

# City of St. Joseph Propositions

## APRIL 2<sup>nd</sup> 2024 CITY CHARTER AMENDMENTS

Text that appears in the propositions below that is RED and has strikethrough indicates the proposed removal from the City Charter.

Text that appears in the propositions below that is GREEN and underlined indicates the proposed additions to the City Charter.

### Proposition 1

#### Sec. 3.2 (“Composition, eligibility, election, and terms”)

(a) *Composition.* Beginning when the municipal general election is held in ~~2022~~2026, there shall be a City Council which shall consist of nine (9) members, being a Mayor and four (4) Councilmembers, nominated and elected by the qualified voters of the City at large and one (1) Councilmember to be nominated and elected from each of the four (4) Council districts herein provided, by the qualified voters of each respective district. Unless otherwise clearly indicated by the context, the terms “Councilmembers” and “Councilmember” as used in this Charter shall be deemed to include the Mayor as well as other Councilmembers.

(b) *Eligibility.* All Councilmembers shall be ~~a~~ qualified voters of the City and shall have been a resident of the City for at least one year immediately prior to his/her election. It is further provided that a district Councilmember shall be a resident of his/her district at least six (6) months prior to his/her election. If a district Councilmember changes residence from his/her district during their term, then it shall be deemed that they have vacated their office and the Council shall by ordinance declare the office vacated and their unexpired term shall be filled pursuant to Section 3.6(c).

(c) *Election and terms.* ~~Members of the Council shall be elected at each regular election to serve concurrent four (4) year terms. Members of the Council shall serve until his/her successor shall be elected and qualified. A City Council election shall be conducted during every even numbered year as follows: All members of the Council shall be elected during the general election held in 2026, with the Mayor and four (4) at large Councilmembers being elected to a four (4)-year term and the four (4) district Councilmembers being elected to an initial two (2)-year term. The four (4) district Councilmembers subsequently elected during the general election held in 2028 shall serve a four (4)-year term.~~

(d) *Council districts.* ~~Beginning when the municipal general election is held in 2022, f~~For the purpose of electing district Councilmembers, the City shall be divided into four (4) districts. Each district shall be entitled to elect one (1) member of the Council. ~~Upon the adoption of any Charter amendment extending the City limits, the Council shall adopt a new and revised plan of redistricting, formulated in the manner hereinbefore provided, at such time as shall permit residents of the annexed areas to have the opportunity to vote at the next succeeding primary and City election following the effective date of such extension and, i~~

(e) Redistricting. In order that the population of the several Council districts ~~thus defined~~ shall remain substantially equal, the Council shall adopt a new and revised plan of redistricting, based upon the last official federal census, ~~and~~ formulated in the manner ~~hereinbefore~~ provided in subsection (d) above, not later than the first day of January of the second year following the federal census, ~~and not later than the first day of January each fifth year thereafter.~~ At the discretion of the Mayor and Councilmembers, districts may be redrawn at any time the City limits are extended by a vote of the people; provided, however, that except in the two years following the publication of said census, the Council may utilize reasonably accurate and current population estimates in addition to the population figures contained in such census, in determining the population of the City and of the several Council districts.

#### Sec. 10.1 (“Municipal elections”)

(a) *General Elections.* The general election shall be held on the first Tuesday after the first Monday in April in the year ~~2014–2026~~ and each ~~fourth~~ second year thereafter; or such other day as may be mandated by state or federal law, as may be amended from time to time.

### Proposition 2

#### Sec. 10.2 (“Nominating Petitions and Accompanying Documents”)

(a) *Content; Rules and Regulations.* Nominations of candidates for all elective offices shall be by petition and the candidate shall declare at that time the particular office for which he or she is seeking to be elected, in the form as more specifically set forth in Section 10.2(b) below. No candidate may be nominated for more than one municipal office (Mayor, At-Large Council Member, District Council Member, or Municipal Judge) in the same election and, as such, may not obtain petitions or signatures on petitions for multiple municipal offices; provided, however, that such candidate may return his/her petitions and withdraw his/her nomination related to the initial office selected and subsequently pick up petitions related to a different office.

(1) *Number of Signatures Required.* Petitions for the mayor, the municipal judge and at-large council members shall be signed by not less than 250 qualified voters of the city. Petitions for district council members shall be signed by not less than 75 qualified voters of the district. Both the candidate and the qualified voter signing the petition on behalf of that candidate must be residents of the City or district, as applicable. ~~The signatures on the nominating petition need not all be appended to one paper, but each separate paper shall bear a statement setting forth the election date, the office to be filled and the name and residence of the candidate on whose behalf the petition is being filed.~~

(c) *Filing of Nominating Petitions and Accompanying Documents.* All nominating petitions and accompanying documents, (which shall include the Statement of Circulator and the Acceptance of Nomination), shall be filed with the City Clerk not earlier than ~~sixteen~~ seventeen (17) weeks, nor later than ~~eleven~~ fourteen (14) weeks prior to the date ~~set by state law for notifying appropriate election officials of an~~ the election, or as otherwise provided by state law. The City Clerk shall make a record of the date and the exact time when each nominating petition is filed. No

nominating petition shall be accepted unless accompanied by the required Statement of Circulator and Acceptance of Nomination.

