

Chapter 2 - ADMINISTRATION

***Cross reference**—Airport administration generally, § 3-21 et seq.; administration of animal and fowl regulations, § 5-26 et seq.; administration and enforcement of minimum property standard code, § 6-86 et seq.; disaster preparedness organization, § 7-16 et seq.; fire department, § 9-36 et seq.; administration of health and sanitation, § 11-16 et seq.; administration and enforcement of beverage container regulations, § 11-62 et seq.; commission on human rights, § 12-16 et seq.; administration and enforcement of traffic regulations, § 14-26 et seq.; municipal court, Ch. 15; offenses against the administration of justice, § 16-191 et seq.; offenses affecting government, § 16-221 et seq.; parks and recreation commission, § 17-16 et seq.; parks and recreation department, § 17-26 et seq.; pensions generally, Ch. 18; personnel policies, procedures, rules and regulations, Ch. 19; planning department, § 20-21 et seq.; planning and zoning commission, § 20-36 et seq.; police department, § 21-16 et seq.; public works department, § 22-16 et seq.; taxation, Ch. 26.

ARTICLE I. - IN GENERAL

Sec. 2-1. - Public clocks to use official time.

All clocks or other timepieces in or upon public buildings or other premises maintained at the expense of the city shall be set and run according to the official time as provided in chapter 1 of this Code. It is hereby made the duty of the officer or other person having control and charge of such buildings and premises to see that such clocks or other timepieces are set and run in accordance with official time.

(Code 1964, § 2.023; Ord. of 4-4-66)

Sec. 2-2. - Fiscal year.

(a) The fiscal year of the city shall begin on the first day of October and end on the last day of September of each year. The fiscal year shall constitute the budget and accounting year.

(b) As used in this section, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

(Code 1964, § 2.020)

Charter reference—Similar provisions, § 33.

Sec. 2-3. - General fund.

There is hereby established a fund designated as the "general fund," which shall be credited with all general revenue receipts and all other receipts and levies for particular purposes for which no special fund has been established by the charter, by state law or by ordinance, except that no special tax or fund voted by the people or no special trust fund in which the city is in any way an interested party shall be included therein.

(Code 1964, § 2.010)

Charter reference—Department of finance, § 25 et seq.

Cross reference—Finance department, § 2-206 et seq.; licenses, permits and miscellaneous business regulations, Ch. 13.

Secs. 2-4—2-20. - Reserved.

ARTICLE II. - CITY COUNCIL

***Charter reference**—Council, § 5 et seq.

DIVISION 1. - GENERALLY

Sec. 2-21. - Election; qualifications; powers and duties specified.

The city council shall be elected, and shall have the qualifications and powers and shall perform the duties prescribed by the charter.

(Code 1964, § 2.030)

Sec. 2-21.1. - Vacancies in office.

(a) Every vacancy in any elective office shall be filled by the council for a period running to the next regular election, unless such period exceeds one (1) year. In the latter case, the council shall make provision for a special election.

(b)

In the event a vacancy is to be filled by the council, it shall be done at a regular or special meeting after the date the vacancy shall become effective by the nomination of one (1) or more persons and the appointment by majority vote of the council as a whole of one (1) of those persons to fill the vacancy. The person who held the office which has become vacant shall not vote on his replacement.

(Code 1964, § 2.035; Ord. No. 10097, § 1, 3-5-84)

Sec. 2-22. - Meeting times; calling special meetings.

Regular meetings of the city council shall be held on the first and third Monday evenings of each month, and adjourned meetings whenever the council may deem necessary. A regular meeting shall not be held on a city holiday listed in chapter 19 but shall be held on the day following the holiday. A majority of the council may cancel or change the date of a regular meeting; provided, that the council shall meet not less than once each month. The mayor, the city manager or any two (2) council members may call a special meeting of the council at any time, by causing a police officer to serve a notice upon the members of the council of the time fixed for such special meeting, or by leaving a copy of such notice at the usual place of residence or business of such council members with some member of his family above the age of fifteen (15) years, or with the clerk, agent or representative of his business.

(Code 1964, §§ 2.040, 2.120; Ord. No. 12805, § 1, 11-19-90)

Charter reference—Council meetings, § 14.

Sec. 2-23. - Definitions.

As used in sections 2-23 through 2-25.9 unless the context otherwise indicates, the following terms mean:

Closed meeting, closed record, or closed vote. Any meeting, record or vote closed to the public.

Public governmental body. The city council, any city board, commission, committee, task force or similar group appointed by the city council or mayor; any committee or subcommittee of the city council or of any city board, commission, committee, task force or similar group appointed by the city council or mayor; any city agency, department or division.

Public meeting. Any meeting of a public governmental body at which any public business is discussed, decided, or public policy formulated, whether the meeting is conducted in person or by means of communications equipment, including but not limited to, conference call, video conference, Internet chat, or Internet message board. "Public meeting" shall not include an informal gathering of members of a governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this article.

Public record. Any record whether written or electronically stored retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public government body by a consultant or other professional service paid for in whole or in part by public funds including records created or maintained by private contractors under an agreement with the city. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of the public governmental body, unless such records are retained by the public governmental body or presented at a public meeting.

Public vote. Any vote whether conducted in person, by telephone, or by any other electronic means cast at any public meeting of any public governmental body.

(Ord. No. 11642, § 1, 9-21-87; Ord. No. 15733, § 1, 9-8-98; Ord. No. 18249, § 1, 9-20-04)

Editor's note—

Ord. No. 11642, § 1, adopted Sept. 21, 1987 repealed §§ 2-23, 2-24, 2-25.1—2-25.4 and enacted new provisions designated as §§ 2-23, 2-24, 2-25.1—2-25.940 to read as herein set out. Former sections 2-23, 2-24, 2-25.1—2-25.4 derived from Ord. No. 10618, § 1, (2.041, 2.042, 2.044—2.047) adopted June 17, 1985 and Ord. No. 11324, § 1, adopted Dec. 15, 1986.

Sec. 2-24. - Meetings, votes, records to be open to public.

(a)

Except as otherwise provided by ordinance, all public meetings of public governmental bodies shall be open to the public.

(b)

Except as otherwise provided by ordinance, all public records of public governmental bodies shall be open to the public for inspection and copying.

(c)

Except as otherwise provided by ordinance, all public votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

(d)

Sound recordings of city council meetings which are retained by the city clerk shall be open to the public only after the

minutes of the meetings have been prepared and approved. Thereafter, such recordings shall be open to the public at such reasonable times as shall be determined by the city clerk, and subject to such reasonable rules as shall be imposed by the city clerk.

(e)

Any person may record any open public meeting by audiotape, videotape, or other electronic means provided the recording is done in a manner that does not disrupt the meeting.

(Ord. No. 11642, § 1, 9-21-87; Ord. No. 18249, § 1, 9-20-04)

Note—

See the editor's note at § 2-23.

Sec. 2-25. - Notice of meetings.

(a)

All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered. If the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular governmental body concurrent with the notice being made available to the members of the particular governmental body. Reasonable notice shall also include posting the notice on the bulletin board in the first floor hallway of the City Hall Building, 701 East Broadway and on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose in the building in which the meeting is to be held.

