City of Joplin, Missouri



Charter Review Commission

2013

The Council.

Questions presented:

1. Should the Charter be amended to remove Zone Council seats and convert all seats to General Council Seats?

2. Should the Charter be amended to change the current qualifications to run for a City Council seat by amending the residency requirement from four (4) years to two (2) years?

3. Should the Charter be amended to change the qualifications to run for a City Council seat by amending limiting the number of terms that any person may serve on the Council? Specifically should a person be limited to three (3) four (4) year terms?

4. Should the Charter be amended to change the pay of the City Council from $5.00 per meeting (not to exceed $120.00 per year) to $100.00 per month?

Provisions of the Charter impacted are sections 2.01, 2.02 and 2.03. These sections are attached for your reference.

Section 2.01. - Number and term.

The council shall consist of nine members to be known as councilmen, each of whom shall be elected for a term of four years (except as herein otherwise provided) and shall serve until his successor shall be elected and qualified. The nine councilmen shall be elected by the qualified voters of the city at large. Four of the councilmen thus elected shall reside respectively in Zones 1, 2, 3 and 4 as provided and established by Section 1.05, Article I, of this Charter, and are to be known as zone councilmen. Five of the councilmen thus elected are to be known as general councilmen. Of the first council elected hereunder, two of the zone councilmen and two of the general councilmen shall serve only until the next regular municipal election, they being determined by lot at the first meeting of the council.

Section 2.02. - Qualifications.

A city council member shall be a qualified voter of the city and shall have been a resident thereof for at least four years immediately prior to his election. The four zone city council members shall be residents and qualified and registered voters of the respective zones provided for in Section 1.05. City council members shall hold no other lucrative public office nor any lucrative position in the city government during their terms as city council members, except that the following persons shall not be disqualified: A member of the National Guard or Naval or Military Reserve or a notary public. If a city council member shall cease to possess the above qualifications, or if a city council member shall be absent for three successive regular council meetings or for more than five regular council meetings within any four month period without cause acceptable to a majority of the other members of the council, or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

Section 2.03. - Salary: Expenses.

Each city council member shall receive a salary of five dollars for each meeting he attends but not exceeding one hundred twenty dollars a year, payable quarterly. In addition each city council member, including the mayor, shall be reimbursed for any necessary actual expenses incurred in connection with his duties as provided by ordinance or resolution of the council prior to incurring such expense. The mayor shall receive no salary in addition to his salary as city council member but the council may provide a fund for incidental expenses incurred in the performance of his duties not to exceed one hundred dollars per month.

The Mayor.

Questions presented:

1. Should the Charter be amended to provide for the direct election of the Mayor by the public?

2. Should the Charter be amended to allow the Mayor to vote only in the event of a tie or in the event that a supermajority of the Council is required by law?

Only one Charter section is implicated with these two questions. Section 2.06 is attached for your reference.

Section 2.06. - Mayor.

The mayor shall be elected by the council at its first meeting from among the city council members for a term of two years and shall have no regular administrative duties. He shall preside at all meetings of the council and shall be recognized as head of the city government for all legal and ceremonial purposes and by the governor for purposes of military law. He shall have the same right to vote as any other member of the council, but shall have no veto power. The council shall also select from among the councilmen a mayor "pro-tempore" who shall act as mayor during the mayor's absence or the mayor's inability to act. If a vacancy should occur in either the office of the mayor or mayor "protempore", a successor shall be elected by the remaining council for the unexpired term.

The City Clerk.

Question Presented:

1. Should the Charter be amended to place the City Clerk under the authority of the City Manager instead of the City Council?

Only one Charter section is implicated with this question. Section 2.09 is attached for your reference.

Section 2.09. - City clerk.

The council shall elect an officer who shall have the title of city clerk. He shall keep the journal of its proceedings, and authenticate by his signature all ordinances and resolutions and record them in full in a book kept for that purpose. He shall perform such other duties as may be required by statute, by this charter, or by the council. The city clerk shall hold office at the pleasure of the council.

The Chief of Police.

Question presented

1. Should the Charter be amended to place the Police Chief under the authority of the City Council instead of the City Manager in light of the recently passed House Bill 307 that provides that the Police Chief now may have due process rights and may only be removed by the City Council?

Sections 3.06 and 3.07 of the Charter are potentially implicated by this question. Those sections are attached for your reference. Additionally, the pertinent language from House Bill 307 has been attached for your consideration.

Charter Provisions:

Section 3.06. - Administrative service: Department heads: Appointment: Removal: Duties.

At the head of each department there shall be a director who shall be an officer of the city and shall have supervision and control of the department, subject to the city manager. Except as may be otherwise provided by this charter, all directors of departments shall be appointed by the city manager and may be removed by him. More than one department may be headed by the same individual; directors of departments may serve as chiefs of divisions, and the city manager may head a department, or more than one, with the consent of the council, or as otherwise provided by this charter.

Section 3.07. - Administrative service: Police department: Establishment: Director.

There shall be a police department whose director shall be the chief of police. He shall be appointed by the city manager and shall be qualified by training and experience in law enforcement.

Excerpts of House Bill 307:

106.270. 1. . .

106.273. 1. For the purposes of this section, the following terms shall mean:

(1) "Chief", any non-elected chief law enforcement officer of any political subdivision;

(2) "Just cause", exists when a chief:

(a) Is unable to perform his or her duties with reasonable competence or reasonable safety as a result of a mental condition, including alcohol or substance abuse;

(b) Has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;

(c) Has caused a material fact to be misrepresented for any improper or unlawful purpose;

(d) Acts in a manner for the sole purpose of furthering his or her self-interest or in a manner inconsistent with the interests of the public or the chief's governing body;

(e) Has been found to have violated any law, statute, or ordinance which constitutes a felony; or

(f) Has been deemed insubordinate or found to be in violation of a written established policy, unless such claimed insubordination or violation of a written established policy was a violation of any federal or state law or local ordinance.

2. A chief shall be subject to removal from office or employment by the appointing authority or the governing body of the political subdivision employing the chief if:

(1) The governing body of the political subdivision employing the chief issues a written notice to the chief whose removal is being sought no fewer than ten business days prior to the meeting at which his or her removal will be considered;

(2) The chief has been given written notice as to the governing body's intent to remove him or her. Such notice shall include:

(a) Charges specifying just cause for which removal is sought;

(b) A statement of facts that are alleged to constitute just cause for the chief's removal; and

(c) The date, time, and location of the meeting at which the chief's removal will be considered;

(3) The chief is given an opportunity to be heard before the governing body, together with any witnesses, evidence and counsel of his or her choosing; and

(4) The governing body, by two-thirds majority vote, finds just cause for removing the chief.

3. Upon the satisfaction of the removal procedure under subsection 2 of this section, the chief shall be immediately removed from his or her office, shall be relieved of all duties and responsibilities of said office, and shall be entitled to no further compensation or benefits not already earned, accrued, or agreed upon.

4. Any chief removed pursuant to subsection 3 of this section shall be issued a written notice of the grounds of his or her removal within fourteen calendar days of the removal.

The Public Works Director.

Question presented:

1. Should the Charter be amended to remove the requirement that the Public Works Director be a professional engineer registered in the State of Missouri?

Only one section of the Charter is implicated by this question. Section 7.01 is attached for your reference.

Charter Provision:

Section 7.01. - Appointment and qualification of director.

The city manager shall appoint the director of the department of public works, who shall be a professional engineer to be registered in the State of Missouri within one (1) year of assuming the position, and qualified to perform the duties required of him by this charter and the ordinances of the city.