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INTRODUCTION

The history of the present Jackson County Home Rule Charter began in the late 1960's with the appointment by the County Court of Jackson County of a voluntary citizens group to obtain the necessary signatures on petitions to authorize the appointment, under the Constitution of Missouri, of a Jackson County Charter Commission. In late 1969, after nearly two years of work, over 60,000 signatures of registered voters of Jackson County were filed with and verified by the proper authority and submitted to the Circuit Court of Jackson County.

The Circuit Court of Jackson County, known as The Sixteenth Judicial Circuit of Missouri, and operating under the Nonpartisan Court Plan, in January, 1970, in accordance with its duties and the Constitution of Missouri, appointed fourteen Jackson County freeholders, seven Republicans and seven Democrats, to the present Jackson County Charter Commission, all of this in accordance with Missouri constitutional authorization and requirements.

The Jackson County Charter Commission began its deliberations late in January, 1970, and completed its work on September 11, 1970, with the submission of the completed Constitutional Home Rule Charter to the Circuit Court. As provided by law, an election was then ordered on the question of the adoption of the Charter on November 3, 1970. At that election, a majority of the qualified electors voting in the election approved the adoption of the Charter; and the Charter thereupon became effective January 1, 1973, and as further provided in its Article XVI.

The Constitutional Home Rule Charter of Jackson County was prepared to replace a form of government dating from the territorial form of government of 1815 with a three judge county court exercising both legislative and executive duties. This ancient form of government operated a large metropolitan and urban county with the same laws and the same methods that are utilized in counties of populations of sometimes only three or four thousand people.

The Constitutional Home Rule Charter presents basic home rule for Jackson County, for it is a constitution prepared by residents of Jackson County for the operation of Jackson County's government, and providing within it a method for amendment by residents of the county. The Charter places in the hands of the people of Jackson County the power to effectively operate its government without going to the State Legislature for changes.

The Constitutional Home Rule Charter provides for a separation of the legislative and executive functions. The heart of the Charter is a strong elected executive, accountable to all the voters, who has power to appoint the administrative officers of his government, the power to veto legislation, and both the responsibility and the means at hand with which to operate an effective, efficient county government. The legislature is given broad legislative powers and is so constructed as to be truly representative of all of the people of Jackson County.

The prosecutor remains an elected official, as does the sheriff, who is responsible for law enforcement in the county. The office of medical examiner is created to replace the old office of coroner whose powers were inadequate for the requirements of an urban county. The public administrator's office is made appointive and, while once the highest paying office in the State of Missouri because of the fees collected, has been made an appointive salaried office, and the profits made will be paid into the county general fund for the benefit of all the people. All other offices of an administrative nature are appointed and are responsible to the county executive who in turn is responsible to the voters.

The Charter creates a human relations and citizen complaints office and director with powers to reconcile problems and situations and promote tranquil relations in the county.

The administration of the courts together with the functions formerly performed by the clerk of the circuit court, the constables and the sheriff's service of process office are placed under the supervision of a court administrator who in turn is responsible to the circuit court judges.

To insure efficient, effective and fair relationships between the county employees and the citizens of the county, a merit system and prohibition against conflicts of interest are provided.

A Board of Equalization is created providing representation of school districts and municipalities, both of whom have a substantial interest in the assessment and collection of taxes.

After one hundred and fifty years of usage, the voters of Jackson County replaced the old structure of county government with a new structure as authorized by law. The new Jackson County form of government is one designed for the years of the 1970's and the 1980's and beyond, with the opportunity for the people of the county to make changes in Jackson County rather than in the State Capitol.

PREAMBLE

We, the people of Jackson County, Missouri, in order to perfect the structure and enlarge the powers of our county government, to insure that it is just, orderly, efficient, and fully responsible to the people, and to secure the benefits of home rule and self-government for Jackson County to the fullest extent possible under the Constitution of the State of Missouri, do adopt this Charter as the fundamental law for the government of this county.

ARTICLE I.

CORPORATE NAME, BOUNDARIES AND POWERS

Section 1. Jackson County, Missouri, is a body corporate and politic. Its corporate name is "Jackson County, Missouri." It shall have perpetual succession, may have a corporate seal, and may sue and be sued as a county as authorized by law.

Section 2. The present boundaries and county seat shall continue until changed as provided by law.

Section 3. The county shall have all powers possible for a county to have under the constitution and laws of Missouri, as fully and completely as though they were specifically enumerated in this charter, including but not limited to powers now or hereafter given by the constitution or by law to this county or any county of whatever class, whether or not Jackson County would be included therein, or to any county court, county officer, county office, county agency or department, and all powers not expressly prohibited by the constitution, or by this charter.

Section 4. The county shall have all powers necessary or proper to carry into execution any other power, and such other powers as may be implied in the powers granted.

Section 5. The powers of the county under this charter shall be construed liberally in favor of the county, and the specific mention of particular powers in this charter or in any law shall not be construed as limiting in any way the general powers stated in this article.

ARTICLE II.

COUNTY LEGISLATURE

Section 1. All legislative power of the county shall be vested in the county legislature.

Section 2. The legislature shall consist of **nine** members to be nominated and elected from **six** districts and **three** districts-at-large. One member shall reside in and be nominated and elected by the qualified voters in each district; and one member shall reside in each district-at-large and be nominated and elected by the qualified voters of the county at large. *(as amended by election of April 2, 1985, held per initiative petition.)*

Section 3. The districts and the districts-at-large shall be compact, of contiguous territory, and as nearly of equal population as is practicable.

Section 4. The districts and districts-at-large shall be established by the apportionment committees as provided in this charter.

Section 5. Each member of the legislature shall be a qualified voter in Jackson County for at least three years preceding his election, and a resident in his district for at least one year preceding his nomination.

Section 6. The members of the legislature shall be elected for terms of four years commencing on January 1, following their election, except for the first members of the legislature elected in the year 1972, who shall serve two-year terms.

Section 7. The legislature at its first regular meeting in every year shall select from its members a chairman and a vice-chairman whose term of office shall be for one year. In the absence of the chairman and vice-chairman the legislature shall select from its members a temporary presiding officer.

Section 8. The legislature shall hold regular meetings as may be fixed by ordinance, but not less than 48 regular weekly meetings in each year. All meetings of the legislature shall be open to the public, and shall be held at the court house at Independence or Kansas City, or such other public places in the county as shall be designated by the legislature.

Section 9. The legislature shall determine its own rules and order of business and shall keep a journal of its proceedings. The legislature shall be the judge of the qualifications of its members. The majority of the members of the legislature shall constitute a quorum, but a smaller number present at any meeting may adjourn from day to day or to a day certain and may compel the attendance of absent members in such manner and under such penalties as the legislature may by ordinance provide.

ORDINANCES

Section 10. Ordinances and resolutions shall be introduced by a member or members of the legislature or by the legislature as a whole, and shall be in written or

printed form. The enacting clause of all ordinances shall be "Be it ordained by the County Legislature of Jackson County, Missouri." An affirmative vote of a majority of the members of the legislature is necessary to pass any ordinance or resolution except as otherwise provided in this charter. Upon the final passage of any ordinance or resolution, and on any other question at the request of two members, the yeas and nays of each member shall be entered on the journal of the legislature. All ordinances, resolutions, orders and proceedings of the legislature shall be public records, and available for public inspection.

Section 11. The legislature shall specify the effective date of each ordinance, which may be anytime after the approval of the executive or its passage notwithstanding the objections of the executive.

Section 12. All ordinances passed by the legislature shall within five days thereafter be presented to the executive. If he approves the ordinance he shall sign it, and the ordinance shall thereupon be deemed enacted, but if not, he shall return it with his objections to the legislature, which shall enter the objections on its journal, and proceed to reconsider it. After such reconsideration, two-thirds of the members of the legislature may pass the ordinance over the objection of the county executive. In all such cases the vote shall be determined by yeas and nays, and the names of the persons voting for and against the ordinance shall be entered on the journal of the legislature. Any ordinance not returned by the executive within ten days after it shall have been presented to him shall be deemed approved, as if signed. In the case of ordinances appropriating money the executive may object to one or more items or portions of items while approving other portions, in which case the approved items or portions shall take effect and the items or portions objected to shall be reconsidered separately.