(b)

Notice conforming with all of the requirements of subsection 2-25(a) shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when the facility where the required notice is posted is closed, prior to the commencement of any meeting of a public governmental body unless, for good cause, such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

(c)

When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

(d)

A formally constituted subunit of a parent public governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

(e)

If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

(Ord. No. 10618, § 1(2.043), 6-17-85; Ord. No. 15733, § 1, 9-8-98; Ord. No. 18249, § 1, 9-20-04; Ord. No. 20568, § 1, 2-15-10)

Sec. 2-25.1. - Closed meetings and votes.

Except to the extent otherwise required by ordinance, a public governmental body is authorized to close meetings and votes, to the extent they relate to the following:

(1)

Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

(2)

Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor.

(3)

Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this section, the term "personal information" means information relating to the performance or merit of

individual employees.

- (4) Preparation, including any discussions on behalf of a public governmental body or its representatives for negotiations with employee groups.
- (5) Scientific and technological innovations in which the owner has a proprietary interest.
- (6) Any meeting of the city community development loan and grant committee pertaining to financial data disclosed by an applicant for housing rehabilitation assistance shall be a closed meeting.
- (7) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product.
- (8) Any other subject which may be discussed and voted upon at a closed meeting under RSMo ch. 610.

(Ord. No. 11642, § 1, 9-21-87; Ord. No. 15733, § 1, 9-8-98; Ord. No. 18249, § 1, 9-20-04)

Note—

See the editor's note at § 2-23.

Sec. 2-25.2. - Procedure for closing meetings.

- (a) Except as set forth in subsection (b) of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of RSMo ch. 610 shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- (b) A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed under the provisions of RSMo ch. 610. Such notice shall comply with the procedures set forth in section 2-25 for notice of a public meeting.
- (c) Any meeting or vote closed pursuant, to section 2-25.1 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting which does not directly relate to the specific reason announced to justify the closed meeting.

(Ord. No. 11642, § 1, 9-21-87; Ord. No. 15733, § 1, 9-8-98)

Sec. 2-25.3. - Closed records.

All city records to the extent they relate to the following shall be closed records to the extent allowed by law:

- (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interest or acting on behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of RSMo 610.011, however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed.
- (2) Legal work product shall be considered a closed record.
- (3) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.
- (4) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is recorded. However, the record of any vote on a final decision, when taken by a public governmental body to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such actions occurred; provided, however, that an employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As

used in this section, the term "personal information" means information relating to the performance or merit of individual employees.

- (5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
- (6) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
- (7) Welfare cases of identifiable individuals.
- (8) Preparation, including any discussion or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
- (9) Software codes for electronic data processing and documentation thereof.
- (10) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
- (11) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
- (12) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
- (13) Records which are protected from disclosure by law.
- (14) Public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- (15) Any record of the city community development loan and grant committee pertaining to financial data disclosed by an applicant for housing rehabilitation assistance.
- (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
- (17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; provided, however, that all final audit reports issued by the auditor including the annual independent financial audit report shall be open records and the city manager may declare individual internal audit reports to be open records.
- (18) Operational guidelines and policies developed, adopted or maintained by any city department responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by any city department in implementing these guidelines or policies. The city council finds that disclosure of such records would impair the city's ability to protect the safety or health of persons and further states that the public interest in nondisclosure outweighs the public interest in disclosure of the records.
- (19) Existing and proposed security systems and structural plans of real property owned or leased by the city, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety. The city council finds that disclosure of such records would impair the city's ability to protect the security and safety of persons and real property, and that the public interest in nondisclosure outweighs the public interest in disclosure of the records. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section.
- (20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network, of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network, shall be open; and
- (21)

Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

(Ord. No. 11642, § 1, 9-21-87; Ord. No. 15733, § 1, 9-8-98; Ord. No. 17456, § 1, 9-16-02; Ord. No. 18249, § 1, 9-20-04)

Note—

See the editor's note at § 2-23.

Sec. 2-25.4. - Availability of public records.

- (a) The city clerk shall be the custodian of the city council's records.
- (b) Each department head shall be the custodian of the department's records unless the department head appoints one (1) or more record custodians and notifies the city clerk of each appointment.
- (c) The head of each city office or department responsible for staffing a city board, commission, committee, task force or similar group shall be the record custodian of the group's records unless the head of the office or department appoints another person to serve as record custodian and notifies the city clerk of the appointment.
- (d) The city clerk shall maintain a complete list of the identity, location and telephone number of each record custodian for each city department, board, commission, committee, task force and similar group.
- (e) Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian.
- (f) Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date that the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- (g) If a request for access is denied, the custodian shall provide, upon request, a written statement on the grounds of such denial. Such statement, shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

(Ord. No. 11642, § 11, 9-21-87; Ord. No. 18249, § 1, 9-20-04)

Note—

See the editor's note at § 2-23.

Sec. 2-25.5. - Fees.

- (a) Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
 - (1) Fees for copying public records shall not exceed ten cents (\$0.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the city. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the city shall produce the copies using employees that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the city to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.
 - (2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, video tapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time which shall not exceed the

average hourly rate of pay for staff of the city required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual cost of such programming.

(b)

Payment of such copying fees may be requested prior to the making of copies.

(Ord. No. 1164, § 1, 9-21-87; Ord. No. 15733, § 1, 9-8-98; Ord. No. 18249, § 1, 9-20-04)

Note—

See the editor's note at § 2-23.

Sec. 2-25.6. - Written policy on release of information.

The provisions of sections 2-23 through 2-25.5 shall constitute the written policy of the city council and all City of Columbia public governmental bodies regarding the release of information on any meeting, record or vote. City public governmental bodies may supplement this policy with additional written policies not inconsistent with the ordinances of the City of Columbia.

(Ord. No. 11642, § 1, 9-21-87)

Note—

See the editor's note at § 2-23.

Secs. 2-25.7—2-25.9. - Reserved.

Editor's note—

Ord. No. 15733, § 1, adopted Sept. 8, 1998 repealed §§ 2-25.7—2-25.9, which pertained to closed meetings and derived from Ord. No. 11642, § 1, adopted Sept. 21, 1987.

Sec. 2-26. - Authority to compel attendance of witnesses.

By a majority vote of its members, the council may compel, by the issuance of process, the attendance of witnesses and the production of papers and records relating to any subjects under investigation in which the interest of the city is involved, and shall have power to call upon the proper officer of the city or county to execute such process.

(Code 1964, § 2.090)

Charter reference—Council powers, § 18.

Sec. 2-27. - Power to administer oaths.

Any council member or the city clerk may administer oaths or affirmations in any matter pertaining to the affairs and government of the city.

(Code 1964, § 2.100)

Secs. 2-28—2-40. - Reserved.

DIVISION 2. - RULES AND ORDER OF BUSINESS

***Charter reference—**Rules and order of business to be determined by ordinance, § 8.

Sec. 2-41. - Rules adopted.

The rules and order of business following in this division are hereby officially adopted for the transaction of the business of the council.

(Code 1964, § 2.110)

Charter reference—Council to provide manner of compelling attendance, § 8.

Sec. 2-42. - Quorum; calling meetings; adjournment; compelling attendance.

A majority of the members elected to the council shall constitute a quorum to do business, but any two (2) members may have a call of the council or may adjourn from time to time, and may compel the attendance of absent members and make an order for their censure or fine.

Charter reference—Council to provide manner of compelling attendance, § 8.

