



City Council Policy #01 Policies and Procedures

Date Approved: July 1, 1994

Dates Amended: 2/7/2000; 12/4/2000; 7/21/2008; 6/6/2011; 12/17/2018; 12/21/2020;
12/18/2023

Per the provisions of Chapter 77 of the Missouri Revised Statutes, it shall be the policy of the City Council of the City of Kirksville to enact ordinances, resolutions, proclamations, City Council policies, administrative policies, and other motions conducive to the general welfare and improvement of the City of Kirksville and to take such actions as may be necessary to properly carry out the provisions of Chapter 77 of the Missouri Revised Statutes.

Per State Statutes, City Ordinances and Resolutions, City Council, and Administrative Policies, the City Manager shall administer, supervise, and direct the affairs of the City. In this capacity, the City Manager shall, from time to time, promulgate administrative regulations and rules that establish procedures and authorize other actions necessary to see that the laws and ordinances of the City and State are enforced, that proper control of departments and personnel are maintained, that the terms of contracts, franchise agreements and other obligations of the City are faithfully executed and performed, and that the financial health of the City is maintained.

The City Manager will maintain the authority to decide the format items should be presented to the City Council, whether it be an ordinance, resolution, proclamation, City Council policy, administration policy, or motion if it is not clear or not listed within this policy.

I. ORDINANCES

The City Council considers City ordinances as recommended by City administration and staff. Ordinances are laws enacted by the City Council and, therefore, must be within the scope of the powers of the City Council. They must conform to State law, and be primarily for public purposes. An Ordinance should be used for legislation intended to have a permanent effect and/or long-term general effect.

- A. **APPROVAL.** Ordinances shall be presented as bills, and shall not contain more than one subject which should be outlined in the title of the ordinance. An exception to the one-subject rule is the appropriation ordinance. A bill number shall be assigned to each legislation item, and be used for reference before its passage. The bill number shall begin with the four-digit calendar year it was taken to City Council, and include a dash followed by the number representing the order it was taken to City Council that year. For example, the number 2018-01, represents the first bill taken to the City Council in 2018.

An Ordinance shall follow all procedures and requirements laid out in RSMo 77.080. A Bill becomes an Ordinance when a majority of the City Council votes in favor of the Bill upon its second and final reading, and it has been signed by the Councilmember presiding the meeting. Typically, Ordinances are distributed to the general public with the agenda notice, no later than 24 hours before the meeting, and both required readings by Title occur at the same meeting. If the notice is not distributed in this manner, an Ordinance must be read in its entirety upon the first required reading; unless said Ordinance meets the criteria to be an Emergency Ordinance and is handled as State law allows.

The City Council typically considers the second reading of an Ordinance immediately

following the passage of the first reading. The City Council may, when their agenda includes multiple Ordinances, consider a motion at the end of the regular meeting agenda, to approve multiple Ordinances on the second reading so long as all Ordinances so submitted and approved, shall have been separately approved on the first reading with a separately recorded vote. Any single member of the City Council shall be entitled to request separate action on a second reading of an Ordinance approval (“division of a question”) without a vote of the Council on such a procedural change.

An Ordinance is necessary to approve and adopt:

1. Annexation of land.
2. Annual budget: this shall have the two readings split between separate meetings to give the public more time to study and respond. (ref. RSMo 67.010)
3. Sale, purchase, lease of purchase, or condemnation of land. (ref. RSMo 523.010)
4. Amendments to the annual budget.
5. City Code-related items and amendments to the Code of Ordinances for the City of Kirksville.
6. Election ballot question, election results, and related purposes.
7. Franchises: new, renewals, amendments, and extensions. (ref. RSMo 78.630)
8. Re-zoning, subdivision, alley, and street vacation. (ref. RSMo Ch. 89)
9. Long-term, contracts that last over a year, or through more than one election period. (ref. RSMo 432.070)
10. Any Intergovernmental agreements, contracts, memorandums of understanding (State, county, etc.). (ref. RSMo Ch. 70.010 to 70.090)
11. Annual Conflict of Interest – required by Missouri Ethics Commission and due by September 15, each year. (ref. RSMo 105.450 – 105.498)
12. Anything that legally requires an ordinance.