FORFEITURE OF OFFICE

Section 13. A member of the legislature shall forfeit his office if:

1. He ceases to be a qualified voter of the county;
2. He removes his residence from the county or the district, or district-at-large from which he was elected;
3. He holds any other federal, state, county or municipal elective office;
4. He absents himself from more than four consecutive regular meetings of the legislature, unless excused by resolution of the legislature.

Section 14. Any vacancy in the legislature shall be filled by a majority vote of the remaining members from a list of three nominees certified in writing within fifteen days

after the vacancy occurs by a majority of those ward and township committeemen and committeewomen of the political party of the previous occupant of the office whose wards and townships lie in whole or in part within the vacated district. If no such list is submitted within fifteen days, the legislature shall fill the vacancy with any person of such district and party.

SALARY

Section 15. Members of the legislature shall receive an annual salary of **\$11,440**. (*Ordinance #1405, effective 12/20/85*)

POWERS

Section 16. The legislature shall have the power, pursuant to and in conformity with the constitution, and without limiting the generality of the powers vested in the legislature by this charter, to:

1. Exercise all legislative powers now or hereafter conferred upon counties, county courts, county governing bodies and county officers by the constitution, by law, and by this charter, and to determine and make provision for any matter of county government not otherwise provided for herein, including any matter involved in the transition to the form of government provided by this charter.
2. Exercise and perform any and all powers of a non-legislative nature which it may possess and any and all other duties which it may need to or be required to perform by the constitution, by law or by this charter.
3. Exercise legislative power pertaining to public health, police and traffic, building construction, and planning and zoning, in the part of the county outside of incorporated cities, and exercise legislative power in the part of the county within incorporated cities, and on such other subjects, as may be authorized by the constitution or by law.
4. Disapprove, within fifteen days after notice is filed with the clerk of the county legislature, the appointment of all directors of departments, officers and members of boards or commissions who are appointed by the county executive, except the commission on human relations and citizen complaints and apportionment and reapportionment committees, and within thirty days after notice is filed with the clerk of the county legislature, orders of the executive that create, consolidate, abolish or reorganize departments.
5. Make such rules and regulations as may be necessary or proper to establish and carry into effect the provisions of this charter and ordinances and provide for the enforcement of the charter and ordinances by appropriate penalties not

exceeding for any one offense, a fine of one thousand dollars or imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

6. Adopt a budget and appropriate money for the payment of debts and expenses of the county and for any public purpose.

7. Provide for the assessment, levy, equalization and collection of all taxes now or hereafter authorized by the constitution or by law and prescribe a method or system to facilitate the assessment, calculation, extension and collection of taxes including the design of the books and forms and the purchase and installation of necessary devices.

8. Compromise taxes as provided by law.

9. Establish procedures for the safekeeping, deposit, investment and disbursement of all moneys in or due the county treasury and to require and prescribe the form of financial reports from the county officers and offices.

10. Borrow ninety-five percent, or the greatest amount authorized any county by law, of the revenues of the county for the current fiscal year which have not been collected, as estimated in the manner provided by ordinance, plus any unencumbered balances for previous years in anticipation of the collection of the revenues for such year.

11. Call elections to submit to the voters propositions for the issuance of bonds of the county incurring indebtedness to provide funds for purposes authorized by the constitution, by law, or by this charter.

12. Call elections for any lawful purpose and establish election procedures not inconsistent with the constitution and applicable law.

13. Contract and be contracted with and to authorize the making of contracts on behalf of the county by county officers, and establish by ordinance authority, limitations and procedures for making and review of such contracts.

14. Implement by ordinance the merit system established by this charter.

15. Set the compensation of members of boards and commissions, and of county officers and employees not under the merit system, whether or not this charter fixes any such compensation, except that the compensation of elective officers shall be fixed at least ten months prior to the election of such officers and shall not be increased or diminished during their term of office.

16. Require any county officer or employee, elected or appointed, before entering upon the duties of his office or service to give a corporate surety bond for the

faithful performance thereof, in such penal sum as may be fixed by law or by the legislature, and to provide for the payment of the premium thereon out of county funds.

17. Make provision for the reasonable compensation for personal injury or death of any officer or employee of the county, or courts, arising out of and in the course of his employment and to contract for insurance for the payment of such compensation.

18. Establish health, hospitalization, compensation, insurance, pension and retirement plans, contributory or non-contributory, for officers and employees of the county, and courts, and their dependents or beneficiaries.

19. Establish plans for calling for voluntary deductions from the salary or income of county and court employees and officers for purposes authorized by this charter, by law or by ordinance.

20. Employ such financial, research, legal or other technical advisors as are necessary.

21. Acquire property for county purposes.

22. Take and hold property in trust and provide for the administration thereof.

23. Exercise all the rights and powers of eminent domain, in the manner provided by law for the condemnation of land by public and private corporations and under such limitations as may be provided by law, to acquire by eminent domain such property or rights in property together with any grants and privileges in excess of that actually to be occupied by the public improvement or used in connection therewith, as is reasonably necessary to effectuate the purposes intended, and to cause the fee simple title to such property or the control or the use thereof to be vested in the county, and to provide for the sale of excess property with such restrictions as shall be appropriate to preserve the improvements made.

24. Rent or lease county properties and rent or lease other property for county use, upon such terms and conditions and for such periods of time as the legislature may provide.

25. Dispose of any real property owned by the county, to the highest and best bidder by open and public competition unless made to the United States or any of its agencies or to the State of Missouri or any of its political subdivisions or municipalities, and authorize county officers to dispose of personal property upon terms advantageous to the county.

26. Establish, acquire, open, locate, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct and maintain public easements, rights of way, public highways, roads, streets, boulevards, parkways, sidewalks, alleys, bridges

and viaducts, establish procedures therefor and regulate the use thereof and to limit access to, from and across public highways, roads, streets, boulevards, and parkways for the public interest and safety.

27. Collect and dispose of sewage, waste and refuse, or license and regulate such collection and disposal.

28. Provide for fire protection, public water supply, streets, sidewalks, street lighting, sewers, sewage disposal facilities, garbage and refuse collection and disposal and kindred facilities, and to provide for the payment of the costs thereof by special assessment, general taxation or by funds derived from bonds binding the income from the facility or by general obligation bonds binding the county or the property in any benefit district created by ordinance, and to create benefit districts for such purposes.

29. Acquire, establish and provide by contract or otherwise for the planning, development, construction, maintenance and operation of a system of parks, parkways, recreation, conservation, forest, scenic and historic sites and related facilities and concessions.

30. Establish and provide for the enforcement of all necessary regulations to protect and promote public health and to control the ecology and environment.

31. Acquire, establish, construct, equip, improve, extend, repair, maintain, manage and operate hospitals, sanitariums and clinics owned, supported or controlled by the county, and to enact ordinances and regulations under which patients who are able to do so pay in whole or in part for their care and treatment.

32. Provide the terms upon which the county shall perform any services and functions of any municipality or political subdivision in the county, except school districts, when accepted by a vote of the majority of the qualified electors voting thereon in such municipality or political subdivision, or in such other manner as may be hereafter authorized by the constitution or by law; and cooperate and contract with the municipalities or other political subdivisions in the county as otherwise authorized by the constitution or by this charter.

33. Contract and cooperate with any other county, municipality, or political subdivision of the State of Missouri, or with other states or their municipalities, counties, or political subdivisions, or with a duly authorized agency of the State of Missouri or other states, or of the United States, or with any elective or appointive official of any of them, or with any private person, firm, association, corporation, or foundation for the planning, development, construction, acquisition, or operation of any public improvement or facility, or for a service or function, provided that the subject and purposes of any such contract or cooperative action made and entered into by the county shall be within the scope of the powers of the county; and to accept in the name of the county, gifts, devises, bequests, and grants-in-aid from any city, county, state or

political subdivision or agency thereof, or from the United States or any agency thereof, or from private persons, firms, associations, corporations or foundations.