Sec. 2-43. - Absence from meetings, generally.

No member shall absent himself from meetings of the council unless he has leave or is sick and unable to attend or is otherwise prevented by circumstances beyond his control; and any member absents himself without having such an excuse may be fined not less than one dollar (\$1.00) nor more than five dollars (\$5.00), unless such fine is remitted by consent of a majority of the members of the council.

(Code 1964, § 2.140)

Sec. 2-44. - Duties of mayor at meetings.

At the hour designated for council meetings, the mayor shall call the council to order, and after roll call, if a quorum is present, he shall cause the minutes of the last preceding meeting to be read for correction and approval. He shall preserve order and decorum and decide all questions of order, subject to an appeal to the council.

(Code 1964, § 2.160)

Charter reference—Mayor to preside at council meetings, § 10.

Sec. 2-45. - Mayor pro tem.

The council shall select from among the council members a mayor "pro tempore, " who shall act as mayor during the absence or disability of the mayor. If a vacancy should occur, the mayor "pro tempore" shall become mayor for the completion of the unexpired term, unless that term is for a period exceeding one (1) year. In the absence of the mayor "pro tempore, " the council may select one (1) of its members present to preside at council meetings, who shall be styled "acting mayor pro tempore."

(Code 1964, § 2.170)

Charter reference—Similar provisions, § 10.

Sec. 2-46. - Order of business.

The order of business of the council, unless otherwise determined, shall be as follows:

(1)

Introductory items:

a.

Roll call;

b.

Approval of previous minutes;

c.

Approval and adjustment of agenda;

d.

Finalization of consent agenda—Council and public to indicate any items on which comment is requested.

(2)

Special items.

(3)

Appointment to boards and commissions.

(4)

Scheduled public comment.

(5)

Public hearings, with or without bills.

(6)

Old business (items not included on consent agenda):

a.

Ordinances:

1.

Second reading by title;

2.

Third reading by council bill number;

3.

Final consideration of ordinances.

- b. Resolutions: Final consideration of resolutions previously introduced.
- (7) Consent agenda, which shall be all bills and resolutions ready for final consideration except bills requiring an advertised public hearing, or bills on which comment is requested by any member of the city council or the public, or bills requiring a super majority vote.
 - a. Second and third reading by council bill number of all bills on the consent agenda;
 - b. Reading of resolutions by number;
 - c. Final consideration of consent agenda.
- (8) Resolutions not on consent agenda.
- (9) Introduction and first reading of ordinances by council bill number.
- (10) Reports and petitions.
- (11) General comments by public, council and staff.
- (12) Adjournment.

(Code 1964, § 2.180; Ord. No. 10017, § 1, 12-5-83; Ord. No. 12913, § 1, 3-18-91; Ord. No. 14821 § 1, 4-15-96; Ord. No. 18212, § 1, 9-7-04; Ord. No. 20710, § 1, 8-2-10)

Sec. 2-47. - Consent agenda procedure.

The city manager may, at his discretion, place any item of business on the consent agenda, provided the item of business does not involve any advertised public hearing, does not require a super majority vote, and as to which no request has been made by a city council member or other person to discuss the matter. The consent agenda shall be prepared by the city manager. An item of business placed on the consent agenda may be removed from such agenda at any time prior to the finalization of the consent agenda as set forth in section 2-46 of this chapter. An item of business shall be automatically removed from the consent agenda if a request is made by a council member or a citizen that they wish to speak or have discussion on the matter. An item included on the consent agenda shall not be debated or discussed by city council members nor shall any person have a right to speak on said matter unless the person has requested an opportunity to speak on the matter prior to the finalization of the consent agenda. Items of business contained on the consent agenda shall be voted upon by council considering the consent agenda in its entirety and shall not be taken up for consideration as separate matters, except that nothing contained herein shall be construed to prohibit a city council member from voting individually on each separate item shown on the consent agenda.

A vote by a city council member for adoption of the consent agenda shall mean that the council member has requested that his vote be recorded as an aye vote for each separate item on the consent agenda and shall be recorded as such. A vote against adoption of the consent agenda shall be recorded as a nay vote on each item placed on the consent agenda and shall be recorded as such. Provided, however, a city council member, when casting an aye vote or nay vote, may specifically exclude from such vote for approval or disapproval of the consent agenda specific items on the agenda, and in such event the city clerk shall record the exceptions accordingly.

(Code 1964, § 2.185)

Sec. 2-47.1. - Agenda preparation.

- (a) The city manager shall prepare the agenda for council meetings in accordance with the provisions of the Charter and ordinance. He shall place such matters upon the agenda as may be requested by any council person and those which he presents as head of city administration.
- (b) In the event that any matter requested by any council person to be presented to the council in the form of a report, ordinance or resolution requires the expenditures of significant staff time or of public monies over and above those costs inherent in the administration of city government, the city manager shall inform the council person. The council person shall present such request to the council in the form of a motion to instruct the city manager and staff to prepare such report, ordinance or resolution.
- (c) Suggestions from city boards and commissions for staff reports, ordinances or resolutions shall be presented to the council in the form of a report. Neither staff time nor public monies shall be expended in the preparation of any staff report, ordinance or resolution until the council has by motion instructed the city manager and staff to prepare such document or, in the instance of an ordinance or resolution which does not require significant staff time, until a council person has requested such preparation. Any action which may be initiated by any board or commission pursuant to authority granted by the charter,

ordinance or statute is specifically exempted from this requirement.
(Ord. No. 10664, § 1(2.187), 8-5-85)

Editor's note—

Ord. No. 10664, § 1, adopted Aug. 5, 1985 amended Ch. 2 of the Code 1964 by enacting a new § 2.187, which provisions have been included herein at the editor's discretion as § 2-47.1.

Sec. 2-48. - Addressing chair.

When a member is about to speak, he shall respectfully address himself to the presiding officer, but shall not proceed with his remarks until recognized and named by the chair.

(Code 1964, § 2.190)

Sec. 2-49. - Naming speaker.

When two (2) or more members address themselves to the presiding officer at once, the presiding officer shall name the person who is to speak first, the other having preference to speak next.

(Code 1964, § 2.200)

Sec. 2-50. - Number of speeches; disrespect.

No member shall speak more than twice on the same question without permission of the council, nor more than once until every member choosing to speak shall have spoken; and in all discussion disrespectful language or personalities shall be avoided.

(Code 1964, § 2.210)

Sec. 2-51. - Interrupting speaker.

While a member is speaking, other members shall not hold private discourses or in any other manner interrupt the speaker.

(Code 1964, § 2.220)

Sec. 2-52. - Calling member to order.

A member called to order shall immediately desist from speaking unless permitted to explain. If there is no appeal, the decision of the chair shall be conclusive, but if the member appeals to the council from the decision of the chair, the council shall decide the question without debate.

(Code 1964, § 2.230)

Sec. 2-53. - Voting requirements; abstentions.

(a)

Except as provided in section 2-53.1, every member who shall be present when a vote is taken on a question shall vote on the question unless excused by a majority of the council.

(b)

Except as provided in section 2-53.1, every member who intends to abstain shall state the reasons for the abstention, and shall request council permission to abstain. The council shall vote on the request prior to commencement or continuance of the vote.

(1)

Except for votes under section 29-34(b), an abstention shall be counted with the majority and, if the question before the council requires a super majority for passage, the abstention shall be counted to reach the required super majority.