(e) *Withdrawal of Candidate.* A candidate shall be allowed to withdraw ~~as a candidate~~ up to ~~ten~~ eleven (11) weeks prior to the primary election, or as otherwise provided by state law. A successful primary candidate may not withdraw prior to the general election.

#### Sec. 10.4 (“Certification of candidates”)

(a) *Primary Election.* The name of each person eligible for each office to be filled shall be printed on the primary ballot when petitions signed on behalf of the candidates have been filed and accepted in accordance with Section 10.2 above. In the event there is a number of candidates equal to or less than the number required to be certified by the City Clerk for any of the positions to be filled, then the City shall not be required to conduct a primary election for such positions and the City Clerk shall thereafter certify the names of candidates filed as eligible for the general election. In the event a Mayor or at large council member candidate in a primary election receives a vote ~~from on~~ a majority of the ~~voters ballots validly-casting votes~~ in that primary election, he or she shall be declared elected. In the event a district council member candidate in a primary election receives more than half of the validly-cast votes for the district race in that primary election, he or she shall be declared elected.

#### (b) General Election.

(1) *Mayor and Municipal Judge.* For the positions of mayor and municipal judge, the City Clerk shall certify as eligible for the general election the two candidates who have received the greatest number of votes cast in the primary election.

(2) *At-Large Council Members.* For the positions of the at-large council members, the City Clerk shall certify twice as many candidates as there are remaining available positions for an office as eligible for the general election from those candidates who have received the greatest number of votes cast in the primary election.

(3) *District Council Members.* For the position of district council member, the City Clerk shall certify two candidates from each council district as eligible for the general election from those candidates in each district who have received the greatest number of votes cast from each district in the primary election.

#### Sec. 10.5 (“Determination of Election Results”)

(b) *Return; Canvass.* The Council shall canvass the election returns and declare the results of any municipal election (general or special) at a meeting to be held not later than ~~ten~~ fifteen (15) days following such election. The candidate receiving the highest number of votes cast for the office shall be declared elected and inducted into office as set forth herein, and shall serve until his or her successor is elected and qualified.

### **Proposition 3**

#### **Sec. 4.2 (“Removal”)**

The Council may remove the Manager from office in accordance with the following procedures:

(a) The Council shall adopt by **an affirmative two-thirds vote of a majority** of all of its members a preliminary resolution **which must state stating the specific** reasons for **proposed** removal and may **immediately thereafter** suspend the Manager from duty, with or without pay, for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the Manager.

(b) Within five (5) days after a copy of the **preliminary** resolution is delivered to the Manager, he/she may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written response to such resolution not later than five (5) days before the hearing.

(c) The Council may adopt **by an affirmative two-thirds vote of all of its members,** a final resolution of removal, **which This resolution** may be **deemed** effective immediately, **by affirmative vote of a majority of its members (i)** at any time after five (5) days from the date **when on which** a copy of the preliminary resolution was delivered to the Manager; **provided, however, if he/she has not requested a that no** public hearing **was requested,** or **(ii) at any time after at any time after conclusion of** the public hearing, **if he/she has requested one.**

The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency.

### **Proposition 4**

#### **Sec. 5.1 (“Administrative organization”)**

~~Within twelve (12) months after this Charter is in full effect, the Council shall adopt by ordinance. The Council shall adopt by ordinance~~ an Administrative Code providing a **complete** plan of organization and structure for the City government. The Administrative Code may authorize the City Manager to promulgate regulations dealing with ~~questions of~~ organization and structure. The Administrative Code and any regulations promulgated pursuant thereto shall be consistent with this Charter.

Unless otherwise required by law, all boards and commissions provided for in the Administrative Code shall be appointed by the Council.

