

Overview of Missouri Municipal Government

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Municipalities are Creatures of the State



Municipality – “An incorporated political subdivision of a state that is composed of the citizens of a designated geographic area and which performs certain state functions on a local level and possesses such powers as are conferred upon it by the state.”

Classification of Missouri Municipalities

Class	Population Requirement *	Total Number
Village	Fewer than 500	300 approximately
4 th Class	500- 2,999	550 approximately
3 rd Class	3,000 – 29,999	57
Home Rule	Over 5,000	41
Special Charter	None	5

* At time of incorporation. No requirement to change class following changes in population.

Municipalities vs. Special Districts

- Municipalities – are general purpose governments.
- 2007 Census of Governments listed 953 municipalities in Missouri.
- Districts – are single purpose.
- 2371 Special Districts in Missouri

Special Districts

Missouri has over 20 different types comprising more than 2,371 special districts :

Schools, Roads, Sewer, Water, Ambulance, & Fire Protection, Library, Soil and Water Conservations Districts, Levee Districts, Park and Recreation, Ports, Economic Development

Lesser Known: Hospital, Law Enforcement, Nursing homes, Museum, Performing Arts, Convention, Street Light, & Transportation Development.



Home Rule vs. Statutory

Statutory Cities (Villages,
4th Class, 3rd Class, Special Charter)



Only have powers specifically given to them under state law.

Home Rule Charter

Have all powers granted by Missouri Constitution except those taken back by state law.



Division of Power



Branch	Municipal Office
Executive	Mayor; Chairman; City Manager
Legislative	Council, Alderman, or Trustees
Judicial	Municipal Court; Board of Adjustments

Legislative Branch



- Villages** – Board of Trustees
- 4th Class Cities** – Aldermen
- 3rd Class Cities** – Councilmember (or commissioners)
- Home Rule Cities** - ??? typically Councilmember

Policy Making / Form

Council or Board – makes policy.
May be originated by council, mayor or staff.
Must be done at properly noticed meetings, open to public.



- Ordinances
- Resolution
- Motions and directives

Legislature

Retains authority to direct actions of the City
May remove officials by:
• Simple majority with Mayor’s consent
• Special majority without Mayor’s consent

May enact ordinances and override veto

CAN ONLY ACT AS A BODY.

Preemption

The displacing effect federal or state laws have on ability of municipalities to act on a given subject.

Executive Branch

- **Villages** – Chairman
- **4th Class** – Mayor or City Administrator
- **3rd Class** – Mayor, City Administrator, City Manager or Commissioners
- **Home Rule Charter** – ???

In charge of the city on a day to day basis and of carrying out the policies and directives of the legislative branch.

Mayors

- All are created differently.**
- Required to administer laws enacted by the legislature.**
- May have veto power.**
- May appoint administrative officers.**
- Has such other powers as specified by legislature.**

Weak Mayor vs. Strong Mayor

Weak Mayor

City Manager is the actual CEO.

Mayor serves as figurehead.

3rd class cities and Home Rule

Strong Mayor

4th class, 3rd Class and some Home Rule.

May have city administrator but administrator technically is assistant to the mayor.

You are the Judge!!

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Towns and Villages RSMo Chapter 80

Five or nine members of Board of Trustees
Elected at large
Chair selected by Trustees annually
Chair presides at meetings and votes on all questions
exception: appointment to fill Board vacancy
Chair has no veto power
Ordinances passed by majority of members of Board (3 or 5)

Fourth Class Cities RSMo Chapter 79

Two Aldermen per ward
• At least two wards
• Two year term (four if approved by voters)
Mayor elected at large
• Two or four year term
Ordinances passed by majority vote of Aldermen
• After two readings
• By title only if publicly made copy
Mayor has veto power
• Aldermen may override by two-thirds vote

Third Class Cities
RSMo Chapter 77

(A) Mayor-Council form of government

(B) Commission for of government

(C) City Manager for of government

(a) Mayor-Council form of government

Not less than four wards

- Each has one or two Council members

Mayor elected at large for four year term

Mayor presides at Council meetings

- Votes only in case of a tie

Ordinances passed by majority of Council Members

Mayor has veto power

- Council Members can override by two-thirds vote

(B) Commission form of government

Mayor and two or four Council Members

- Elected at large for four year term

Mayor presides at council meetings

- Votes on all questions
- No veto power

City divided into five departments

- Responsibility for each is distributed among Mayor and Council Members

(c) City Manager form of government

Five Council Members

- Elected at large for three year term
- One of which is selected by others to serve as Mayor for one year term

Optional Form:

- Seven Council Members elected for three year terms
- One each from five wards
- Two elected at large

Mayor presides at Council meetings

- Votes on all matters
- No veto Power

Council employs administrative head of city government as City Manager

Charter Cities

MO Constitution Article VI §19

City must have more than five thousand residents or;

Any other incorporated city as may be provided by law.