(2)

In the event of an abstention on a tie vote, the abstention shall not be counted with either side to break the tie.

(Code 1964, § 2.240; Ord. No. 10104, § 1, 3-19-84; Ord. No. 13097, § 1, 9-3-91; Ord. No. 17541, § 1, 1-6-03)

Sec. 2-53.1. - Disclosure of interests; abstentions.

(a)

Every council member who has a substantial personal or private interest in any bill or measure proposed or pending before the council shall file a written report of the nature of the interest with the city clerk. The city clerk shall record the statement in the council minutes. A council member who has a substantial personal or private interest in any bill or measure pending before the council shall disqualify himself from voting on any matter relating to such interest.

(b)

The following definitions apply to this section:

Business entity. A corporation, association, firm, partnership, proprietorship, or business entity of any kind or character.

Dependent child. All children, stepchildren, foster children and wards under the age of eighteen (18) residing in the person's household and who receive in excess of fifty (50) per cent of their support from the person.

Substantial interest. Ownership by the individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten (10) per cent or more of any business entity, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization, or association within any calendar year.

Substantial personal or private interest in any measure, bill, order or ordinance. Any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity.

(Ord. No. 14962, § 1, 9-3-96; Ord. No. 15341, § 1, 9-2-97; Ord. No. 15734, § 1, 9-8-98; Ord. No. 16159, § 1, 9-7-99; Ord. No. 16566, § 1, 9-5-00; Ord. No. 17008, § 1, 9-4-01; Ord. No. 17808, § 1, 8-18-03; Ord. No. 18198, § 1, 8-16-04; Ord. No. 18647, § 1, 8-15-05; Ord. No. 19166, § 1, 8-21-06; Ord. No. 19637, § 1, 8-20-07; Ord. No. 20027, § 1, 8-18-08; Ord. No. 20393, § 1, 8-17-09; Ord. No. 20717, § 1, 8-16-10)

Sec. 2-54. - Requirements for considering resolution.

No resolution may be considered by the council unless it is in writing and has been prepared and approved as to form by the city counselor's office, had a resolution number assigned to it by the city manager's office, and has been placed on the agenda at or before the time for approval and adjustment of the agenda in the regular order of business as set forth in section 2-46.

(Code 1964, § 2.250)

Sec. 2-55. - Policy resolutions.

Whenever the mayor and/or city manager, during the preparation of the agenda for a council meeting, or a majority of the council at a council meeting, determines that a resolution sets policy, the resolution shall be designated a "policy resolution" and may not be considered at the meeting at which it is introduced for the first time, but must be held over and placed on the agenda of the following meeting under old business, and public comment, if requested, shall be permitted.

(Code 1964, § 2.260)

Sec. 2-56. - Withdrawing motions.

Any motion may be withdrawn before a vote is taken.

(Code 1964, § 2.270)

Sec. 2-57. - Amendment or substitute motion or proposition.

No new motion or proposition shall be admitted under color of an amendment or of a substitute for the pending motion or proposition which does not relate to the subject matter of the original motion or proposition.

(Code 1964, § 2.280)

Sec. 2-58. - Motions or resolutions when question is under debate.

When a question is under debate, no motion or proposition shall be entertained except for the previous question, to amend, to refer to a committee or to an officer of the city, to lay on the table, or to adjourn.

(Code 1964, § 2.290)

Sec. 2-59. - When motion to adjourn in order.

A motion to adjourn shall always be in order, except: first, when a member is in possession of the floor; second, while the ayes and nays are being called; third, while the members are voting; fourth, when it was the last preceding motion; and fifth, when it has been decided that the previous question shall be taken.

(Code 1964, § 2.300)

Sec. 2-60. - Previous question.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted on demand of two (2) members and sustained by a vote of four-fifths of the members present, and until decided, shall preclude all amendments and further debate, and shall be decided without debate.

(Code 1964, § 2.310)

Sec. 2-61. - When motion to amend and debate precluded.

A motion for the previous question, or to lay the question on the table, until decided, shall preclude all amendments and debate on the main question; and a motion to amend, or to adjourn it to a certain day shall, until it is decided, preclude all further amendment to the main question.

(Code 1964, § 2.320)

Sec. 2-62. - Deciding priority of business; objecting to reading paper.

All questions relating to the priority of business to be acted on shall be decided without debate; and when the reading of paper is called for, and the same is objected to by any member, it shall be determined by a vote of the council.

(Code 1964, § 2.330)

Sec. 2-63. - When ayes and nays taken.

If any two (2) members require it, the ayes and nays upon any question shall be taken and entered on the minutes; but the ayes and nays shall not be taken unless called for previous to any vote upon the question.

(Code 1964, § 2.340)

Sec. 2-64. - Removal, return of papers and documents.

No member of the council or other person shall take any paper or document from the clerk's office without leave, and all papers and documents withdrawn therefrom, with leave, shall be returned by the person withdrawing the same uninjured and undefaced. All papers or documents delivered to a member of the council or officer by the clerk, for the purpose of reporting thereon, shall be returned by the member of the council or officer at the time of making the report.

(Code 1964, § 2.350)

Sec. 2-65. - How rules repealed, altered or amended.

The rules provided in this division shall not be repealed, altered or amended except by ordinance receiving the affirmative vote of a majority of the entire council.

(Code 1964, § 2.360)

Charter reference—Similar provisions, § 8.

Sec. 2-66. - Punishment for violation.

For violation of any of its rules or order of business, or for conduct at a meeting unbecoming a council member, the council may, by majority vote, punish the offender for contempt and fine him, for the use of the city, in a sum not exceeding twenty-five dollars (\$25.00), to be recovered from him as any other penalty.

(Code 1964, § 2.370)

Secs. 2-67—2-80. - Reserved.

DIVISION 3. - STYLE, PASSAGE AND REVIVAL OF ORDINANCES

***Charter reference**—Legislative proceedings, § 15.

Sec. 2-81. - Passage of ordinances, generally.

(a)

No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of all members elected to the council shall vote therefor, and the yeas and nays are entered on the journal. Every bill shall be read three (3) times before its passage, by title or council bill number. Not more than two (2) of the readings shall be at the same legislative session; and at least one week shall elapse between the introduction and final passage of any bill, except in the case of an emergency bill.

(b)

No bill shall be considered by the council unless it is in writing, has been prepared and approved as to form by the city counselor's office, a bill number assigned to it by the city manager's office, and it has been placed on the agenda at or before the time for approval and adjustment of the agenda in the regular order of business as set forth in section 2-46.

(Code 1964, § 2.390)

Charter reference—Similar provisions, §§ 8, 15A; city counselor, § 65.

Sec. 2-82. - Emergency ordinances.

An ordinance may be passed as an emergency measure on the day of the introduction of the bill, provided that it contains the statement that an emergency exists and specifies distinctly the facts and reasons constituting the emergency. No ordinance granting, enlarging or affecting any franchise shall be passed as an emergency measure. The emergency procedure shall be restricted to the following:

- (1) Bills concerning the immediate preservation of public peace, property, health, safety or morals.
- (2) An appropriation for payment of principal or interest of the public debt.
- (3) An appropriation for the payment of current expenses of the city government.
- (4) Calling an election or providing for the submission of a proposal to the people.