34. Establish and collect fees for licenses, permits, inspections and services performed by county officers and employees; require all fees to be accounted for and paid into the county treasury; license, tax, and regulate all businesses, occupations, professions, vocations, and activities, to the extent authorized by the constitution or by law.

35. Establish procedures for the conduct of investigations by the legislature or any of its committees of any question or matter on which the legislature may lawfully take action, including but not by way of limitation, the power to issue subpoenas for witnesses and subpoenas duces tecum for books, records and documents; provide penalties for the failure to answer any subpoena or subpoena duces tecum; provide for the service of said subpoenas or subpoenas duces tecum.

36. Investigate the official conduct or the accounts and affairs of any department, office, officer, or employee of the county or any office or officer of any special district, and of any institution, agency, organization or person to whom or to which the county appropriates money.

37. Refer any ordinance to the qualified voters of the county either at a regular or special election called by the legislature. Any ordinance so referred shall become effective when approved by a majority of the qualified voters voting thereon at the election and not otherwise.

38. Adopt codes, standards, or regulations prepared by a national technical trade or a service or professional association, the State of Missouri, or any of its agencies, or the United States, or any of its agencies, relating to traffic, building, planning, electrical installations, fire prevention, food products, air and water pollution, and all other subjects which the county has power to regulate, provided that a copy of every such code, standard or regulation as adopted and in effect shall be kept in the office of the clerk of the county legislature and be open to public inspection.

39. Provide for disaster planning and civil defense as required by law or deemed appropriate.

40. Establish and maintain, or provide for the financial support of, programs providing legal aid or services in both civil and criminal matters to indigent persons in the county.

41. Provide for a county plan for the physical development of the county, which plan shall set forth policy regarding the physical development and improvement of the county, including recommendations for the most desirable use of land within the county for residential, recreational, agricultural, commercial, industrial and other

purposes, for the most desirable density of population in the several parts of the county; for a system of principal thoroughfares, highways, streets and other public ways; systems of public or mass transportation; for airports, parks, playgrounds and other public open spaces; for the general location, relocation and improvement of public buildings; for the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, sewerage, light, power, transit and other purposes; for adequate drainage facilities and control; and for such other matters as may be beneficial to the county. The county plan shall contain a statement of the objectives, standards and principles sought to be embodied therein. The plan shall be based on studies of physical, social, ecological, economic and governmental conditions and trends and shall be designed to assure the coordinated development of the county and to promote the general welfare and prosperity of its people. Any such plan may deal generally with any subject matter authorized by law to be dealt with in county plans.

42. Make all necessary or proper provisions for carrying into execution the foregoing powers.

43. Exercise all powers and duties of counties and county officers as prescribed by law, the exercise of which is not otherwise provided for in this charter.

LIMITATION ON POWERS

Section 17. The county legislature may impose only those taxes that are authorized by the Constitution of the State of Missouri or the laws enacted by the General Assembly of the State of Missouri.

REAPPORTIONMENT

Section 18. A committee for reapportionment of the legislature shall be appointed every ten years, after the report of the decennial census shall become available, or in the event that the apportionment of districts has been invalidated by a court of competent jurisdiction. The reapportionment committee shall consist of six members, three from each of the two parties casting the highest vote for county executive at the last preceding election. Before September 1, 1981, and every tenth year thereafter, or within ten days after a final judgment invalidating the apportionment of the districts, the county executive shall notify the chairman of the county committee of each of the two parties each of which shall within thirty days thereafter nominate by vote of a majority of the members of the committee six members of its party, each from a different county legislative district, and certify the nominees to the executive. Each nominee shall be a registered voter in the district from which he is nominated and shall not be a member of the legislature. Within fifteen days after being notified of the nominees by each party committee, the executive shall select a reapportionment committee consisting of three persons from each party, no two of whom may be from the same legislative district. If the county committee of a party fails to make

nominations within the time required, the executive may fill vacancies in the commission from persons of the same party.

The reapportionment committee shall present a report within sixty days after its appointment, signed by at least two members of each party, dividing the county into districts and districts-at-large that are compact, of contiguous territory and as nearly of equal population as is practicable. The report shall be filed with the executive, the clerk of the county legislature and the offices or officers charged with conducting elections in the county. The legislature shall be elected according to such districts at the next general election held at least eight months after the report is filed, and thereafter until the next reapportionment. No reapportionment shall shorten the term of any legislator.

CLERK OF THE COUNTY LEGISLATURE

Section 19. The legislature shall appoint a clerk of the county legislature, who shall hold office at the pleasure of the legislature. He shall provide the legislature with administrative, research and staff services in the performance of its functions, and supervise the activities of persons the legislature may appoint as its staff. The clerk of the county legislature shall perform all duties required to be performed by a county clerk or a clerk of the county court not otherwise provided for in this charter or by ordinance.

Section 20. The clerk of the county legislature shall attend the meetings of the legislature, keep a record of the proceedings of the legislature, and other permanent records of the county, and keep the county seal.

ARTICLE III.

COUNTY EXECUTIVE

Section 1. The executive power of the county shall be vested in a county executive. He shall be elected for a term of four years, and shall take office on January 1 following his election.

Section 2. The executive shall be a qualified voter of the county and shall have been domiciled in the county for at least three years before assuming office.

Section 3. If the office of executive becomes vacant, a person of the same political party shall be selected by the legislature to hold office until January 1 following the next general election. A successor shall be elected at the next general election for the unexpired or full term as the case may be.

Section 4. If the executive becomes temporarily disabled from performing the duties of his office, the legislature shall designate one of its members of the same party as the executive to serve as acting executive.

Section 5. The executive shall be responsible for the administration of all affairs of the county placed in his charge by this charter, by law or by ordinance. He may appoint a staff as may be authorized by ordinance, and shall appoint a budget officer, who shall have all the powers and duties prescribed by law and by ordinance, all of whom shall serve at his pleasure.

Section 6. The executive, in addition to other powers and duties provided in this charter, shall have the power to:

1. Appoint, subject to the legislature's power of disapproval, directors of departments, officers not otherwise provided for, members of boards and commissions, and acting officers to fill any vacancy in any appointive or elective office, except that of county legislator; he shall file written notice of such appointments with the clerk of the county legislature.
2. Employ experts and consultants in connection with any of the functions of the county.
3. Coordinate and supervise the work of the departments, officers and agencies of the county subject to his control.
4. Transfer temporarily, with the consent of the head of the office or department, employees from one office or department to another office or department to promote efficiency and economy.
5. Execute and enforce the provisions of this charter, and the ordinances, resolutions and policies of the legislature, and the laws of the state pertaining to the government of the county; see that all contracts with the county are faithfully performed and cause to be instituted in the name of the county appropriate actions thereon.
6. Attend meetings of the legislature and participate in its discussions without vote.
7. Recommend to the legislature such measures as may, in his opinion, tend to improve the county government and the general well being of the people; submit to the legislature an annual report of the affairs of the county; promote, encourage and participate in cooperative relationships between the county and political subdivisions and governmental bodies and agencies, either within or outside the county or state in matters relating to public health, ecology, highways, sewers, parks, safety, public welfare and any and all other functions for the welfare of the people of Jackson County.
8. Investigate any matter or circumstance having to do with the operation of the county government, and examine witnesses, parties and others on oath or

affirmation touching any matter or circumstance in the examination of any payroll, account, demand or claim against the county, and have access to all county books, records and papers kept by county officers and employees.

9. Correct errors in assessment and tax records.

10. Represent the county and perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the county legislature or as may be implied by the powers and duties specified in this charter, by law or by ordinance.

11. Establish by executive order from time to time systems of administrative organization in the departments which shall be as uniform as the various departmental functions will permit.

