business
7. Committee Reports;
 - a. Personnel
 - b. Budget & Finance
 - c. Capital Improvements
8. City Administrator Report;
9. Mayor and Aldermen's Reports;
10. Adjournment;

Section 2-65. Readings of Minutes.

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

Section 2-66. Rules of Debate.

- A. *Presiding officer may debate, etc.* The acting President of the Board of Aldermen or such other member of the Board as may be presiding may move, second and debate from the chair, subject only to such limitations by Missouri Revised Statutes.
- B. *Getting the floor; improper references to be avoided.* Every member desiring to speak shall address the chair, and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- C. *Interruptions.* A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking, is called to order, he shall cease speaking until the question of order is determined, and, if in order, he shall be permitted to proceed.
- D. *Privilege of closing debate.* The Alderman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
- E. *Limitation of Debate.* No Member of the Board of Aldermen shall be allowed to speak more than once upon any one subject, issue, motion, resolution or ordinance before the Board of Aldermen until every other member of the Board of Aldermen choosing to speak thereon shall have spoken.
- F. *Remarks of Aldermen; when entered in minutes.* An Alderman may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the Board entered in the minutes. If the Board consents thereto, such statement shall be entered in the minutes.
- G. *Synopsis of debate; when entered in minutes.* The Clerk may be directed by the presiding officer, with consent of the Board, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Board.

Section 2-67. Addressing the Board.

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

- A. Written communications. Interested parties or their authorized representatives may address the Board by written communications in regard to matters then under discussion.

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

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

Section 2-68. Addressing the Board after Motion Made.

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

Section 2-69. Manner of Addressing Board; Time Limit.

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

- A. Conflict of interest. In the event a member of the Board of Aldermen or the Presiding Officer states that he has a conflict of interest on an agenda item, he shall disclose the conflict and remove himself from his seat on the Board

prior to any discussion and shall not participate in discussion or voting.
(#1465 12/06)

- B. Change of vote. A member of the Board of Aldermen voting on any motion, issue or question shall have the right to change his vote thereon at any time prior to the declaration by the presiding officer of the Board of the final vote upon said motion, question or issue. After such declaration by the presiding officer, a member shall be allowed to change his vote only pursuant to a motion to reconsider.

Section 2-70. Decorum Required.

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

Section 2-71. Enforcement of Decorum.

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

Section 2-72. Persons Authorized to be Upon Dais.

No person, except City officials, their representatives, and newspaper reporters, shall be permitted upon the dais in front of the council chamber without the express consent of the Board.

Section 2-73. Special Committees.

All special committees shall be appointed by the presiding officer, unless otherwise directed by the Board.

Section 2-74. Standing Committees.

Personnel Committee
Budget & Finance Committee
Capital Improvements Committee

Section 2-75. Protests by Members against Board Action.

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

Section 2-76. Ordinances, Resolutions, and Contracts.

- A. Preparation of ordinances. All ordinances shall be prepared or approved by the City Attorney. No ordinance shall be prepared for presentation to the Board unless ordered by a majority vote of the Board present, or requested in writing by the Mayor or City Administrator, or prepared by the City Attorney on his own initiative. All such ordinances shall be introduced to the Board of Aldermen in printed or written form.
- B. Prior approval by administrative staff. All ordinances, resolutions and contract documents shall, before presentation to the Board, have been approved as to form and legality by the City Attorney or his authorized representative, and shall have been examined and approved for administration by the Mayor or City Administrator or his authorized representative, where there are substantive matter of administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution, or contract document would devolve and be approved by said department head; provided, however, that if approval is not given, then the same shall be returned to the Mayor or City Administrator with a written memorandum of the reasons why such approval is withheld. In the event the questioned instrument is not redrafted to meet a department head's objection, or objection is not withdrawn and approval in writing given, then the Mayor or City Administrator shall so advise the Board and give the reasons advanced by the department head for withholding approval.
- C. Introduction for passage or approval. Ordinances, resolutions and other matters or subjects requiring action by the Board must be introduced and sponsored by a member of the Board, including the Mayor, except that the City Administrator or City Attorney may present ordinances, resolutions and

other matters or subjects to the Board and any members of the Board, including the Mayor, may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, same shall not be considered.