The vote of six-sevenths of the members of the council shall be required to pass an ordinance as an emergency measure.

(Code 1964, § 2.400)

Charter reference—Similar provisions, § 15B.

Sec. 2-83. - Title of bill.

The title of every bill shall indicate the purpose or object to be accomplished thereby.

(Code 1964, § 2.420)

Sec. 2-84. - Enacting clause.

The enacting clause of ordinances of the city shall be: "Be it ordained by the council of the city of Columbia, as follows:".

(Code 1964, § 2.380)

Charter reference—Similar provisions, § 15A.

Sec. 2-85. - Filing bills; hearing; final passage; amendment.

Every bill introduced shall be filed with the city clerk on the day of its first reading and shall remain on file in his office for public inspection until it is finally adopted or fails of passage. Prior to the final passage of any bill, other than an emergency bill, all persons interested therein shall be given an opportunity to be heard before the council, in accordance with such rules and regulations as the council may adopt. After the third reading of any bill and compliance with the other provisions herein, the council may finally pass the bill with or without amendment, except that if the council shall make an amendment which constitutes a change in substance, the bill as amended shall be filed in the office of the city clerk for one additional week, and an opportunity afforded for further public hearing, after which final action may be taken thereon.

(Code 1964, § 2.410)

Charter reference—Similar provisions, § 15C.

Sec. 2-86. - Fiscal note required.

(a)

All ordinances and resolutions of a legislative nature introduced before the city council shall, before being acted upon, be submitted to the city manager who shall prepare a fiscal note, examining the items contained in paragraph (b), and such additional items as requested by the city council or as may be deemed appropriate by the city manager. (b) The fiscal note shall state:

- (1) The cost of the proposed legislation to the city for the next two (2) fiscal years;
- (2) Whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency;
- (3) Whether or not there is a federal or state mandate for the program or agency;
- (4) Whether or not the proposed program or agency will have significant direct fiscal impact upon any other political subdivision or agency of the state; and
- (5) Whether or not any new employees, physical facilities, or capital expenditures will be required.

(c)

The fiscal note for a bill shall accompany the bill throughout its course of passage, and may from time to time be revised to reflect changes made in the bill prior to its final passage.

(Code 1964, § 2.415)

Sec. 2-87. - Reconsideration of bill.

(a)

When a bill which does not involve an advertised public hearing is put upon its final passage and fails to pass, a motion to reconsider may be made by a council member voting on the prevailing side, i.e., for defeat of the ordinance, at any time during the council meeting when the original vote was taken. When such motion to reconsider is made, the vote on such motion shall be immediately taken, and if such motion prevails, a vote on the bill shall be taken and the subject finally disposed of or tabled to a subsequent meeting before the council proceeds to any other business.

(b)

When a bill which involves an advertised public hearing is put upon its final passage and fails to pass, a motion to reconsider may be made by a council member voting on the prevailing side, i.e., for defeat of the ordinance. If the motion is made before the council recesses or takes up another matter, the vote on such motion shall be immediately taken, and if such motion prevails, a vote on the bill shall be taken and the subject finally disposed of or tabled to a subsequent meeting before the council proceeds to any other business. If the motion is made after the council recesses or proceeds to any other business, the reconsideration shall be governed by the provisions of section 2-88 relating to reconsideration of subject matter.

(Code 1964, § 2.440; Ord. No. 13650 § 1, 4-19-93)

Sec. 2-88. - Reconsideration of subject matter.

Any council member desiring to introduce a bill in the form of a bill considered and defeated by the council not more than ninety (90) days previously, shall make a motion to reconsider the subject matter of the bill and request leave of council to introduce a new bill on the same subject matter. When such motion for reconsideration of a subject matter is made, the vote upon such motion shall be immediately taken, and if such motion prevails, the bill shall be introduced as in the instance of a new bill and shall be considered and adopted in accordance with the requirements of an original bill on that subject matter.

(Code 1964, § 2.445)

Sec. 2-89. - Ordinance must be signed; filing and preservation of ordinances passed.

An ordinance, when passed by the council, shall be signed by the presiding officer and attested by the city clerk. It shall be immediately filed and thereafter preserved in the office of the city clerk and, except as otherwise provided in the charter of the city, shall be subject to the referendum provided in Article XVII of the charter of the city.

(Code 1964, § 2.340)

Charter reference—Similar provisions, § 15D.

Sec. 2-90. - How ordinances revived.

No ordinance shall be revived or reordained by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance.

(Code 1964, § 2.450)

Sec. 2-91. - Ordinance not revived by repeal of repealing ordinance.

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it shall not be construed to revive such former ordinance, clause or provision.

(Code 1964, § 2.460)

Sec. 2-92. - When ordinance effective.

Unless otherwise specified, every ordinance shall become effective twenty (20) days after its final passage. If an ordinance is submitted at a referendum election or as a result of an initiative petition, it shall become effective upon the declaration by the council, after canvassing the election returns, that it has received the favorable vote of a majority of those voting thereon.

(Code 1964, § 2.470)

Charter reference—Similar provisions, § 15D.

Sec. 2-93. - Proof of ordinance publication.

Whenever the city council shall order the publication of an ordinance, due proof of such publication by the affidavit of the printer or publisher shall be procured by the clerk and attached thereto, or written and attested upon the face of such ordinance.

(Code 1964, § 2.480)

Secs. 2-94—2-105. - Reserved.

DIVISION 4. - CONSTRUCTION OF ORDINANCES

Sec. 2-106. - Effect of abolishing office.

Whenever any duty is imposed upon any officer, or office of the city, and that officer or office has been abolished, such duties shall be performed by the officer, board or committee taking over the duties of such officer or office so abolished.

(Code 1964, § 2.530)

Sec. 2-107. - Request by council members for rezoning ordinances.

Any council member desiring the preparation of an ordinance to change the existing zoning of any property, other than property owned by that council member, shall first request a report from the planning director, which shall include available facts regarding all prior zoning, existing zoning, existing land use, and proposed zoning of such property, and such other factual information as the planning director deems pertinent. If, after reviewing the report, the council member desires the preparation of an ordinance to rezone such property, the council member shall request the preparation of a resolution directing the staff to draft an ordinance to present for consideration by the council to rezone such property. Passage of the resolution by the council shall be required for staff preparation of such ordinance.

(Code 1964, § 2.535)

Secs. 2-108—2-120. - Reserved.

ARTICLE III. - OFFICERS AND EMPLOYEES

**Charter reference—Administrative service, §§ 22-24.*

**Cross reference—Emergency powers of mayor, § 7-1; powers of city manager and coordinator in regard to civil defense, § 7-19; director of health services, § 11-31 et seq.; duty of city counselor to represent and advise human rights commission, § 12-19; city traffic engineer, § 14-61 et seq.; municipal court judge, § 15-46 et seq.*

DIVISION 1. - GENERALLY

Sec. 2-121. - Tax delinquents not to hold city office.

No person shall be entitled to hold any city office or employment who is in arrears for any city taxes.

(Code 1964, § 2.610)

Charter reference—Similar provisions, § 155.

Sec. 2-122. - Board and commission members.

(a)

Residency required. All members of boards and commissions established by ordinances of the city, who are required by law or ordinance to be registered voters of the city, shall be residents of the city.