12. Submit to the legislature for approval by ordinance an annual balanced budget at the time and in the manner provided in this charter and by ordinance.

Section 7. The executive shall devote his full time to the duties of his office, and shall receive an annual salary of \$88,982. (*Amended by Ordinance #2245 adopted 11/29/93*).

ARTICLE IV.

DEPARTMENTS

Section 1. The administrative functions of the county shall be organized into departments, the directors of each of which shall be appointed and removed by the executive. There shall be the following departments:

- | | |
|-----------------------|-------------------------|
| 1. Administration | 5. Parks and Recreation |
| 2. Revenue | 6. Planning and Zoning |
| 3. Health and Welfare | 7. Records |
| 4. Public Works | |

Section 2. The director of each department shall have knowledge of the principles and practices of administrative organization and have responsible administrative and executive experience.

Section 3. The director of each department shall organize and manage the department, subject to the coordination and supervision of the executive, and shall appoint and assign functions and duties to such other officers, assistants and employees as may be provided.

Section 4. The director of the department of administration shall aid the executive in coordination and supervision of the work of the departments, perform such duties delegated to him by the executive, and be responsible for capital improvements and purchasing. As purchasing agent, he shall perform such services as are required by this charter or by law.

Section 5. The director of the department of revenue shall be responsible for all duties and functions prescribed by law or this charter of the county assessor, the county collector, and the county treasurer.

Section 6. The director of the department of health and welfare shall administer all county health and welfare programs and agencies, county hospitals, county homes or institutions for the aged, and for the neglected, delinquent and displaced children, detention homes, foster homes and the county jail and other correctional institutions, except as otherwise authorized and provided by law.

Section 7. The director of the department of public works shall administer all county roads, highways, streets, sewers, bridges, dams and shall operate and maintain all county buildings, physical facilities and equipment. He shall be a registered civil engineer. The department of public works shall perform all duties prescribed by law of the highway engineer and county surveyor.

Section 8. The director of the department of parks and recreation shall administer all parks, lakes, marinas, and recreational facilities and programs.

Section 9. The director of the department of planning and zoning shall have responsibility for the implementation, execution and enforcement of zoning and building construction ordinances and the plan of development for the county.

Section 10. The director of the department of records shall have the duty of recording, reproducing, copying, storing and indexing deeds, instruments, conveyances, and other documents required by law or ordinances to be kept, and to perform all other duties prescribed of the recorder of deeds by law.

Section 11. The county executive may create new departments and consolidate, abolish and reorganize the above departments as may be required so as to provide for the effective function of the county government, but in doing so, shall make provision for all the powers and duties prescribed by the constitution, laws or this charter. All orders effecting such changes shall be filed with the clerk of the county legislature and shall take effect 30 days thereafter, unless disapproved by a majority of the legislature within such time.

ARTICLE V.

CHARTER OFFICERS

PROSECUTING ATTORNEY

Section 1. The prosecuting attorney shall be elected at the general election in 1972, and every four years thereafter. He shall take office on January 1 following his election. The prosecuting attorney shall have been admitted to practice law in the State of Missouri, shall be a qualified voter, and shall have been domiciled in the county for at least three years before assuming office.

Section 2. If the office of the prosecuting attorney becomes vacant, the executive shall appoint, as provided in this charter, a person of the same political party to hold office until January 1 following the next general election. A successor shall be elected at the next general election for the unexpired or full term as the case may be.

Section 3. The prosecuting attorney shall possess and exercise all the powers and duties now or hereafter given to that office by the constitution, by law or ordinance.

Section 4. The legislature shall authorize assistant prosecuting attorneys and staff as may be required, to be appointed by the prosecuting attorney.

Section 5. The prosecuting attorney shall devote his full time to the duties of his office, and shall receive an annual salary of **\$74,984**. (*Ordinance #1622, effective 1/4/88*) (***\$88,982 will be effective 1/1/97 as amended by Ordinance #2245 adopted 11/29/93***).

COUNTY COUNSELOR

Section 6. The county counselor shall be appointed by the executive, as provided in this charter, for a term of four years. He shall devote full time to the office, and shall be the county's attorney and counselor at law. He shall appoint associate and assistant counselors and staff as may be authorized by ordinance.

Section 7. The county counselor and his assistants under his direction shall have charge of and conduct all of the civil law business of the county, and the departments, officers, boards and commissions, institutions and agencies thereof. He shall upon request furnish written opinions to any county officer or department. He shall prepare or approve as to form all leases, deeds, contracts, bonds, ordinances, rules, regulations, drafts of legislation and other instruments relating to the business of the county. He shall institute and prosecute all proceedings for collection of delinquent taxes and violations of county ordinances.

Section 8. The county counselor shall have all powers and duties placed by law on county counselors and attorneys for any officer, office, board, commission or other agency of the county.

MEDICAL EXAMINER

Section 9. The medical examiner shall be appointed by the executive, as provided in this charter, for a term of four years. He shall be a licensed physician, and a pathologist certified by the board in that speciality or eligible for such certification. If no pathologist is available for appointment, an acting medical examiner who is a licensed physician may be appointed to serve for a period not to exceed one year.

Section 10. The medical examiner may appoint and remove medical assistants, who shall be licensed physicians, appoint investigators experienced in law enforcement, who shall be trained in forensic medical examination, and other technical personnel. He may enter into contracts and agreements with any hospital, laboratory, governmental institution or medical facility for medical services required in furtherance of his duties.

Section 11. The medical examiner shall have power to investigate the cause of violent and casual deaths where the body of any person coming to death shall be discovered in the county, shall perform or cause to be performed autopsies as allowed by law, and may investigate any condition that may be deleterious to public health and to the environment in the county, and shall perform all duties and functions prescribed by law for coroners except as otherwise provided in this charter or by ordinance, and make examinations as to any matter within his jurisdiction.

Section 12. Whenever in the opinion of the medical examiner, after a full investigation of the circumstances and causes of death, or of the deleterious condition of health or the environment in the county, there is reasonable suspicion of a violation of the criminal or civil law of the state, or ordinance of the county, a full copy of all evidence and opinion of the investigating examiner shall be promptly filed with the prosecuting attorney or county counselor and the law enforcement office of each jurisdiction affected.

Section 13. The medical examiner and assistants shall have power to administer oaths and affirmations, take affidavits, but shall not be required to summon a jury of inquisition.

Section 14. The prosecuting attorney and all interested and affected officers and employees of the county shall cooperate fully with and assist the medical examiner in the performance of his duties.

PUBLIC ADMINISTRATOR

Section 15. Effective January 2, 1979, the public administrator shall be appointed for a term of four years by a majority of the circuit judges of the sixteenth judicial circuit, meeting en banc, and similarly may be removed by the circuit judges. The county legislature shall fix the salary of the public administrator and fix the budget of his office. All fees and other revenues derived from the operation of the office of the public administrator shall be the property of the county and shall be transferred to the general fund of the county. The public administrator shall possess and exercise the powers and duties prescribed for the office by the constitution and by law.

ARTICLE VI.

COURT ADMINISTRATION

Section 1. The administration of the courts shall be under the supervision and direction of the circuit court for the 16th judicial circuit en banc, and the judge designated by the court en banc as the presiding judge.

Section 2. The court en banc shall appoint a court administrator, who shall serve at its pleasure. He and his assistants shall perform the administrative duties assigned by the court, assist with the docket, aid in the expeditious and orderly operation of the judicial system, and perform the duties required by law of the clerk of the circuit court.

Section 3. All duties required by law with reference to executing process in the circuit court shall be performed by the court administrator, who shall appoint such deputies as authorized by the court. The office of the court administrator and his deputies shall have responsibility for performing all duties required by law of sheriffs and constables, except for those otherwise provided for in this charter.

Section 4. The court administrator shall perform any function assigned to him by the court en banc with respect to the operation of the juvenile court, and institutions under the jurisdiction of the juvenile court.