- D. Reading of ordinances. No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the ayes and nays be entered on the journal. Every proposed ordinance shall be read by title or in full two times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.

- E. Number of votes necessary for adoption of ordinances or resolutions. All ordinances or resolutions prior to adoption must receive at least four (4) affirmative votes, including the vote of the Mayor in the event of a tie vote by the remaining members of the Board of Aldermen.

Section 2-77. Motions and Rules of Procedure.

- A. Precedence of Motions. When a question is before the Board no motion shall be entertained except:
 - 1. To adjourn.
 - 2. To fix hour of adjournment.
 - 3. To lay on table.
 - 4. For the previous question.
 - 5. To postpone to a certain day.
 - 6. To refer.
 - 7. To amend.
 - 8. To postpone indefinitely.

These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debated.

- B. Motions to be stated by chair; withdrawal. When a motion is made and seconded it shall be stated by the chair before debate. A motion may not be withdrawn by the mover thereafter without the consent of the member seconding it and the approval of the Board.

C. When motion to adjourn not in order; not debatable. A motion to adjourn shall be in order at any time except as follows:

1. When repeated without intervening business or discussion;
2. When made as an interruption of a member while speaking.
3. When the previous question has been ordered, and
4. While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

D. Motion to lay on table. A motion to lay on table shall preclude all amendments or debates of the subject under consideration.

E. Moving previous question. When the previous question is moved and seconded by another member, it shall be put as follows: "Shall the main question be now put?" There shall then be no further amendment or debate, but pending amendments shall be put in their order before the main question. If the question "shall the main question be now put?" be decided in the negative, the main question remains before the Board.

F. Division of question. If the question contains two (2) or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.

G. Amend to strike out, etc. On an amendment to "strike out and insert," the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out and those to be inserted shall be read, and finally the paragraph as it would stand if so amended shall be read.

H. Amend and amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

I. Motion to postpone. All motions to postpone, excepting a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

J. Motion to reconsider. Upon the declaration of a vote by the presiding officer on any question, issue, motion, ordinance or resolution, any member who voted with the majority may move for a reconsideration of the matter at the same or the next succeeding meeting, provided that said question, issue, motion ordinance or resolution must be expressly placed upon the agenda for said succeeding meeting, and, further, provided that the resolution or ordinance authorizing or relating to any contract may be reconsidered at any

time before the final execution thereof. A motion to reconsider an ordinance or resolution shall require the same number of votes for passage as is required to adopt an ordinance or resolution. A motion to reconsider any other matter shall require approval of the majority of those members present and voting on said issue. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the consent of two-thirds (2/3) of the members of the Board present. The term “next succeeding meeting” as used herein, shall mean the next succeeding regularly scheduled meeting of the Board of Aldermen unless such matter involved be expressly placed upon the agenda of a duly called special meeting of the Board.

Section 2-78. Reports and Resolutions to be filed with Clerk.

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

Sections 2-79 through 2-90 reserved.

ARTICLE IV.
CITY CLERK

Section 2-91. Duties of City Clerk.

The Clerk elected by the Board of Aldermen shall be known as the “City Clerk”, whose duty, among other things, shall be to keep a true and correct journal of all the proceeding of the Board of Aldermen, which proceedings shall be recorded in a well bound book and labeled “Journal of the City of Nixa.” The Clerk shall attend all meetings of the Board of Aldermen, at the hour appointed for meeting. The clerk shall prepare and attest all warrants that may be ordered issued by the Board of Aldermen and present the same to the Mayor for his signature. The Clerk shall attest all other official acts, which may be required of him by law or ordinance. The Clerk shall record all ordinances passed by the Board of aldermen, and shall attest and seal the same. The Clerk shall issue and sign all licenses that may be by ordinance required.

Section 2-92. Care of Official Papers; Administer Oaths.