(b)

Removal. Any member of a board or commission of the city may be removed from such board or commission by vote of a majority of the members of the council.

(Code 1964, § 2.635; Ord. No. 10235, § 1, 7-16-84)

Sec. 2-123. - Oath of office.

Before entering upon the duties of his office, every officer shall file with the city clerk his certificate of election or appointment, and shall take and subscribe before and file with the city clerk his oath or affirmation that he possesses all the qualifications for the office to which he is chosen, that he is not subject to any of the disqualifications set forth in the Charter, and that he will support the Constitution and laws of the United States and of the state and the Charter and ordinances of the city, and that he will faithfully discharge the duties of his office.

(Code 1964, § 2.560)

Charter reference—Similar provisions, § 148.

Sec. 2-124. - Officers bonds in general.

The city manager, city clerk, city collector, director of finance, all other officers and employees receiving, disbursing or responsible for city funds, and such other officers and employees as the council by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sum and with such sureties as shall be prescribed by ordinance, and subject to approval by the council, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all moneys belonging to the city that may come into their hands. If any person elected or appointed to any office or employment shall fail to give bond as he is required, he shall forfeit his office or employment. The city shall pay the premiums on all such bonds. The bond of the city clerk shall be filed with the mayor, and the bonds of all other officers and employees shall be filed with the city clerk.

(Code 1964, § 2.570)

Charter reference—Similar provisions, § 149.

Sec. 2-125. - Financial interest in contracts.

No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly in the sale to the city of any land, materials, supplies or services except on behalf of the city as an officer or employee. Any violation of this section shall render the contract or sale void, and any employee or officer so violating this section shall thereby forfeit his office or employment.

(Code 1964, § 2.620)

Charter reference—Similar provisions, § 156.

Sec. 2-125.1. - Disclosure reports.

(a)

Each member of the council, the city manager, the head of the purchasing division and the city counselor shall disclose, in writing, the following information by May 1 of each year, beginning in 1992, if any such transactions were engaged in during the previous calendar year:

(1)

For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and

(2)

The date and identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

(b)

The city manager and the head of the purchasing division shall disclose, in writing, by May 1 of each year, beginning in 1992, the following information for the previous calendar year:

(1)

The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

(2)

The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten (10) per cent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two (2) per cent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3)

The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

(c)

The definitions set forth in section 2-53.1 shall apply to this section.

(Ord. No. 14962, § 1, 9-3-96; Ord. No. 15341, § 1, 9-2-97; Ord. No. 15734, § 1, 9-8-98; Ord. No. 16159, § 1, 9-7-99; Ord. No. 16566, § 1, 9-5-00; Ord. No. 17008, § 1, 9-4-01; Ord. No. 17808, § 1, 8-18-03; Ord. No. 18198, § 1, 8-16-04; Ord. No. 18647, § 1, 8-15-05; Ord. No. 19166, § 1, 8-21-06; Ord. No. 19637, § 1, 8-20-07; Ord. No. 20027, § 1, 8-18-08; Ord. No. 20393, § 1, 8-17-09; Ord. No. 20717, § 1, 8-16-10)

Sec. 2-125.2. - Filing of disclosure reports.

(a)

The disclosure reports required by section 2-125.1 shall be filed with the city clerk and shall be available for public inspection and copying during normal business hours. Copies of the disclosure reports shall also be filed with the Missouri Ethics Commission.

(b)

The disclosure reports shall be filed at the following times, but no person is required to file more than one (1) disclosure report in any calendar year:

(1)

Each person appointed to office shall file the report within thirty (30) days of such appointment or employment.

(2)

Every other person required to file a disclosure report shall file the report annually not later than May 1 and the report shall cover the calendar year ending the immediately preceding December 31.

(Ord. No. 14962, § 1, 9-3-96; Ord. No. 15341, § 1, 9-2-97; Ord. No. 15734, § 1, 9-8-98; Ord. No. 16159, § 1, 9-7-99; Ord. No. 16566, § 1, 9-5-00; Ord. No. 17008, § 1, 9-4-01; Ord. No. 17808, § 1, 8-18-03; Ord. No. 18198, § 1, 8-16-04; Ord. No. 18647, § 1, 8-15-05; Ord. No. 19166, § 1, 8-21-06; Ord. No. 19637, § 1, 8-20-07; Ord. No. 20027, § 1, 8-18-08; Ord. No. 20393, § 1, 8-17-09; Ord. No. 20717, § 1, 8-16-10)

Sec. 2-126. - Departmental interchanges.

In accordance with procedure established by the city manager and subject to his approval, it shall be the duty of the various department directors to furnish to any other department such service, labor, equipment or materials as may be requisitioned by the head of such other department. The charge for such service, labor, equipment or materials shall be made to the department so furnished at actual cost or reasonable depreciated value.

(Code 1964, § 2.630)

Charter reference—Similar provisions, § 156.

Secs. 2-127—2-140. - Reserved.

DIVISION 2. - SOCIAL SECURITY

***State law reference**—Social Security, RSMo §§ 105.300—105.400.

Sec. 2-141. - Acts extended to officers and employees.

It is hereby declared to be the policy and purpose of the city to extend, at the earliest date, to all eligible employees and officials of the city who are not excluded by this division, and whether in connection with a governmental or proprietary function of the city, the benefits of the Federal Old Age and Survivors' Insurance as authorized by the Social Security Act amendments of 1950 and by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the state, and amendments thereof, as the same may be now and hereafter in effect.

(Code 1964, § 2.640)

Sec. 2-142. - Plan and agreement for benefits.

The city manager and city clerk are authorized and directed, on behalf of the city, to prepare, execute and submit to the division of budget and comptroller of the state, a state agency, a plan and agreement for extending benefits to such eligible employees and officials of the city in the form prepared by the state agency and hereby approved and adopted by the city council, which plan and agreement are to become effective upon approval thereof by the state agency, and are further authorized and directed to execute agreements and modifications and amendments thereof with such state agency, providing for the extension of such benefits to such employees and officials as set forth in the plan and agreement as provided for in section 2-141, such plan and agreement to provide that such extension of benefits is to be effective on January 1, 1951.

(Code 1964, § 2.650)

Sec. 2-143. - Contributions—Deductions from employees' wages.

Commencing on the first day of the month following approval of the plan and agreement of the city by the state agency, there shall be deducted from the wages of all employees and officials of the city to whom the benefits of the system of Federal Old Age and Survivors' Insurance are extended, by virtue of the plan and agreement hereinbefore provided for, the amount of each of such employee's and official's contributions, as determined by the applicable state federal laws and by such plan and agreement, the aggregate amount of such deductions to be paid into the contributions fund created by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri; provided, however, that, from the first payment of wages made to each of such employees and officials after the benefits of such system have been extended to such employees and officials, there shall be deducted a sum equal to the amount which would have been due and payable from each of such employees and officials had such extension of benefits been provided and effective on January 1, 1951.

Sec. 2-144. - Same—Appropriations to pay city's contribution.