ARTICLE VII.

LAW ENFORCEMENT

Section 1. The sheriff shall be elected for a term of four years at the general election in 1972, and every four years thereafter. He shall take office on January 1 following his election. The sheriff shall be a qualified voter and shall have been domiciled in the county for at least three years before assuming his office. Effective

January 1, 1979, he further shall have met, prior to filing for office, the training qualifications required by state law of police officers serving in the first class charter counties. No person shall be eligible for the office of sheriff who has been convicted of a felony.

Section 2. A vacancy in the office of sheriff shall be filled by the executive, as provided in this charter. The person so appointed shall be a member of the same political party as the previous occupant. He shall hold office until January 1 following the next general election at which a successor shall be elected for the unexpired or full term as the case may be.

Section 3. The sheriff shall have deputies, staff and county highway patrol as authorized by the legislature.

Section 4. The sheriff shall have supervision, management and control of his deputies, the county highway patrol, and police officers appointed by him, and shall be responsible for the efficient and effective administration and performance of the duties, powers and functions of protecting rights and suppression of crime and other policing and law enforcement, including traffic patrol, in the county.

Section 5. The sheriff shall have all the law enforcement powers placed in the sheriff and constable by the constitution and laws, including protection of rights and preservation of order, prevention of crimes and misdemeanors, apprehension and arrests, conserving the peace, and other police and law enforcement functions. He shall enforce ordinances and orders of the legislature and shall have such other powers and duties as may be provided by ordinance including, but not limited to, the performance of police duties in incorporated areas of the county under contract authorized or entered into by the legislature with the governing body of any such incorporated areas. He shall also have the powers to deputize members of the police departments of the various municipalities of the county and other persons under such standards, conditions, and regulations as the county legislature shall approve.

Section 6. The sheriff shall devote his full time to the duties of his office, and shall receive an annual salary of **\$48,820**. (*Ordinance #1399, effective 12/12/85*) (*\$65,000 will be effective 1/1/97 as amended by Ordinance #2245 adopted 11/29/93*)

ARTICLE VIII.

FINANCES

BUDGET

Section 1. The executive shall submit to the legislature an annual budget prepared by the budget officer, all in the manner and form and at times prescribed by law or by ordinance.

Section 2. The legislature may enact further requirements concerning the budget and financial affairs of the county by ordinance, which shall be governed by this charter and the constitution of the State of Missouri.

FINANCIAL STATEMENT

Section 3. The executive shall cause to be prepared and published the financial statement, all in the manner and form and at the times prescribed by law or by ordinance.

AUDIT

Section 4. A continuing internal audit system shall be provided by the legislature. The legislature shall appoint a county auditor for a term of four years. He may be removed by a vote of two-thirds of the legislature. The auditor shall have the powers and duties prescribed by law and by ordinance. The auditor shall render to the legislature and the executive annual reports and such other reports as he shall deem advisable, or shall be required by ordinance.

Section 5. An audit by independent certified public accountants shall be performed at the end of each fiscal year, and the legislature shall provide annually for the scope of such audit, provided, however, a complete audit of every office and department shall be performed not less frequently than every three years.

ARTICLE IX.

MERIT SYSTEM

Section 1. There shall be a system of personnel administration for the appointment of all county employees and appointive county officers, except as otherwise provided in this charter, on the basis of merit ascertained as nearly as practicable by competitive examination and for the retention of said employees and officers on the basis of merit and ability. The system shall provide a plan of classification of positions in which the principle of equal pay for substantially equal work will be followed.

Section 2. The merit system shall not apply to: directors of departments, prosecuting attorney and sheriff and one assistant and one secretary for each of them; other elected officers; members of boards and commissions; the clerk of the county legislature, auditor and members of the staff of the legislature; members of the staff of

the county executive including the budget officer; the public administrator; the court administrator and his employees except to the extent provided by order of the circuit court en banc; the director of the office of human relations and citizen complaints and one secretary appointed by him; attorneys, physicians and investigators serving in the offices of prosecuting attorney, county counselor, and medical examiner; one secretary appointed by the county counselor and one secretary appointed by the medical examiner; and the director of personnel and one secretary appointed by him. The only other exemptions from the merit system shall be those recommended by the merit system commission and authorized by the legislature.

Section 3. There shall be a merit system commission composed of five residents of the county, not more than three of whom shall be members of the same political party, appointed by the executive in the manner provided in this charter. Members of the commission shall be in sympathy with the merit system of public employment, shall hold no other public or political office and shall serve staggered terms of four years, as shall be provided by ordinance. The director of personnel shall be secretary of the commission, shall attend its meetings, but shall have no vote.

Section 4. The merit system commission shall recommend to the legislature policies for operation of the merit system, shall review the operation of the merit system to insure its operation consistent with this charter, recommend basic pay grades, classification, probationary periods, and rates for all employees, hear and decide appeals and cases of disciplinary actions, recommend changes in procedures, and promulgate rules as necessary.

Section 5. There shall be a director of personnel appointed by the executive who shall administer the merit system and exercise those powers and perform those duties required of him by ordinance. The director may not be removed without approval of the merit system commission. He shall certify all additions, deletions and changes in payrolls of the merit system employees.

Section 6.

1. There shall be no discrimination or favoritism in employment or compensation of county employees on account of race, creed, color, religion, national origin, sex, ancestry, political activity or lack thereof, or union membership or non-membership.

2. Employees under the merit system shall not be personally solicited or required to pay any assessment or contribution or perform any service which will benefit anyone occupying or seeking employment, nomination or election to any public office by any other employee, officer or elected official of the county.

3. Employees under the merit system may voluntarily participate in political activities outside working hours.

4. No officer or employee of the county shall, or promise or threaten to, promote, remove or reduce any employee under the merit system for making or refusing to make any contribution for any political party or purpose or for rendering or refusing to render any political service.

5. All county departments and offices shall remain open and normally staffed for business on all election days, except as otherwise required by law.

ARTICLE X.

OFFICE OF HUMAN RELATIONS AND CITIZEN COMPLAINTS

Section 1. There is hereby established an office of human relations and citizen complaints. Within the office there shall be a commission on human relations and citizen complaints composed of eight county residents, holding no other county office and appointed by the executive in such a manner that the membership of the commission shall be composed at all times of **at least one and not more than two residents of each county legislative district**. The executive shall designate one member as chairman of the commission. Members shall serve for terms of four years, except that two commissioners shall initially be appointed for terms of one year, two commissioners shall initially be appointed for terms of two years, two commissioners shall initially be appointed for terms of three years, and two commissioners shall initially be appointed for terms of four years. The commission shall meet not less frequently than monthly and shall advise the director of human relations and citizen complaints as to the affairs of the office. *(as amended by Ordinance #1461, election of November 4, 1986)*.

Section 2. The commission shall select a director of human relations and citizen complaints who shall be the head of the office. The director may be removed by the vote of a majority of the members of the commission. The director may attend and participate without vote in all meetings of the commission.

Section 3. The director shall have the following functions, powers and duties:

1. To receive and investigate complaints of discriminatory acts or practices with respect to employment, public accommodations and housing, provided the acts or practices complained of violate federal or state law or any provision of this charter or any ordinance;

2. To receive and investigate complaints of harsh, oppressive, unjust, or unfair actions of omissions affecting the complaining party on the part of any county officer, board, commission or employee in the performance of his official duties;

3. To review county personnel policies and practices and to make recommendations to the legislature and to any commission or officer of the county for the improvement of such policies and practices;

4. To review contracts and commitments of the county for the purpose of insuring that adequate provisions are made to prohibit discriminatory employment practices on the part of those who are parties to such contracts or who benefit from such commitments;

5. To encourage the reconciliation, by peaceful means, of problems tending to create tensions between individuals and groups of peoples of diverse circumstances and interests and between citizens and the county government, and to promote the improvement of human relations and the protection of civil rights and civil liberties, all through educational programs and the enactment of necessary or appropriate ordinances by the legislature;

6. To make findings and recommendations, and, in his discretion or upon direction of the commission, to publish the same, with respect to the subject matter of any investigation or inquiry which he is authorized to make by this charter or by ordinance.