The City Clerk shall safely and properly keep all records, papers, other documents, and files belonging to the City, which may be entrusted to his care, and shall not permit the same to be removed from his office except upon the written order of the Mayor. He shall be general accountant of the City, administer all official oaths, and all oaths to persons certifying to demands or claims against the City.

Section 2-93. City Licenses.

The City Clerk shall prepare all licenses and shall keep a correct record of all licenses issued.

Section 2-94. Care of Tax Books.

It shall be the duty of the City Clerk, or the Christian County Collector if contracted, when the Board of Aldermen shall have fixed the rate of taxation for any given year, to make out appropriate and accurate tax books, and shall therein set out, in suitable columns, opposite the name of each person and the item of taxable property as returned by the County Assessor and the Board of Equalization, the amount of taxes, whether general or special, due thereon.

Section 2-95. Corporate Seal.

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

Section 2-96. Certificate of Election or Appointment.

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

Section 2-97. Clerk Pro Tempore.

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

Section 2-98. Term and Compensation of the City Clerk.

The term of the City Clerk shall be continuous from the date of election by the Board of Aldermen until removed from office as provided by Section 2-4 of the Ordinances of the City of Nixa. Compensation shall be set within the annual budget as adopted by ordinance. (#1229-4/03)

Sections 2-99 through 2-110 reserved.

ARTICLE V.
CITY ATTORNEY

Section 2-111. Defender of all Suits Against City.

It shall be the duty of the city Attorney to prosecute or defend all suits, either civil or criminal, in any court of record or magistrate court or before Mayor of the City, to which the City is a party or in which it is directly concerned, and shall defend in all actions brought against any officer, agent, or servant of the City which may arise from his or their official acts.

Section 2-112. Prosecutor on Behalf of City.

The City Attorney shall prepare all charges and complaints against any party or parties charged with violating any ordinance of the City and shall prosecute the same on behalf of the City.

Section 2-113. Affidavits on Behalf of City.

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

Section 2-114. Reporting Any Suit Pending.

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

Section 2-115. Attendance at Board Meetings; Legal Opinions.

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

Section 2-116. Vacancy of Office.

If at any time the City Attorney shall, from any cause, be unable to attend to any business pertaining to the duties of his office, he shall appoint some competent attorney to attend to such business, and such appointment to be approved by the Mayor or Board of Aldermen. The attorney so appointed and approved shall receive for his services such compensation as the City Attorney would receive for similar services should he personally attend to the same.

Section 2-117. Report to Board Before Leaving Office.

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

Sections 2-118 through 2-130 reserved.

**ARTICLE VI.
CHIEF OF POLICE**

Section 2-131. Arrests of Offenders.

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

Section 2-132. Appointment of Deputies.

The Chief of Police shall give his attention to the duties of his office, and is hereby authorized, by and with the consent of the Board of Aldermen, to appoint a deputy or deputies to assist him in his name in the discharge of his duties as Chief of Police, which appointment shall be in writing and filed with the City Clerk, and when thus appointed the deputy or deputies shall take and subscribe a similar oath of office as is required of the Chief of Police; and said oath shall be filed with the City Clerk, together with his or their appointment, and the Chief of Police and his bondsmen shall be responsible in all cases for the acts of his deputies, and said deputies may be removed from office for the neglect of duty, and may be relieved from further duty by the Mayor when their services are no longer required.

Section 2-133. Duties at Board Meetings.

The Chief of Police shall attend the meetings of the Board of Aldermen and cause the council room or place of meeting to be open at least fifteen minutes before the time of meeting and if necessary, to supply said room with lights, fuel, and water at the expense of the City, and attend to such other business as may be required of him by the board of Aldermen.

Section 2-134. Bond of Chief of Police.

The Chief of Police shall, within five days after his appointment, and before entering upon the discharge of his official duty as Chief of Police, execute to the City of Nixa a bond in the penal sum of five hundred dollars (\$500) with two or more solvent securities, conditioned for the faithful discharge of his duty as Chief of Police according to the laws of the State and the ordinances of the City of Nixa, said bond to be approved by the Mayor and filed with the City Clerk.

Section 2-135. General Duties and Powers.