B. REQUIREMENTS

An Ordinance shall contain:

1. Title or caption.
2. Whereas clauses – These will tell the history of what led to the ordinance, and shall be placed before the ordaining clause. Whereas clauses will not be codified in the official Code of Ordinances for the City of Kirksville, shall be included to ensure a legislative history is a part of the ordinance.
3. Ordaining or enacting clause – This clause is very important, without it the ordinance is invalid. The clause must be verbatim from RSMo 77.080 as follows: "Be it ordained by the council of the city of _____, as follows:".
4. Policy statements – These should convey the legislative intent of the ordinance. These shall be located below the ordaining clause because they are the main content of the ordinance and are binding on future actions.
5. City Code references - If the Ordinance amends the existing Code of Ordinances for the City of Kirksville, or will be, included in City Code, wording to authorize inclusion of Ordinance in Code of Ordinance for the City of Kirksville should be included; as well as, ensuring the correct Section, Article, and Chapters, are referenced accordingly.
6. Penalty – if applicable, should also appear below the ordaining clause.
7. Severability Clause –If applicable, this clause should be included: “Should any provision of this Ordinance be determined to be void, invalid, unenforceable or

illegal for whatever reason, such provision(s) shall be null and void; provided, however, that the remaining provisions of this Ordinance shall be unaffected thereby and shall continue to be value and enforceable.” (ref. **RSMo 1.140**)

8. Effective date – An ordinance is to be effective immediately on its passage and approval unless the ordinance contains a provision stipulating a different effective date.
9. Attachments – All items referenced in the ordinance as exhibits or attachments shall be attached to the document and permanently kept with the official ordinance.
10. Ordinances with two pages shall contain a footer that includes the Ordinance number, in case it ever gets separated from the first page.

- C. **SPECIAL REQUIREMENTS.** Items requiring recording by the Adair County Recorder require a few more specifications outlined in RSMO 59.310. Staff shall communicate with the Adair County Recorder’s office to ensure their specific requirements are met.

The City Clerk shall hold any documents with additional coordinating items for recording (i.e.: plat maps, deeds, surveys) until all items are present and can be recorded collectively. To be efficient in this process, it shall be considered a best practice to have all items that coordinate with an Ordinance requiring recording to be completed, finalized, and submitted, as a part of the City Council agenda packet process.

- D. **ADMINISTRATION.** Ordinances are considered City law upon approval by the City Council and can be enforced with the full force of the law.

Ordinances shall be assigned an ordinance number after passage for record-keeping purposes. Ordinance numbers shall be numeric and consecutively assigned in the order the ordinance was passed. Ordinance numbers do not start over each year like bill numbers.

II. **RESOLUTIONS**

Similar to Ordinances, the City Council considers resolutions by recommendations made by the City administration and staff. Resolutions, however, execute laws already in effect versus being an actual binding law. Resolutions should deal with temporary or short-term items, special policy matters, formal authorizations, or expressions of actions, opinions, or intentions.

- A. **APPROVAL.** Resolutions do not need to be presented as bills, and shall not contain bill numbers. They only require one reading and become official when a majority of the entire elected Council votes in favor after that first reading and is signed by the Councilmember presiding the meeting. Typically, Resolutions will be read by title only but may be read in full if the City Council so wishes to recognize someone in a formal presentation.

A Resolution should be used for:

1. Bid items and purchases over the City Manager’s authority, unless it requires a long-term contract for the purchase which should be done as an ordinance.
2. Setting fee changes.
3. Amending of the budget.
4. Approval or amending of City Council or administrative policies concerning: personnel matters – changes to the employee pay plan, increases and decreases

of full-time permanent staff positions; procedures and rules regarding the use, alteration, or abandonment of City property, including rights-of-way; the investment of idle funds, management of financial reserves, and the disposal of surplus property and equipment; long-term replacement and upgrade of the City's infrastructure and capital equipment; extension and exchange of City services or resources with other units of state or local government.

5. Change orders when the project total is more than the City Manager's authority.
6. Amending or renewing of existing contracts.
7. Grant/funding programs and related purposes.
8. Support of government programs, and policy statements regarding state and federal legislation.
9. Recognizing/commending a local person, business, or organization for outstanding community service.
10. Anything that legally requires a Resolution.