Section 4. The commission may hold hearings with respect to any complaint or other subject matter which the director is authorized to investigate or review, and, in connection therewith, shall have power to subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and require the production for examination of books and papers relating to any matter under consideration by the commission.

Section 5. The commission and the director shall have such other functions, powers and duties as may be authorized or provided by ordinance.

Section 6. This office shall not be subject to the power of the executive set forth in article IV, section 11 of this charter.

Section 7. "Discriminatory acts" and "discriminatory practices" are defined as acts or practices which discriminate or segregate on grounds of race, creed, color, sex, religion, national origin, or ancestry.

Section 8. A member of the commission on human relations and citizen complaints shall forfeit his office if he absents himself for more than three consecutive regular meetings of the commission, unless excused by vote of the commission. (added by Ordinance #1462, election of November 4, 1986).

ARTICLE XI.

BOARDS AND COMMISSIONS

BOARD OF EQUALIZATION

Section 1. There shall be a board of equalization which shall have the powers and duties conferred or imposed on county boards of equalization by law and such other powers and duties as may be prescribed by ordinance. Board members shall be residents of the county holding no other county office. The board shall consist of the following:

1. Three members appointed by the executive, as provided in this charter, who shall serve overlapping terms of three years;
2. One member appointed for a term of one year by the mayor of the municipality in which the property in question is located; or, if the property is in an unincorporated area, a member appointed by the executive for a term of one year from the unincorporated areas of the county;
3. One member appointed for a term of one year by the school board of the school district in which the property in question is located.

The executive shall designate the chairman of the board. The director of the department of revenue shall appoint a secretary of the board to serve without vote.

OTHER BOARDS AND COMMISSIONS

Section 2. The legislature shall by ordinance create a county plan commission, a board of zoning adjustment and such other boards and commissions as it may deem necessary. The legislature shall in each case prescribe the number, length of term, and duties and functions of the members of such boards and commissions, and establish duties and procedures for each board and commission. Members of all such boards and commissions shall be appointed by the executive, as provided in this charter.

ARTICLE XII.

CONFLICTS OF INTERESTS PROHIBITED

Section 1. No officer or employee of the county, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work or service for the county. No such officer or employee shall accept any service or thing of value, directly or indirectly, from any person, firm or corporation having dealings with the county, upon more favorable terms

than those granted to the public generally; nor shall he receive, directly or indirectly, any part of any fee, commission or other compensation paid by or payable to the county, or by any person in connection with any dealings with the county, or by any person in connection with any dealings with or proceedings before any office, officer, department, board, commission or other agency of the county. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for county officers, employees or persons or firms doing business with the county guaranteeing the performance of any contract with the county. No such officer or employee shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of his public work, provided, however, that the head of any department or board or commission of the county may permit an employee to receive a reward publicly offered and paid for the accomplishment of a particular task.

Section 2. The provisions of this article shall be broadly construed and strictly enforced for the purpose of preventing officers and employees from securing any pecuniary advantages, however indirect, from their public associations, other than their compensation provided by law, this charter or ordinance.

Section 3. Any officer or employee of the county who willfully conceals any such interest or violates any of the provisions of this section shall forfeit his office. Any contract made in violation of this article may be declared void by the county executive or by resolution of the legislature.

Section 4. The legislature may enact ordinances to guard against injustices and to supplement the provisions and extend prohibitions against conflicts of interest not inconsistent herewith.

Section 5. There shall be an ethics commission, which shall be organized as follows:

1. There shall be an ethics commission selection board, which shall appoint all of the appointees to the ethics commission. This board shall consist of the executive director of the Mid-America Regional Council, the dean of the Henry W. Bloch School of Business and Public Administration at the University of Missouri - Kansas City, and the president of the Southern Christian Leadership Conference of Greater Kansas City. Within thirty days of the effective date of this section, the selection board shall appoint five residents of the county to the ethics commission. The commission members shall select their own chairman. Thereafter, within thirty days of the occurrence of a vacancy on the ethics commission, the selection board shall fill the vacancy. If for any reason the ethics commission selection board fails to timely fill any vacancy or position on the ethics commission, the executive shall appoint a qualified person to fill the vacancy or position.

2. Commissioners shall serve four-year, staggered terms. Of the first commissioners appointed, two shall serve for four years, one for three years, one for two years and one for one year, as determined by the selection board. Thereafter, each commissioner shall serve for a term of four years and until his successor is appointed and qualified.

3. No more than three commissioners shall be from the same political party.

4. Commissioners shall not hold any other elective or full-time appointive public office, nor shall they hold any other county office, including a membership on a county board or commission, or be a candidate for same. A commissioner shall not be an elected or appointed member of any local, state or national committee of any political party, or a member of any partisan or nonpartisan political club or organization, that is, a club or organization the main purpose of which is to promote or defeat candidates or issues.

5. A commissioner shall automatically forfeit office (1) if that commissioner ceases to reside in the county, (2) if that commissioner is absent from more than three consecutive meetings or hearings of the ethics commission unless excused by resolution of the commission entered in its record; or (3) if that commissioner violates subsection 4 of this section.

6. Commissioners may be compensated and reimbursed for expenses as may be authorized or provided by ordinance.

7. Each commissioner shall file the most complete financial interest statement required of any county official, in accordance with sections 105.483 to 105.492, RSMo. Each commissioner shall further disclose, on an annual basis, any contribution to a candidate for county office and membership in or employment by any "committee," as that term is defined in section 130.011, RSMo, which accepts contributions from, makes contributions to, or endorses any candidate for county office.

Section 6. The ethics commission shall have the following powers and duties:

1. The commission may receive complaints and conduct investigations of violations of the conflicts of interests, financial interest disclosure, and lobbying registration and disclosure provisions of the charter, the code and ordinances, and the statutory and common law of the state of Missouri as it applies to county officers, employees, members of county boards or commissions, and persons dealing therewith as "lobbyists," as that term may be defined by law or ordinance.

2. The commission may act and investigate based on complaints accepted from individuals, or on its own initiative. The commission shall accept from an individual a verified complaint in writing that states the name of a person alleged to have violated the conflicts of interests, financial interests disclosure, or lobbying registration and disclosure provisions described in subsection 1 of this section and sets forth the particulars of the violation. The commission may conduct an investigation based on a complaint or on its own initiative if it determines that allegations it has received, if true, provide an adequate basis for a belief that a violation may have occurred. Notice of the receipt of a verified complaint or of the commission's determination to initiate an investigation or other proceedings shall be given to the person alleged to have committed a violation.

3. The commission may request services and information from the county counselor, the director of personnel or other appropriate county officials and employees to assist the commission in carrying out its functions. County officials and employees are hereby authorized to provide services and information to so assist the commission. The commission may also employ independent legal counsel or staff if reasonable and necessary to carry out the commission's functions. The legislature and executive shall appropriate such amounts as may be necessary to allow the commission to reasonably carry out its functions.

4. The commission shall make recommendations of appropriate action to state or county officials, agencies, and appointing authorities when the commission finds probable cause that a violation has occurred. Notwithstanding any confidentiality or closed records provisions of law or this charter, the commission may turn over to appropriate authorities evidence of an apparent violation of law.

5. The commission may study issues and problems concerning application and enforcement of provisions relating to conflicts of interest, financial interest disclosure, lobbying registration and disclosure, and ethical standards in county government, and recommend policies, procedures, ordinances, and legislation based upon the results of such studies.

6. The commission shall have such other functions, powers and duties as may be authorized or provided by ordinance.

Section 7. For the purpose of carrying out and enforcing the powers and duties of the commission described in section 6, the commission shall have the following authority, provided that before the commission may issue subpoenas, administer oaths, take testimony, or require the production of documentary evidence with respect to an investigation or hearing, it shall, by written resolution adopted by a vote of three or more commissioners, define the nature and scope

of its inquiry. Such resolution may be amended or superseded by a vote of three or more commissioners.