- a. The Chief of Police shall execute all orders and serve all notices which may be necessary to be executed or served, when directed so to do by the Mayor or Board of Aldermen. He shall keep a diligent outlook for those violating or about to violate any of the city ordinances; suppress all disturbances and breaches of the peace that may occur under his observation or be brought to his notice; shall arrest all persons engaged in the same and take them before the Mayor or other proper officer and file complaints against such persons. He shall serve all orders or processes to him directed and delivered; pay over all monies by him collected on processes or otherwise to the City Clerk and take a receipt therefore and return such receipts and processes to the Board of Aldermen.
- b. It shall be the duty of the Chief of Police and his deputies to keep all street and alley crossings clear from all obstructions, and to remove or cause to be removed there-from all motor vehicles and other things that may tend to obstruct or hinder travel.
- c. It shall be the duty of the Chief of Police to remove or cause to be removed all animals found dead upon the streets, alleys or other public places within the corporate limits of the City.
- d. The Chief of Police or his deputies, upon the arrest of any person or persons for the violation of any ordinance of the City or any law of the State, shall take him or them forthwith before the Mayor, acting Mayor, or other proper officer, to be dealt with according to law; but if

the prisoner be so intoxicated as to render him incapable to understanding the charge preferred against him, or of properly making his defense, the Chief of Police may imprison him or confine him in such manner as may be required until such time when a trial may be properly had; provided, however, that any person arrested as above described may be released from custody by executing to the City a good bond for his appearance for trial before the proper tribunal or officer; provided, that nothing in this section shall prohibit the Chief of Police or his deputies from temporarily imprisoning any person under arrest until the Mayor or other officers cognizant of the offense charged shall approve bond for appearance aforesaid, or for imprisoning for safekeeping anyone charged with any offense until bonds are furnished and approved.

Section 2-136. Aid in Keeping Peace.

The Chief of Police shall have power at all times, when in his judgment it is necessary, to summon or call to his assistance any person or persons to assist him in making any arrest or suppressing any riot or disturbance of the peace.

Section 2-137. Badge of Office.

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

Section 2-138. Vacancy of Office.

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

Section 2-139. Removal from Office.

Upon complaint being made by the Mayor or any member of the Board of Aldermen that the Chief of Police or any of his deputies have been intoxicated or gambling or has misused the powers of his office, or been guilty of any brutal act or indecent behavior, or has taken or received any money, property, or any other valuable thing whatever, other than his legal salary or fees, as a consideration for the doing or not doing any particular act, the officer receiving such complaint shall lay the same before the Board of Aldermen at their first meeting thereafter, at which time the Board of Aldermen shall carefully inquire as to the truthfulness of the report or complaint, first

notifying such officer of the charges against him, giving him reasonable time to appear and defend himself against such charges. If, after investigating such charges, said Board or majority of the Board thereof find or deem the accused guilty, they shall forthwith, by order of record entered upon the Journal of said Board, remove the accused from office, and he shall not again be appointed to office in said City, except by two-thirds (2/3) vote of all the members of the Board of Aldermen of said City.

Section 2-140. Reserve Police Officer Program.

That the City of Nixa and the Nixa Police Department is hereby authorized to establish a Reserve Police Officer Program and commission officers that meet the State of Missouri's requirements under Chapter 590 RSMo. and shall perform in accordance with the policy adopted and approved by the Board of Aldermen. (#1603 8/09)

Sections 2-141 through 2-155 reserved.

**ARTICLE VII.
MUNICIPAL JUDGE**

Section 2-156. Court established.

There is hereby established in this City a municipal court, to be known as the "Nixa Municipal Court, a Division of the 38th Judicial Circuit Court of the State of Missouri." This court is a continuation of the police court of the City as previously established, and is termed herein "The Municipal Court."

Section 2-157. Jurisdiction.

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City.

Section 2-158. Selection of Judge.

The judge of the City's Municipal Court shall be known as a Municipal Judge of the 38th Judicial Circuit Court, and shall be selected as follows:

1. He shall be elected to his position by the qualified voters of this City, for a term as specified herein.

Section 2-159. Term of Office.

