

**AN ORDINANCE AMENDING SECTION 100.010 AND ARTICLE I OF  
CHAPTER 110, ADMINISTRATION, OF THE MUNICIPAL CODE OF  
TWIN OAKS PERTAINING TO THE TRANSITION TO FOURTH  
CLASS CITY**

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**WHEREAS**, at a general election held on November 8, 2016 (the "Election"), the voters of Twin Oaks voted in favor of the Village of Twin Oaks becoming a city of the fourth class; and

**WHEREAS**, the Board of Aldermen desires to update certain sections of the Municipal Code to reflect the Mayor/Board of Aldermen form of government of cities of the fourth class;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:**

**Section 1.** The Board of Aldermen hereby repeals Section 100.010 in its entirety and in its place, adopts a new Section 100.010 to read as follows:

**Section 100.010 Municipal Corporation.**

- A. The City of Twin Oaks, Missouri, shall be a body politic and corporate by the name of the City of Twin Oaks and shall by that name be known in law.
- B. The City of Twin Oaks is organized and exists as a political subdivision of the State of Missouri and municipal corporation and Fourth Class City in accord with the laws of the State of Missouri. The City shall exercise all the powers and enjoy all the privileges and rights appertaining to political subdivisions, municipal corporations and Fourth Class Cities in accord with the Constitution and Laws of the State of Missouri and shall have perpetual existence.

**Section 2.** The Board of Aldermen hereby repeals Article I of Chapter 110 in its entirety and in its place, adopts a new Article I of Chapter 110 to read as follows:

**Chapter 110. Administration**

**Article I. Mayor and Board of Aldermen**

**Section 110.010. Mayor and Aldermen — Qualifications.**

- A. *Mayor.* No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States and a resident of the City at the time of and for at least one (1) year next preceding his/her election.
- B. *Aldermen.* No person shall be an Alderman unless he/she is at least eighteen (18) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the Ward from which he/she is elected.

**Section 110.020. Oath.**

The Mayor and each Alderman, before entering upon the duties of his/her office, shall take the oath prescribed by the Constitution of this State that he/she will faithfully demean himself/herself in office.

**Section 110.030. Mayor and Board -- Duties.**

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

**Section 110.033. Mayor May Sit on Board.**

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

**Section 110.035. Board to Select an Acting President, Term; Perform Duties of Mayor, When.**

- A. The Board shall elect one (1) of their own number who shall hold the office of "Acting President of the Board of Aldermen" and who shall serve for a term of one (1) year.
- B. When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the Mayor's return.

**Section 110.040. Meetings of the Board—Regular, Work Session and Special, When.**

A. Regular monthly meetings of the Board shall be held at the City office on the first and third Wednesdays of each month beginning at 7:00 P.M. Such regularly scheduled meetings may be rescheduled or convened by the Mayor at a different time or place, provided that all meetings shall be held in conformance with Chapter 610, RSMo.

B. Work session meetings of the Board shall precede regular meetings of the Board and thus shall be regularly held on the first and third Wednesdays of each month beginning at 6:00 P.M. As with the regularly scheduled meetings, these may be rescheduled or convened by the Mayor at a different time or place, provided all meetings shall be held in conformance with Chapter 610, RSMo.

C. Special meetings of the Board may be called by any two (2) members of the Board by requesting such special meeting with the City Administrator/Clerk, who shall thereupon prepare a notice of such special meeting. Special meetings may also be called by the Mayor in the same manner. The notice of such special meeting shall state the date and hour of the meeting and the purpose for which the meeting is called, and no business shall be transacted thereat, except such as is stated in the notice. Said notice of the time and object of the special meeting shall be given to each member of the Board by the City Administrator/Clerk causing such notice to be delivered to

the members official City provided e-mail address at least twenty-four (24) hours before stated special meeting. Such notice shall also be posted within the City Hall in a manner visible to the general public and shall be made available to any representative of the news media who requests notice of meetings of the Board at least twenty-four (24) hours before said special meeting. By unanimous consent, a special meeting may be held at any time; provided, however, that when twenty-four-hour notice cannot be given or when the time or place is not convenient or accessible to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

**Section 110.050. Procedure.**

Robert's Rules of Order shall govern the proceedings of the Board, except when otherwise provided by ordinance and any question arising thereunder shall be decided by the Mayor subject to appeal to the Board by any member.

**Section 110.060. Board to Keep a Journal of Proceedings.**

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

**Section 110.070. Ordinances, Procedure to Enact.**

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Twin Oaks as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board in writing and shall be read by title or in full two (2) times prior to passage. Both readings may occur at a single meeting of the Board. 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. No bill shall become an ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.

**Section 110.075. Bills Must Be Signed — Mayor's Veto.**

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

**Section 110.080. Board — Semi-Annual Statements.**

- A. The Board shall semi-annually each year, at times to be set by the Board, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City.
- B. In the event the financial statement as required by this Section is not published as required, the treasurer of such City shall not pay out any money of the City on any warrant or order of the Board after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of a misdemeanor.

**Section 110.090. Board May Compel Attendance of Witnesses — Mayor to Administer Oaths.**

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

**Section 110.100. Vacancies, How Filled.**

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

**Section 110.110. Separation of Responsibility Between Elected and Appointed Officials.**

No elected official may hold an appointed position as a salaried City Official, nor while serving as in an elected office do the work assigned to an appointed official for which compensation other than reimbursable expenses is paid.

**Section 110.120. Mayor and Board — Compensation.**

- A. Duly elected or appointed Aldermen or the Mayor shall be entitled to compensation for services in a monthly sum as set by the Board from time to time. Compensation is to be paid during the next staff normal pay period following a full month of service. When Board membership changes occur during a month, the rate of pay for the incoming and outgoing Aldermen and Mayor

will be determined by the number of days in the month divided by the monthly rate to determine a daily rate and then each Alderman (or Mayor) shall be paid for the number of days served with each Alderman (or Mayor) receiving pay for the day of transition.

B. In addition to the compensation set forth in Subsection (A), an Alderman (or Mayor) may be reimbursed for reasonable expenses incurred in the conduct of Twin Oaks business as authorized by the Board.

**Section 110.125. Mayor; Duties and Powers**

- A. *Sign Commissions.* The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City, and shall approve all official bonds unless otherwise prescribed by ordinance.
- B. *Power to Enforce Laws.* The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50), to aid in enforcing the laws.
- C. *Communications to Board.* The Mayor shall, from time to time, communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City.
- D. *Remit Fines, Grant Pardons.* The Mayor shall have power to remit fines and forfeitures, and to grant reprieves and pardons for offenses arising under the ordinances of the City; but this Section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any officer of said City by reason of any prosecution under the laws or ordinances of such City.

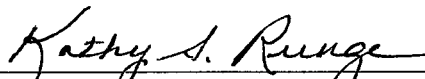
**Section 3.** This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 7<sup>th</sup> DAY OF DECEMBER, 2016.



\_\_\_\_\_  
Russ Fortune, Mayor

Attest:



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Kathy A. Runge, City Administrator/Clerk