Commencing on the first day of the month following the date of the approval of the plan and agreement of the city by the state agency, there is hereby authorized to be appropriated from the general revenue fund and from the water and light fund of the city, and there is, and shall be, appropriated, the sum of money necessary to pay the contributions of the city which shall be due and payable by virtue of the extension of the benefits of the Federal Old Age and Survivors' Insurance System to the eligible employees and officials of the city, such sum of money to be paid into the contributions fund created by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri; provided, however, that in making the first payment to such contributions funds, after the benefits of such system have been extended to such employees and officials, such first payment shall include a sum equal to the amount which would have been due and payable had such extension of benefits been provided and effective on January 1, 1951. The fund from which such appropriation is made shall, at all times, be sufficient to pay the contributions of the city by this section directed to be paid to the contributions fund.

(Code 1964, § 2.670)

Sec. 2-145. - Administration of plan.

The city, from and after the approval of the plan and agreement of the city by the state agency, shall fully comply with, and shall keep such record, make such reports and provide such methods of administration of such plan and agreement as may be required by all applicable state and federal laws, rules and regulations, now and hereafter in effect, with respect to the extension of the benefits of the Federal Old Age and Survivors' Insurance System to the employees and officials of the city. For the purpose of administering such plan and agreement, the director of finance of the city shall be the official who shall make all required reports, keep all records and be responsible for the administration of such plan and agreement on behalf of the city, and any and all notices and communications from the state agency to the city with respect to such plan and agreement shall be addressed to "Director of Finance, City of Columbia, Missouri."

(Code 1964, § 2.680)

Cross reference—Powers and duties of finance director, § 2-208.

Secs. 2-146—2-156. - Reserved.

DIVISION 3. - CITY CLERK

***Charter reference—**Similar provisions, § 13.

Sec. 2-157. - Election by council; term.

It shall be the duty of the council to elect some suitable and competent person to the office of the city clerk, who shall hold office at the pleasure of the council.

(Code 1964, § 2.050)

Sec. 2-158. - Duties.

- (a) The city clerk shall, in addition to other duties which are or may be required of him by statute, by the charter, by the council or by the city manager, be the custodian of the seal and all deeds, contracts, ordinances, books, records, papers and other official documents of the city.
- (b) He shall attend all meetings of the city council, keep a correct record or journal of the proceedings thereof, and authenticate, by his signature, all ordinances and resolutions and record them in full in a book kept for that purpose.
- (c) He shall prepare all certificates of election or appointment of the city officers, and deliver the same to the persons elected or appointed.
- (d) He shall record the certificates, oaths and bonds of all the city officers, and shall keep an index of the records of the proceedings of the city council.
- (e) He shall, at the request of anyone and a tender of his fees, make copies, certified under his signature and seal of this city, of any public book, record, paper or document in his office.

(Code 1964, §§ 2.060, 2.080)

Charter reference—Similar provisions, § 13.

Sec. 2-159. - Appointment of temporary clerk.

Whenever for any reason the city clerk is unable to perform the duties of his office, the city council shall, by resolution, appoint a temporary clerk, who shall possess all qualifications required by the charter or ordinances of the city clerk, and who shall have all the powers and perform all the duties of the regular clerk.

(Code 1964, § 2.070)

Secs. 2-160—2-175. - Reserved.

ARTICLE IV. - DEPARTMENTS

DIVISION 1. - GENERALLY

Sec. 2-176. - Directors of departments.

At the head of each department there shall be a director who shall be an officer of the city and shall have supervision and control of the department, subject to the city manager. The director of the police department shall be the chief of police, and the director of the fire department shall be the fire chief. Except as may be otherwise provided by the charter, all directors of departments shall be appointed by the city manager. Two (2) departments may be headed by the same individual; the city manager may head a department, or more than one with consent of the council; and directors of departments may serve as chiefs of divisions.

(Code 1964, § 2.550)

Secs. 2-177—2-190. - Reserved.

DIVISION 2. - DATA PROCESSING

Sec. 2-191. - Department established.

Pursuant to the provisions of Article III, Section 22 of the city charter, there is hereby established a department to be known as the "data processing department."

(Code 1964, § 2.1600)

Sec. 2-192. - Director—Appointment; removal.

The data processing department shall be under the supervision, control and management of a director to be appointed and removed by the city manager, and to be known as the director of the data processing department.

(Code 1964, § 2.1610)

Sec. 2-193. - Same—Qualifications and duties.

The director of the data processing department shall have graduated from an accredited four-year college or university and shall have majored in data processing, computer programming, business administration and accounting, or in the alternative shall be familiar by training and experience with the operation, principles, practices, programming, and with data processing machines and equipment. He shall have, by training and experience, a working knowledge of public administration and the principles and practices of office management procedures, methods and equipment considered modern at the time of his employment by the city. Such director shall be qualified to plan, organize, coordinate, review and revise the work of all units under his supervision and control that are engaged in data processing and activities related thereto, and to formulate and administer policies of the data processing department. He shall cooperate with other departments and make a continuous study of data processing principles, operations, machines and equipment, and shall, with the consent of the city manager, change, modify or eliminate any program, practice, procedure or equipment at any time in order that the data processing department may be operated in such manner as to enable the city to obtain the maximum benefit therefrom.

(Code 1964, § 2.1620)

Secs. 2-194—2-205. - Reserved.

DIVISION 3. - FINANCE

**Charter reference—Finance department, § 25 et seq.*

**Cross reference—General fund, § 2-3.*

Sec. 2-206. - Department established.

Pursuant to the provisions of Article III, section 22 of the city charter, there is hereby established a department to be known as the "finance department."

Sec. 2-207. - Director—Appointment; qualifications.

The director of the department of finance shall be appointed by the city manager. He shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

(Code 1964, § 2.2100)

Sec. 2-208. - Same—Powers and duties.

The director of finance shall have charge of the administration of the fiscal affairs of the city and to that end the director of finance shall have authority and shall be required to:

- (1) Keep books of account of the receipts and expenditures of all departments.
- (2) Keep accurate detailed accounts of:
 - a. All taxes assessed by the city and all money due the city from any and every source.
 - b. Moneys received and the several sources from which derived.
 - c. All funds of the city and disbursements made therefrom and all obligations incurred.
- (3) Prescribe the method of keeping accounts for all departments and offices of the city, which method shall be uniform as nearly as practicable and conform to the laws of the state.
- (4) Examine and audit all accounts and claims against the city except claims for unliquidated damages. He shall not issue or sign any draft, check or warrant until he shall have verified the correctness of the account for which the same is issued; neither shall he allow the payment of the account unless the money shall have been appropriated therefor, nor shall he issue or sign any draft, check or warrant for any account against the city unless sufficient money is in the fund on which it is drawn.
- (5) At the close of the fiscal year, and at any time upon the direction of the council, examine and audit all books of account kept by any official, board or department.
- (6) Balance the books of account of all departments of the city each calendar month under the direction of the city manager, who shall make quarterly public financial statements to the council.
- (7) Present to the council annually, and whenever required by the council, a detailed statement of the financial condition of the city, which shall include all receipts and expenditures of the various departments; a detailed statement of the debt of the city, and the purpose for which it was incurred; and an inventory of all personal property, supplies and equipment of the city, with both their cost and estimated current value.
- (8) Serve as city treasurer and have custody of all public funds belonging to or under control of the city, or any office, department or agency of the city government; deposit all funds coming into his hands in such depositories as may be designated by resolution of the council, or, if no such resolution be adopted, in such depositories as may be designated by the city manager, subject to the requirements of law as to surety and the payment of interest on deposits.
- (9) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity; have the safe-keeping of all bonds, notes or other evidences of indebtedness of the city; and be responsible for the receipt and delivery of the same for transfer, registration or exchange.
- (10) As director of finance and as city treasurer, perform such additional duties not herein specifically set out as may be required of him by the charter, by law, by ordinance, or by the city manager.
- (11) Be responsible for the approval of all proposed expenditures; and unless he shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made.
- (12) Be responsible for the collection of all charges for the services of all utilities owned and operated by the city, and of all monies due the city from any other source whatsoever, unless otherwise provided by the charter or ordinances of the city. All monies collected by the officers or other employees of the city shall be promptly accounted for and paid into the city treasury. A twenty-five dollar (\$25.00) service charge may be assessed by the director of finance for any returned or rejected forms of payment including checks, electronic payments, or credit card payments, received for

any obligation owed the city.