1. The commission may conduct open hearings, meetings, and investigations to determine probable cause that a person subject to the charter, code, or ordinance provisions described in subsection 1 of section 6, or subject to other laws described in that subsection by reason of holding county office, appointment or employment, or by reason of lobbying activity, has violated any such provision or law. The commission may conduct closed hearings, meetings, and investigations only as permitted in section 8 of this article.

2. In an investigation or hearing the commission may: (1) require an individual to submit in writing verified reports and answers to questions relevant to the scope of the inquiry; (2) administer oaths or affirmations to witnesses and take the testimony of any person under oath or affirmation; and (3) issue subpoenas for witnesses and for the production of books, papers, documents, or tangible things.

3. A subpoena issued by the commission shall be enforced as provided by law for the enforcement of subpoenas in civil actions in the circuit courts of Missouri upon the commission's application to the circuit court and the witness' failure to show cause why a subpoena to testify or a subpoena duces tecum should not be enforced.

4. The commission may issue written reports based on its investigations setting forth findings as to probable cause and recommendations for action by appropriate agencies, officials, or appointing authorities.

5. The commission may adopt any other reasonable rules and procedures necessary to carry out its powers and duties.

Section 8. The commission's proceedings shall be subject to the following provisions as to confidentiality:

1. Evidence obtained or documents prepared by the commission in connection with an investigation or complaint shall not be open for public inspection and not subject to article XIII, section 13 of this charter, provided, however, that the following shall be open for public inspection: documentary evidence made public in the course of a hearing; verified complaints filed with the commission; resolutions defining the scope of an inquiry; and findings and recommendations issued by the commission.

2. The commission may hold closed meetings to deliberate and to examine evidence obtained in an investigation, and may otherwise close

proceedings, records, and votes as permitted by law. *(added by Ordinance #2098, election of August 2, 1994)*

ARTICLE XIII.

GENERAL PROVISIONS

Section 1. Elective officers shall be nominated and elected in the manner provided in the election laws for the nomination and election of state and county officers.

Section 2. All resolutions, orders, regulations and directives of the county court or other county officer in force at the time this charter takes effect, to the extent they are not inconsistent with the provisions of this charter, shall remain and be in force and effect until altered, modified or repealed in accordance with this charter.

Section 3. All matters pending before or under consideration by the county court at the time this charter takes effect, to the extent they are not inconsistent with the provisions of this charter, may be acted upon and disposed of as if they had originated and had been introduced under this charter.

Section 4. All judicial proceedings of any kind or character, and all condemnation proceedings for the taking or damaging of private property for public use, and all proceedings to incur debt and issue bonds, begun or pending at the time this charter takes effect, all contracts for the doing of any kind of public work, not completed and performed at the time this charter takes effect, and all contracts or bids for the purchase or sale of property entered into prior to the time this charter takes effect but not consummated at such time, and the pension or retirement plan of the county in effect on the date that this charter becomes effective, shall in no way be affected by the adoption or effectiveness of this charter, but the same may be completed in every respect as nearly as may be in accordance with the provisions of this charter.

Section 5. All rights of action, contracts, titles, fines, penalties, forfeitures, and fees, accrued to or in favor of the county, or against the county, before this charter goes into effect, shall remain in existence in full force and effect as fully in every respect as if this charter had not taken effect. All recognizances and contracts lawfully entered into or executed by or to the county, and the lien thereof, all taxes due or owing to the county, and the lien thereof, and all writs, prosecutions, actions and causes of action shall continue and remain unaffected by this charter.

Section 6. This charter and all ordinances, resolutions, orders and proceedings of the legislature may be proved by the certificate of the clerk of the legislature under the county's seal, and the same or copies thereof when so certified or when printed and published by authority of the legislature shall be received in evidence in all cases and

places, and by all courts, without further proof. Copies of the books, records and papers, or parts thereof, of any department, office, officer, board, commission or agency of the county, and copies of any instrument filed for record or with the clerk of the legislature, when duly certified by the officer having custody and control thereof, shall be prima facie evidence of the recitals therein contained and shall be received in evidence in all places and by all courts without further proof.

Section 7. All officers elected or appointed for definite terms under the provisions of this charter shall continue to hold office, unless lawfully removed, until their respective successors are duly elected or appointed and qualified, provided that no officer may vote on the qualifications of his successor.

Section 8. Before entering upon his duties every officer whose election or appointment is prescribed by this charter shall file with the clerk of the legislature his certificate of election or appointment and shall take and subscribe before and file with the clerk his oath or affirmation that he possesses all of the qualifications of the office to which he has been elected or appointed and is not subject to any of the disqualifications in this charter named, that he will support the constitution of the United States and of the State of Missouri, and will demean himself faithfully in office.

Section 9. All persons in the service of the county handling any public money shall be bonded by corporate surety in amounts and upon conditions prescribed by ordinance. Premiums on such bonds shall be paid by the county.

Section 10. Any fees authorized by law to any officer or employee of the county or courts, except notaries public, shall be transferred to the general fund of the county, unless otherwise provided in this charter.

Section 11. If any doubt or conflict shall exist as to what department, office, officer, board, or agency of the county shall exercise or perform any power or duty conferred or imposed by the constitution, by law or by this charter, the legislature by ordinance shall specify by whom such power or duty shall be exercised or performed.

Section 12. The departments, officers, boards, and other agencies provided for in this charter shall be entitled to the possession of all funds, papers, books, documents, maps, plats, records, and archives now in the possession or under the control of those, respectively, who are superseded under this charter by such departments, offices, officers, boards and other agencies.

Section 13. All official meetings, acts and documents of all county offices, officers, boards, and commissions shall be public, and all records thereof shall be open for public inspection, except those specifically prepared for use by the county in court proceedings, criminal and law enforcement files, those which would invade a person's right of privacy and those which are specified as confidential by law.

Section 14. If a code or other volume or volumes containing this charter or the ordinances, resolutions or orders of the county be published by authority of the legislature, the same shall be received in evidence in all courts and other places without further proof.

Section 15. The articles, sections, paragraphs, sentences, clauses and all other parts of this charter are severable, it being the purpose of this charter to provide for the government of Jackson County, Missouri, in compliance in all respects with the constitution of Missouri and with the laws of Missouri except insofar as said laws are legally modified or legally supplanted by this charter. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any one or more articles, sections, paragraphs, sentences, clauses or other parts of this charter, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this charter, but the effect thereof shall be confined to the articles, sections, paragraphs, sentences, clauses or other parts of this charter so adjudged to be invalid or unconstitutional.

Section 16. For the purpose of this charter, all masculine pronouns used herein shall also mean the feminine of said pronouns; the singular shall also include the plural, and the word "person" shall mean both male and female, plural and singular, partnerships, firms, associations and corporations.

Section 17. In this charter the words "law" or "by law" mean the statutory laws of the State of Missouri and the word "constitution" means the Constitution of the State of Missouri.

ARTICLE XIV.

INITIATIVE, REFERENDUM AND RECALL

Section 1. The people reserve the power to propose and enact all ordinances independent of the legislature, to approve or reject ordinances of the legislature by referendum and to recall an elective county officer.

Section 2. The following may not be the subject of referendum and initiative petitions:

1. Any ordinance calling an election or providing for the submission of any proposal to the people.
2. Any ordinance making an appropriation for the payment of principal or interest on the county's indebtedness or for current expenses of the county government.
3. Any general appropriation ordinance.

4. Any ordinance fixing any tax rate or assessment or relating to any improvement to be paid for by special assessment.

5. Any ordinance authorizing the borrowing of funds in anticipation of taxes, or directing the issuance of bonds previously authorized at an election.