All questions of legislative and executive structure, procedure, powers and duties are established and governed by the charter.

Votes Required



On eight member board, five is a quorum to do business, BUT a four-to-one vote is NOT a "majority of the members" sufficient to pass an ordinance

Members count in determining whether the necessary votes to adopt an ordinance even if they are:

- On the phone (texting?)
- Pouting
- Absent
- Abstaining or;
- Deceased



Meeting Procedures

When there is a procedure established by state law it MUST be followed

- "Ayes and Nays recorded in the journal" means that the vote of each member must be recorded or else the measure is not an ordinance.

It is good practice to adopt rules governing the meeting process

- Local rules may be "waived" by affirmative action or implicit agreement of the members.

Reading Ordinances by Title only if copy made publicly available

Advisory Bodies

Most cities have one or more advisory bodies

- These assist the executive and legislative authorities in performing duties

Unless there is an ordinance to the contrary, the opinions and actions of these bodies are advisory only.

Examples:

Too much of a good thing

(1) Talking: Public Officials Are Not Private Citizens

Private citizens are free to exercise their Freedom of Speech with relative impunity. What a public official says carries greater weight and subjects them and their city to increased risk of being sued if someone takes offense or claims injury because of what they say. Just as the Sunshine law limits public officials "freedom of association" public officials duties limit their ability to tell someone off or speak their mind. Generally, the less said the better.

Too much of a good thing

(2) Writing: Minutes of Meetings

The law requires cities to keep "journals" of their proceedings. That does **not** mean a verbatim transcript of every statement made during the meeting. The journal (minutes) should reflect each subject discussed and all actions taken, including the ayes and nays of each member (or statement of abstention and reasons) on each ordinance. Anything else is generally unnecessary and may lead to trouble.

Too much of a good thing

(3) Recording: Minutes of Meetings

Many lawyers believe any recording the city makes is a "public record" which may have to be retained and made available on request.

Recording devices preserve not only the Good but also the Bad and the Ugly made by those present. If a recording is being made, hit PAUSE before speaking.

Remember: Most cell phones are mini-recorders.

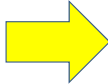
Administrative vs. Legislative Decisions

- Legislative: Making the Rules.
 - Establishing personnel rules
 - requiring special use permits for fast food restaurants
 - enacting a building code
- Administrative: Applying the Rules
 - Deciding an employee has violated the personnel rules and should be disciplined
 - Granting or denying a building permit

Administrative vs. Legislative decisions

Legislative actions are entitled to a presumption that they are correct and are reviewed by a court to determine if they are arbitrary or capricious.

Administrative actions are not entitled to a similar presumption of validity. They are reviewed by the court on the record made of the proceedings and are upheld only if they are supported by competent and substantial evidence included in the record.

? Vs. 

Employment Actions

Most municipal employees are employees at will.

Employees can be terminated for any reason or no reason

– but not for a wrong reason,

- race, gender, disability, national origin

Employment Actions: Retaliation

Decisions should be made in closed meetings.
If a pre-disciplinary hearing is granted to the employee, be sure the record contains all the reasons supporting the decision.
Silence is golden for the city.
Speaking can be golden for the employee.

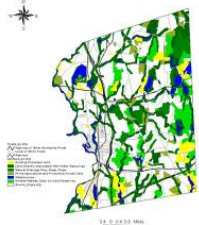
Zoning decisions

A city may establish reasonable rules for land use if they are intended to protect the public health, safety or welfare of the community.

- Frame land use decisions in broad terms.
- Beware of "takings"

Planning and Zoning

Future Land Use



Planning and Zoning Board – reviews requests for zoning changes.

Board of Adjustments – quasi-judicial grants variances.

Staff – to carry out implementation.

Public Works

Streets

Utilities – Water, Sewer, Stormwater, Electric, Gas, Refuse Collection.

- May contract for these services
- May be provided by special districts

Code enforcement (?)

May report to a board of public works.



Code Enforcement/Health Department

Nuisance Abatement – weed control, unsafe buildings, outdoor burning, trash disposal, junk vehicles.

May fall under public works.

Spraying for Mosquitoes



Advisory Boards

Environmental Advisory Boards

Sustainability Committee

Tree Board

Advisory Board



Power

Authority

Influence

- Missouri Municipal League
- 673 Member Municipalities
- Founded in 1934
- Two-fold mission:
 - Clearinghouse for exchange of municipal information:
 - The Missouri Municipal Review
 - Monthly Newsletter
 - Listservs
 - Conferences and Workshop
 - Provide a unified voice for Municipal Government before the state Legislature and agencies



Contact:
 Missouri Municipal League
 573-635-9134
www.mocities.com
www.twitter.com/mocities
www.facebook.com/mocities

Overview of Missouri Municipal Government

Questions?

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