The Municipal Judge shall hold his office for a period of two (2) years and shall take office biannually from date of April general election. If for any reason a municipal judge vacates his office, his successor shall complete that term of office, even if the same be for less than two years.

Section 2-160. Vacation of Office.

The Municipal Judge shall vacate his office under the following circumstances:

1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12, or
2. Upon attaining his 75th birthday, or
3. Should he fail, within six (6) months of his selection, to satisfactorily complete a course of instruction for municipal judge as prescribed by the State Supreme Court.

Section 2-161. Qualifications for Office.

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

1. He need not be a licensed attorney, qualified to practice law within the State of Missouri.
2. He need not reside within the City.
3. He must be a resident of the State of Missouri.
4. He must be between the ages of 21 and 75 years.
5. He may serve as municipal judge for any other municipality.
6. He may not hold any other office within the City Government.
7. He must, within six (6) months after his selection to the position, satisfactorily complete a course of instruction of municipal judges as prescribed by the State Supreme Court.
8. The municipal judge shall be considered holding a part-time position, and as such may accept, within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2, other employment.

Section 2-162. Superintending Authority.

The Municipal Court of the City shall be subject to the rules of the circuit court of which it is a part, and to the rules of the State Supreme court. The Municipal Court shall be subject to the general administrative authority of the presiding judge of the circuit court, and the judge and the court personnel of said court shall obey his directives.

Section 2-163. Report to Board of Aldermen.

The Municipal Judge shall cause to be prepared within the first ten days of every month a report indicating the following:

A list of all cases heard and tried before the court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of the offenses committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report will be filed with the City Clerk, who shall thereafter forward the same to the Board of Aldermen of the City for examination at its first session thereafter. The Municipal Court shall, within the ten days after the first of the month, pay to the city treasury the full amount of all fines collected during the preceding months, if they have not previously been paid. (#1132 7/00)

Section 2-164. Docket and Court Records.

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

Section 2-165. Municipal Judge; Powers and Duties Generally.

The Municipal Judge shall be and is hereby authorized to:

1. Establish a Traffic Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050 of the Revised Statutes of Missouri.
2. Administer oath and enforce due obedience to all orders, rules and judgments made by him, and may fine and imprison for contempt committed before him while holding court, in the same manner and to the same extent as a circuit judge.
3. Whenever in this Code or in any other ordinance of the City or in any rule, regulation or order promulgated pursuant to such Code or other ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or in such other city ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is

provided therefore, the violation of any such provision of this Code or of any other ordinance of the City or of any rule, regulation or order promulgated pursuant to such Code or other city ordinance shall be punishable by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment for a period of not exceeding three (3) months.

Whenever any provision of the Revised Statutes of Missouri limits the authority of the City to punish the violation of any particular provision of this Code or other city ordinance or rule, regulation or order promulgated pursuant thereto to a fine of less amount than that provided in this section or imprisonment for an amount than that provided in the section, then the violation of such particular provision of this Code or other city ordinance, rule, regulation or order shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized or by both such fine or imprisonment.

Each day any violation of this Code or any other city ordinance or rule, regulation or order promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.

4. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the municipal judge deems necessary relative to any matter that may be pending in the municipal court.
5. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the municipal court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic courts, or state statutes.
6. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this state, this Code or other ordinances of this City.

Section 2-166. Violations Bureau.

Should the Municipal Judge determine that there shall be a Violations Bureau, the City shall provide all expenses incident to the operation of the same. The City Clerk is hereby designated as the Violations Clerk for said Bureau, if established. (#1132 7/00)

Section 2-167. Issuance and Execution of Warrants.

All warrants issued by a municipal judge shall be directed to the Chief of Police, or any other police officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Marshal, Chief of Police, Police Officer, or Sheriff any place within the limits of the county and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other counties, as provided for in warrants in criminal cases.

Section 2-168. Arrests without Warrants.

The Chief of Police, or other police officer of the City may, without a warrant, make arrest of any person who commits an offense in his presence, but such officer shall, before the trial, file a written complaint with the judge hearing violations of municipal ordinances.