6. Zoning ordinances.

Section 3. Initiative petitions may propose ordinances, and shall be signed by registered voters equal in number to at least five percent of the total vote cast for county executive in the last election at which a county executive was elected. Each petition shall contain the full text of the measure and an enacting clause which shall read as follows:

"Be it enacted by the people of Jackson County."

Section 4. Initiative shall not be used for the appropriation of money other than of new revenues created and provided for thereby, or for any other purpose prohibited by the constitution, by law or this charter.

Section 5. No referendum may be ordered as to laws necessary for the immediate preservation of the public peace, health or safety.

Section 6. Any ordinance passed by the legislature is subject to referendum of the electors, except those set forth in section 2 and section 5 above. Petitions proposing a referendum shall be signed by registered voters equal in number to at least ten percent of the total vote cast for county executive in the last election in which a county executive was elected. The petitions must be filed within sixty days after the effective date of the ordinance. The ordinance shall remain in full force and effect until rejected by the majority of those voting.

Section 7. Petitions demanding the recall of any elected county officer shall be signed by registered voters equal in number to at least twenty percent of the total vote cast for executive, in the district or county, in the last election in which a county executive was elected.

Section 8. All petitions referred to in this article shall be filed with the offices or officers charged with conducting elections within the county which shall be the judge of their sufficiency.

Section 9. Initiative and referendum issues shall be submitted to the voters at the next regular election held within ninety days after the petitions are filed, or if there is no regular election within such time, a special election shall be held within sixty days after the petitions are filed. A special election shall be held to consider recall of a county elected officer within sixty days after the petitions are filed.

Section 10. If the majority of the votes cast are in favor of recall, the office shall become vacant immediately on certification of the results by the offices or officers charged with conducting elections in the county.

ARTICLE XV.

AMENDMENT

Section 1. This charter may be amended in any one of the following ways:

1. In the manner provided in the state constitution for the framing and adopting of a county charter;
2. By ordinance adopted by the legislature and submitted to the voters at a **primary or general** election and approved by a majority of those voting on the proposition;
3. By petitions setting forth the proposal and adopted by the voters in the manner hereinafter provided. Such petitions shall be signed by registered voters equal in number to at least ten percent of the total vote cast for county executive at the last election at which a county executive was elected. Each petition shall contain the full text of the proposal and an enacting clause which shall read as follows: "Be it resolved by the people of Jackson County that the county charter be amended." The petitions shall be filed with the offices or officers charged with conducting elections in the county which shall determine their sufficiency. The proposal shall be submitted to the voters at the next **primary or general** election occurring not less than **eighty** days after the petitions are filed. An affirmative vote of a majority of those voting on any proposal shall be sufficient for its adoption. *(as amended by Ordinance #1316, election of November 4, 1986.)*
4. By direct submission by charter commission to the qualified voters in the manner hereinafter provided.

Section 2. Each amendment shall deal with only one subject. Any parts, sections or articles may be submitted separately or in the alternative as provided in the constitution with respect to the submission of the county charter.

Section 3.

1. At the general election in November, 1990, and every twenty years thereafter, there shall be submitted to the voters of the county the question "Shall there be a charter commission to amend the charter?" The question shall be submitted separately from other issues or questions on the ballot and if a majority of the votes cast thereon is in the affirmative, a charter commission shall be appointed before January 15

next following the general election. On the death, resignation or inability of any member to serve, the appointing authority shall appoint a successor.

2. Members of the charter commission shall receive no compensation, but the commission may appoint such employees, assistants, consultants, and counsel as it may deem necessary, fix their compensation, provide for the printing of its documents, journals and transcripts of its proceedings, and incur all other necessary expenses, all of which charges and expenses shall be paid by the county.

3. Except as herein provided the provisions of the Missouri Constitution for framing and adopting a county charter shall apply.

ARTICLE XVI.

SCHEDULE AND TRANSITION

Section 1. This charter shall be submitted to the vote of the qualified electors of Jackson County, Missouri, at a special election which shall be held on Tuesday, November 3, 1970. The election shall be conducted by the offices and officers charged with conducting elections in the county.

Section 2. This charter shall become effective on January 1, 1973, and shall be effective prior thereto to the extent necessary to permit elections to be held as otherwise provided herein during the year 1972. Except as herein otherwise expressly provided this charter shall supersede all laws of the State of Missouri in conflict herewith provided, however, that the state laws relating to nominations and elections shall apply to the nomination and election of all officers required to be elected under this charter commencing with the primary and general elections of the year 1972. At the elections to be held in 1972 the members of the legislature shall be elected for terms of two years expiring December 31, 1974, and the prosecuting attorney and the sheriff shall each be elected for a term of four years expiring December 31, 1976. At the elections to be held in 1974 members of the legislature and the county executive shall be elected for terms of four years expiring December 31, 1978.

Section 3. The person occupying on January 1, 1973, the office of presiding judge of the county court shall become county executive on said date and shall serve as county executive for a term of two years expiring December 31, 1974. During said two-year term he shall have all the powers and duties of county executive subject only to such limitations or modifications thereof as are expressly provided in this charter. The term of the county counselor appointed or serving in 1973 shall expire December 31, 1974.

Section 4. The persons occupying on January 1, 1973, the offices of assessor, county clerk, circuit clerk, collector, recorder of deeds, and constable shall have and

retain all the powers and duties of their respective offices, and shall retain the titles of their respective offices, for terms, in the case of the county clerk, circuit clerk, collector, recorder of deeds, and constable, expiring December 31, 1974, and for a term, in the case of the assessor, expiring August 31, 1973. The assessor shall serve on the board of equalization in place of one of the three executive appointments until August 31, 1973. As said terms expire, or said offices otherwise become vacant, whichever first occurs, or upon consent of the persons holding such offices, the powers and duties of said offices, respectively, shall be assumed by departments or offices established by this charter or by implementing order or ordinance. During the incumbency of any such officer, his power to employ and discharge employees of his office shall be limited to the extent provided in section 5 of this article.

Section 5. All employees of the county on January 1, 1973, shall be deemed to have been hired under the merit system, and thereafter all employees shall be subject to all the provisions of the merit system.

Section 6. A committee to apportion the county legislative districts and districts-at-large on the basis of the 1970 decennial census shall be appointed, consisting of six members, three members from each of the two political parties casting the highest vote for presiding judge of the county court of Jackson County in the general election of 1970. The members of the committee must have the qualifications, shall be nominated and appointed, and the committee shall function, all in the manner provided in article II, section 18, of this charter except that:

1. On or before September 1, 1971, the presiding judge of the county court shall notify each of the county committees to submit its list of nominees and shall thereafter appoint the apportionment committee;

2. The list of six nominees submitted by each party, and the apportionment committee of six members, shall consist of at least one person residing in each of the five state senatorial districts in the county; and

3. The report of the apportionment committee shall be filed not later than December 15, 1971, with the presiding judge of the county court, the county clerk and the offices and officers charged with conducting elections within the county.

At the election to be held in 1972 the county legislature shall be elected according to the districts and districts-at-large established as provided in this section, and thereafter until a reapportionment is made as otherwise provided in this Charter.

Section 7. In the initiative, referendum and recall and amendment articles, the total vote cast for county executive shall, until there has been an election for county executive, mean the total vote cast for presiding judge of the county court.

CERTIFICATE OF ADOPTION

We, the Charter Commission of Jackson County, Missouri, appointed by the Circuit and Probate Court of this County to frame a Charter for the government of this County, pursuant to Article VI, Section 18(a) to 18(1) of the constitution of the state of Missouri, certify that this Commission unanimously adopted rules for the conduct of its business that required the majority of the whole Commission to approve any provision of the Charter before its inclusion; that all provisions of the Charter were approved by a majority of the members of the Commission, and this is the Constitutional Home Rule Charter for Jackson County for submission to the vote of the qualified electors at a special election to be held November 3, 1970.

This Constitutional Home Rule Charter for Jackson County is approved and adopted unanimously, and this certificate made, by the following members of the Commission this Eleventh Day of September, 1970.

(insert page with names and signatures)