B. REQUIREMENTS

A Resolution should contain many of the same items that an ordinance includes:

1. Title or caption.
2. Whereas clauses – just like in ordinance writing this should be the historical information that led to the Resolution.
3. Resolving clause – all action taken should be included in this statement or below.
4. Resolving/further resolving statements – These should convey the intent and main content of the resolution. These shall be located below the resolving clause.
5. Effective date – Resolutions are to be effective immediately on their passage and approval unless the ordinance contains a provision stipulating a different effective date.
6. Attachments – All items referenced in the Resolution as exhibits or attachments shall be attached to the Council Report.
7. Resolutions with two pages shall contain a footer that includes the Resolution number, in case it ever gets separated from the first page.

- C. ADMINISTRATION. Resolutions shall be assigned a resolution number after passage for record-keeping purposes. Resolution numbers shall be in the following format: R####-##-##. The first number shall represent the year approved by the City Council, with the second number representing the month of the month approved by the City Council, and the last number representing the order it was taken to the City Council that year. For example, R2018-01-01 could represent the first resolution approved that year.

III. PROCLAMATIONS

Proclamations are another action available to be taken by the Mayor of the City Council. Proclamations are ceremonial documents used to commemorate a specific period for raising awareness about local efforts. They can also be used to express support for particular local issues or organizations.

- A. APPROVAL. Proclamations can be issued and signed by the authority of the Mayor. They do not need to be approved by the majority of the City Council. These may be brought to the Mayor's attention in many ways, such as City administration and staff, citizen's formal requests, or through general public knowledge.

- B. **REQUIREMENTS.** The public may make general requests for Proclamations by completing and submitting a form provided by the City Clerk. The form must be completed in its entirety to be processed and must allow for a 15-day processing time. Draft language submitted may be edited or revised without notice, at the discretion of the City.

All requests for Proclamations will be reviewed on a case-by-case basis and the City reserves the right to decline any request received. Especially when the proclamation:

1. Promotes campaigns, events, or ideological and political beliefs that are contrary to the policies or laws of the City.
2. Is for commercial/for-profit.
3. Conflicts with the federally recognized months, weeks, or days of observance.

IV. **MOTIONS**

Motions will be considered for other items that do not fall in either of the policy categories, resolutions, ordinances, or proclamations. Examples of these items include citizen advisory commission appointments, liquor licenses, and first-time special event requests.

V. **POLICIES**

City Council policies shall be formally approved, rescinded, or amended by the City Council and shall be implemented by the City Manager. City staff shall maintain all City Council policies on the website and common drive for ease of reference.

The City Manager shall establish employee rules, policies, and procedures insofar as they are compatible with state and local laws and City Council policies (**ref. Dillon's Rule**). The City Manager shall also promulgate procedures concerning: risk management and loss control; management of the approved budget; accounting; management of real property; project management and coordination; evaluation of employee performance; rules related to employee conduct, salary and benefits administration; issuance of licenses and permits; procedures for vehicle maintenance and upkeep; data processing rules and protocols; emergency procedures; use of professional services; how the City provides due process for and proper consideration of employee grievances; and other administrative rules and procedures.

Policies can address a wide array of items addressing staff and citizens, such as procedures, rules, and regulations, outlining employee benefits, security measures, and much more. The descriptions below of both City Council and administrative policies shall assist City administration and staff in determining what type of policy an item should be categorized as.

- A. **CITY COUNCIL POLICIES.** City Council policies shall be approved by City Council when applicable, to maintain efficient management of City resources. Generally, City Council policies should be used as a way to reinforce best practices, and consistency within City staff processes and procedures. City Council policies shall also include matters of material interest to the citizens of Kirksville which bear on the general welfare of the City and the municipal organization. They shall function as a guide to citizens and staff regarding the procedural intentions of the City Council. They shall not have the force of law, but administrative actions, regulations, and procedures communicated and enacted by the City Manager and members of the City staff.

- B. **ADMINISTRATIVE POLICIES.** Administrative policies are governance policies that set behavioral expectations and communicate roles and responsibilities to City staff. The objective of administrative policy should be to create a sustainable framework that ensures legal and regulatory requirements and compliances are met and maintained. Administrative policies should assist in reducing overall risk, conserving resources, and promoting consistency throughout City staff.