Section 2-169. Jury Trials.

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an associate circuit judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the presiding judge of the circuit court for reassignment, as provided in Section 2 of Section 517.520, Revised Statutes of Missouri.

Section 2-170. Duties of the City's Prosecuting Attorney.

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the city's ordinances before the Municipal Judge or before any circuit judge hearing violations of the City's Ordinances. The salary or fees of the attorney and his necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the result in any case.

Section 2-171. Summoning of Witnesses.

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

Section 2-172. Transfer of Complaint to Associate Circuit Judge.

If, in the progress of any trial before a municipal judge, it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal law of the state and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.

Section 2-173. Jailing of Defendants.

If in the opinion of the municipal judge, the City has no suitable and safe place of confinement, the municipal judge may commit the defendant to the county jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the county jail, upon receipt of a Warrant of Commitment from the judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his custody. The same shall be taxed as cost.

Section 2-174. Parole and Probation.

Any judge hearing violations of municipal ordinances may when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said judge.

Section 2-175. Working Out Fine.

When any person has been adjudged guilty of violating any city ordinance and a fine and costs assessed against him, and confined in the jail or city prison for failure to pay such fine and costs, he may, at the option of the municipal judge, have such fine and costs commuted to hard labor on the streets of the City. In no case will the City be liable for costs, except in cases where defendants work out their fine and costs on the streets of the City. It is hereby made the duty of the municipal judge to certify the bill of such costs to the Board of Aldermen at their next meeting after the work is performed, who, after examining such bill for costs and finding said cost to be legally taxed, shall, by an order of record, cause the municipal clerk to issue a warrant or warrants to the parties to whom the costs are due.

Section 2-176. Compensation for Hard Labor.

Any person having their fine and costs commuted to work on the streets or other public works or buildings shall be allowed the sum of ten dollars (\$10.00) per day for each day he shall perform such labor, which labor shall be performed under the charge of the Chief of Police. All such prisoners shall be compelled to labor eight hours per day, and if any prisoner refuses to perform such labor on the streets, public works or buildings as herein specified, the Chief of Police shall report that fact to the municipal judge, who

shall immediately order the prisoner to be confined in jail until he or they agree to perform such labor as herein set forth, or have served the jail sentence equivalent thereto.

Section 2-177. Suspension of Sentence Pending Educational Training Course.

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

Section 2-178. Right of Appeal.

In any case tried before a municipal judge who is licensed to practice law in this state or before an associate circuit judge, except where there has been a plea of guilty or the case has been tried with a jury, the defendant shall have a right of trial de novo before a circuit judge or upon assignment before an associate circuit judge. An application for a trial de novo shall be filed within ten days after judgment and shall be filed in such form and perfected in such manner as provided by Supreme Court rule.

In any case tried with a jury before an associate circuit judge a record shall be made and appeals may be had upon that record to the appropriate appellate court. (#1613 10/09)

Section 2-179. Appeal from Jury Verdicts.

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate appellate court.

Section 2-180. Breach or Recognizance.

In the case of a breach of any recognizance entered into before a municipal judge or an associate circuit judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a circuit judge or associate circuit judge, and in the event or cases caused to be prosecuted by a municipal judge, such shall be on the transcript of the proceedings before the municipal judge. All monies recovered in such actions shall be paid over to the municipal treasury to the general revenue fund of the municipality.

Section 2-181. Disqualification of Municipal Judge from Hearing Particular Case.

A municipal judge shall be disqualified to hear any case in which he is in anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an

affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the judge. Neither the defendant nor the municipality shall be entitled to file more than one affidavit or disqualification in the same case.

Section 2-182. Temporary Municipal Judge.

If a Municipal Judge be absent, sick or disqualified from acting, the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease; provided, however, that should a vacancy occur in the office of an elected Municipal Judge more than six months before a general municipal election, the office may be filled by a competent, eligible person designated by the Mayor. The Board of Aldermen shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this section.

Section 2-183. Clerk of the Municipal Court.