~~The Administrative Code shall provide for at least the following department, boards and commissions: Police Department, Fire Department, Department of Finance, Department of Personnel, Department of Law, Department of Public Works, Department of Public Health and Welfare, Department of Parks and Recreation, Department of Zoning and Planning, Department of Convention Facilities, Museum Board, Library Board, Board of Zoning Adjustment and Zoning and Planning Commission. Departments may be combined, as long as the functions of pre-existing~~

~~departments are continued. Additional departments, boards and commissions may be created by ordinance. Two (2) or more departments may be headed by the same person, and the City Manager may, with Council approval, head one (1) or more departments.~~

#### **Sec. 5.2 (“Personnel system”)**

~~Within twelve (12) months after this Charter is in full effect, t~~The Council shall adopt by ordinance a personnel code providing a comprehensive personnel system for City officers and employees. The personnel code shall provide that ~~all officers and employees of the City shall be divided into classified and unclassified service and shall provide that~~ all appointments and promotions **in the classified service of city officers and employees** shall be made solely on the basis of merit and fitness ~~demonstrated by examination or other evidence of competence, and removals, demotions, suspensions and layoffs shall be made solely for the good of the service.~~ **The city manager shall have authority to promulgate regulations dealing with personnel matters. The personnel code and any regulations promulgated pursuant thereto shall be consistent with this charter.**

### **Proposition 5**

**Removes Personnel Board and Museum Oversight Board from the Charter and simultaneously incorporates these two boards into Article V of the Administrative Code with all the other boards and commissions.**

### **Proposition 6**

#### **Sec. 6.4(a) (“Council action on operating budget”)**

(a) *Notice and hearing.* The Council shall publish ~~on/in one (1) or more a digital or physical~~ newspapers of general circulation in the City, **the City’s primary website, and/or other broadly published and readily accessible form of media,** a general summary of the budget and a notice stating:

#### **Sec. 6.6(a) (“Council action on capital program”)**

(a) *Notice and hearing.* The Council shall publish ~~on/in one (1) or more a digital or physical~~ newspapers of general circulation in the City, **the City’s primary website, and/or other broadly published and readily accessible form of media,** a general summary of the capital program and a notice stating:

#### **Sec. 6.13 (“Sale of bonds”)**

Except as otherwise required by law or **this** Charter, all bonds issued by the City shall be sold at public sale upon sealed proposals after ten (10) days’ notice shall be published at least once ~~on/in a~~ **digital or physical** newspapers of general circulation in the City, **the City’s primary website, and/or other broadly published and readily accessible form of media,** which notice shall describe the nature and approximate amount of the issue, indicate the deadline for receipt of proposals, and designate the time and place for bid opening.

#### **Sec. 8.5 (“Public notice and hearing”)**

Notice of the necessity of a public improvement project, the method of payment, reference to any plans and specifications, and an estimated cost thereof, shall be published **for five (5) days on/in a digital or physical** newspaper of daily circulation in the City, ~~for five (5) days~~ **the City’s primary website, and/or other broadly published and readily accessible form of media. Prior to the first date of publication, t**he Department of Public Works **and Transportation** shall ~~also~~ give notice by mail of the necessity of a public improvement project to all of the owners of property liable to be taxed for such project; ~~prior to the first date of publication.~~ **P**rovided, however, **that** the failure of a property owner to receive said notice shall not affect the validity of the proceedings. If the owners ~~on the first (1<sup>st</sup>) date of publication~~ of a majority of the property liable to be taxed for such project do not ~~within ten (10) days after final publication~~ file **with the City Clerk an remonstrance against objection to** such improvements **with the City Clerk within ten (10) days after final publication,** the Council may proceed with such improvements. In the event sufficient valid ~~remonstrances~~ **objections** are filed in protest of such project, the Council shall call a public hearing for the purpose of considering such project. At such public hearing, it shall take the two-thirds (2/3rds) vote of all the members of the Council to approve such project.

### **Proposition 7**

#### **Sec. 9.2 (“Judge, staff, and court facilities”)**

**(a) Qualifications.** The Court shall be presided over by a Judge who shall be at least twenty-five (25) years of age, licensed to practice law in the State of Missouri, and shall have been a resident of St. Joseph for at least one year immediately prior to the date of his/her election **and throughout his/her term in office. Beginning immediately following the general election held in 2030, no person shall serve as Judge after he/she has completed the term during which he/she reaches the maximum age at which he/she would be allowed to serve as an Associate Circuit Court Judge in Missouri.**

**(b) Nomination, election, term.** The Judge shall be nominated and elected as provided in this Charter and inducted in the manner provided for the members of the Council. He/she shall hold office for a term of four (4) years, during which he/she shall not practice law.

**(c) Compensation.** The Judge shall receive such compensation as may be established by ordinance, but in no event less than seventy-five percent (75%) of the salary of an Associate Circuit Judge of Buchanan County, Missouri, and which shall not be decreased during the term of office.

**(d) Vacancy.** In case of a vacancy, the City Council shall appoint a Municipal Judge to serve until the next regular City election.

**(e) Administrative Matters.** The City shall provide the Court with such employees as are necessary to handle the work of the Court, and these employees shall be classified employees of the City. The Chief of Police and his/her subordinates shall serve as Marshals of the Court and enforce its orders, judgments, and decrees. The City shall provide a suitable place for holding court, and such offices and chambers as are necessary.