The City Clerk is hereby designated as the Clerk of the Municipal Court. The duties of said clerk shall be as follows:

1. To collect such fines for violations of such offenses as may be described, and the court costs hereof.
2. To take oaths and affirmations.
3. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Violations Bureau cases or as directed by the Municipal Judge; generally act as Violation Clerk of the Violation Bureau. (#1142 10/00)
6. Perform all other duties as provided for by ordinance, by rules of Practice and Procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by statute.
7. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City of the Municipality, which shall constitute prima facie evidence of such ordinance before the court. Further, to maintain a similar certified copy of file with the Clerk serving the Circuit Court of this county.

Section 2-184. Court Costs.

In addition to any fine that may be imposed by the municipal judge there shall be assessed as costs in all cases the following:

1. Costs of court in the amount of \$12.00. Of this amount \$1.00 is designated for training funds for the Municipal Court. (#1097 8/12/99)
2. Costs for the training of officers in the amount of \$2.00. (#1023 9/97)
3. Costs for the State of Missouri Peace Officer Standards and Training Fund in the amount of \$1.00. (#1203 8/99)
4. Costs for the "Crime Victims' Comprehensive Fund" in the amount of \$7.50 except that no fee shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the municipality. (#1023 8/99, #1170 10/01)
5. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the county jail. (#1023 8/99)
6. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Circuit Judge in criminal prosecutions. (#1023 8/99)
7. On alcohol or drug related traffic offenses, costs to recoup expenses associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made and costs of processing, charging, booking and holding such person in custody. (#1023 8/99)
8. Mileage in the same amount as provided to the Sheriff in criminal violation, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this court. (#1023 8/99)
9. Costs in the amount of \$25.00 shall be assessed to any person convicted of an intoxication-related offense and shall be submitted to the Department of Revenue to the credit of the Spinal Cord Injury Fund. (#1170 10/01)
10. Costs for the Domestic Violence Shelter in the amount of \$2.00. (#1546 8/08)

Section 2-185. Same, Assess Against Prosecuting Witness.

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

Section 2-186. Installment Payment of Fine.

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

Sections 2-187 through 2-200 reserved.

ARTICLE VIII.
CROSSING GUARD

Section 2-201 . Appointment.

One or more crossing guards shall be appointed by the Board of Aldermen with the advice of the Chief of Police and with their salaries to be set by the Board; or by the school district of Nixa with the approval of the Chief of Police.

Section 2-202. Qualifications.

Any appointed crossing guard shall be at least 21 years of age.

Section 2-203. Duties and Powers.

Crossing guards shall have authority to direct traffic, both vehicular and pedestrian, at assigned locations where school children must cross the streets of the City of Nixa, and at such time as designated by the Chief of Police.

ARTICLE IX.
CITY ADMINISTRATOR

Section 2-204. Office of City Administrator Established.

There is hereby created and established the office of City Administrator for the City of Nixa, Missouri.

Section 2-205. Appointment and Tenure.

A qualified person shall be appointed City Administrator for the City of Nixa by the Mayor; such appointment shall be approved by a majority of the Board of Aldermen. The person so appointed shall serve for an indefinite term.

Section 2-206. Qualifications.

The person appointed to the office of City Administrator shall be at least twenty-five (25) years of age; and shall be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields. (#814 3/93)

Section 2-207. Bond.

The City Administrator, before entering upon the duties of his office, shall file with the City a bond in the amount of fifty thousand dollars (\$50,000.00); such bond shall be approved by the Board of Aldermen and such bond shall insure the City of Nixa for the faithful and honest performance of the duties of the City of Nixa and for rendering a full and proper account to the City of Nixa for funds and property which shall come into the possession or control of the City Administrator. The cost of such bond shall be paid by the City of Nixa; however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.

Section 2-208. Compensation.

The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen and such compensation shall be payable as other city employees. (1016 8/97)

Section 2-209. Removal of City Administrator.

The City Administrator shall serve at the pleasure of the appointing authority. The Mayor, with the consent of a majority of the Board of Aldermen, may remove the City Administrator from office at will, and such City Administrator may also be removed by a two-thirds vote of the members elected to the Board of Aldermen independently of the Mayor's approval or disapproval.

Section 2-210. Duties.

- a. Administrative Officer: The City Administrator shall be the administrative officer of the City Government. Except as otherwise specified by ordinance or by the law of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of Nixa.
- b. Purchasing: The City Administrator shall be the purchasing agent for the City of Nixa and all purchases shall be made under his direction and supervision, and all such purchases shall be made in accordance with purchasing rules and procedures approved by the Board of Aldermen.
- c. Budget: The City Administrator shall be the Budget Officer of the City of Nixa and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the

financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval.

- d. Financial Reports: The City Administrator shall make monthly reports to the Mayor and Board of Aldermen relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the Budget.
- e. Annual Report: The City Administrator shall prepare and present to the Mayor and the Board of Aldermen an annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and Board of Aldermen may require.
- f. Personnel System: The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and Board of Aldermen. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The City Administrator shall have the power to appoint and remove (in accordance with Personnel System regulations approved by the Board of Aldermen) all subordinate employees of the City of Nixa. The City Administrator shall make recommendations of appointment and removal of department heads.
- g. Policy Formulation: the City Administrator shall recommend to the Mayor and Board of Aldermen adoption of such measures as deemed necessary or expedient for the health, safety, or welfare of the City or for the improvement of administrative services for the City.
- h. Board of Aldermen Agenda: The City Administrator shall submit to the Mayor and Board of Aldermen a proposed Agenda for each regular Board of Aldermen meeting at least forty-eight (48) hours before the time of the regular Board of Aldermen meeting. Agenda must have approval of Mayor and/or Board before posting. (1016 8/97)
- i. Boards and Committees: The City Administrator shall work with all City Boards and Committees to help coordinate the work of each.
- j. Attend City Meetings: The City Administrator or his designate shall attend all meetings of all City Boards.
- k. Bid Specifications: The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation to the Board of Aldermen.

- l. State and Federal Aid Programs: The City Administrator shall coordinate Federal and State programs and grants, which may have application to the City of Nixa.
- m. Conference Attendance: The City Administrator shall attend State and Regional conferences and programs applicable to his office and the business of the City of Nixa, whenever such attendance is directed and approved by the Board of Aldermen and Mayor.
- n. Press Releases: The City Administrator shall be responsible for keeping the public informed in the purpose and methods of City Government through all available news media. Press releases shall be approved in advance by the Mayor and/or Board of Aldermen. (1016 8/97)
- o. Record Keeping: The City Administrator shall keep full and accurate records of all actions taken by him in the course of his duties, and he shall safely and properly keep all records, computer files, and papers belonging to the City of Nixa and entrusted to his/her care; all such records shall be and remain the property of the City of Nixa and be open to inspection by the Mayor and Board of Aldermen at all times. (1016 8/97)
- p. Miscellaneous: In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Mayor and/or Board of Aldermen. (1016 8/97)

Section 2-211. Powers.

- a. City Property: The City Administrator shall have responsibility for all real and personal property of the City of Nixa. He shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with the approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen by resolution or ordinance.
- b. Set Administrative Policies: The City Administrator shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service unless otherwise prescribed by the Board of Aldermen.
- c. Coordinate Departments: The city Administrator shall have the power to coordinate the work of all the departments of the City, and, at times of an emergency, shall have authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of city Government.

- d. Investigate and Report: The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his jurisdiction, and shall report on any condition or fact concerning the City Government requested by the Mayor or Board of Aldermen.
- e. Coordinate Officials: The City Administrator shall have the power to overrule any action taken by a department head, and may supersede him in the functions of his office.
- f. Appear before the Board of Aldermen: The City Administrator shall have the power to appear before and address the Board of Aldermen at any meeting.
- g. At no time shall the duties or powers of the City Administrator supersede the action by the Mayor and Board of Aldermen.

Section 2-212. Interference by Members of the Board of Aldermen or Mayor.

No members of the Board of Aldermen or the Mayor shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the Board of Aldermen, or with the approval of the City Administrator.