(13)

Establish a policy and procedure for determining and handling uncollectible accounts owed the city for utility services. The director of finance shall submit, as part of the annual budget, an allowance for bad debts to cover the estimated amount of utility charges which will be uncollectible during the fiscal year. All utility service charges which are determined to be uncollectible by the finance director, pursuant to established policies and procedures, shall be written off by a charge to the bad debt allowance account established above. The finance director shall report the total amount of bad debt write-offs to the city council annually.

(Code 1964, § 2.2110; Ord. No. 16851, § 1, 4-2-01)

Cross reference—Finance director's duty to administrator social security plan and agreement, § 2-145; duty of finance director to prescribe purchasing procedures and forms, § 2-458.

Sec. 2-209. - Purchasing division; established.

A purchasing division is established in the department of finance. The division is under the supervision of the purchasing agent.

(Code 1964, § 2.690; Ord. No. 18178, § 1, 7-19-04)

Sec. 2-210. - Authority of purchasing agent.

The purchasing agent has authority to:

(1)

Enter into contracts on behalf of the city as provided in this chapter;

(2)

Document specifications for supplies, materials and equipment;

(3)

Conduct competitive bidding processes and requests for proposals processes;

(4)

Inspect all supplies, materials and equipment purchased through the purchasing division to determine quality, quantity and conformance with specifications;

(5)

Supervise the transfer of supplies, materials and equipment between departments;

(6)

Dispose of surplus city supplies, materials and equipment as provided in this chapter; and

(7)

Perform any other functions assigned by the city manager or the director of finance.

(Code 1964, § 2.700; Ord. No. 18178, § 1, 7-19-04)

Secs. 2-211—2-220. - Reserved.

ARTICLE V. - COMMISSIONS

***Charter reference**—Administrative organization, § 22.

DIVISION 1. - GENERALLY

Secs. 2-221—2-230. - Reserved.

DIVISION 2. - CULTURAL AFFAIRS

***Editor's note**—

Ord. No. 13971 §§ 1—2, adopted February 21, 1994, repealed division 2 concerning the arts commission and enacted a new division establishing the cultural affairs commission as set out herein. Former division 2 derived from Code 1964 §§ 2.1900—2.1930 and Ord. No. 11738 § 1, adopted January 4, 1988.

***Cross reference**—Commission on human rights, § 12-16 et seq.; parks and recreation commission, § 17-16 et seq.; planning and zoning commission, § 20-36 et seq.

Sec. 2-231. - Commission established; purposes.

There is hereby established a commission on cultural affairs to plan, promote and encourage programs to further public awareness of, accessibility to, participation in, and support for the artistic and cultural development of the city.

Sec. 2-232. - Membership; appointment; qualifications; terms; vacancies.

The commission on cultural affairs shall be composed of twelve (12) members, appointed by the city council. Four (4) members shall have significant knowledge and demonstrated interest in one or more areas of the arts, including music, dance, literature, visual arts, theater, folk arts, media arts, design and arts education. Two (2) members shall be from the business and professional community, one of which shall be from a business or professional office in the special business district. Two (2) members shall be involved in education. One member shall be a lay person with no specialized knowledge in the arts. The commission shall have representation from at least four (4) of the six (6) city wards. Appointments shall be for terms of three (3) years, except that appointments to fill vacancies shall be for unexpired terms only. Terms shall begin on November 1. No member shall serve more than two (2) consecutive full three-year terms. Members shall serve without compensation. At least nine (9) members shall be qualified voters of the city. The city manager shall appoint a staff liaison to work with the commission.

(Ord. No. 13971 §§ 1—2, 2-21-94; Ord. No. 14801 § 1, 3-18-96; Ord. No. 18853, § 1, 1-3-06; Ord. No. 20593, § 1, 4-5-10)

Sec. 2-233. - Duties and responsibilities.

The commission shall have the following duties and responsibilities:

- (1) To act in an advisory capacity to the city council in all matters pertaining to the arts and cultural environment of the city;
- (2) To hold regular public meetings and maintain a written record of its proceedings;
- (3) To make recommendations on city funding of arts programs and services;
- (4) To recommend applications and solicitations for grants, gifts and donations from individuals, groups, organization and agencies, both private and public, for any purpose consistent with the purposes of the commission;
- (5) To make recommendations regarding city initiation or sponsorship, either alone or in cooperation with other agencies, of public programs to further the development of public awareness of and accessibility to arts programs and activities;
- (6) To make recommendations regarding technical and professional assistance to arts and arts administrators;
- (7) At the request of the city council, to work with area agencies on broad community issues in which a cultural perspective is relevant and desirable;
- (8) To engage in comprehensive planning for the cultural development of the city.

(Ord. No. 13971 §§ 1—2, 2-21-94)

Sec. 2-234. - Meetings; quorum; attendance.

The commission shall hold a minimum of six (6) meetings annually at times and places to be determined by the commission. Special meetings may be called by the chair of the commission or by the city council. Seven (7) members of the commission shall constitute a quorum for the transaction of business. The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. The chair shall promptly notify the city council through the city clerk of such vacancy.

(Ord. No. 13971 §§ 1—2, 2-21-94; Ord. No. 17658, § 1, 4-21-03)

Sec. 2-235. - Election of officers; terms.

The commission shall elect from its membership a chair, a vice-chair and a secretary. Officers shall serve terms of one (1) year, and may serve a maximum of two (2) consecutive terms in each office. The commission may adopt rules and procedures for the conduct and transaction of its business.

(Ord. No. 13971 §§ 1—2, 2-21-94; Ord. No. 17658, § 1, 4-21-03)

Sec. 2-236. - Conflicts of interest.

Commission members shall not serve on the board of directors or be employed by any agency which applies for funding through the commission or which receives funding upon recommendation of the commission. For purposes of this section, each academic and administrative unit of the University of Missouri shall be considered a separate agency and each school of the Columbia Public School District shall be considered a separate agency. Any commission member who violates this section shall

automatically forfeit the office. It shall be the duty of the chair of the commission to promptly notify the city council of the vacancy.

(Ord. No. 13971 §§ 1—2, 2-21-94; Ord. No. 17658, § 1, 4-21-03; Ord. No. 19302, § 1, 11-20-06; Ord. No. 19720, § 1, 11-5-07)

Sec. 2-237. - Gifts of works of art; procedures and guidelines for acceptance.

(a)

Persons wishing to donate works of art to the city shall submit the following information to the manager of cultural affairs:

(1)

A description of the work of art including the dimensions;

(2)

The proposed display site, if a particular site is preferred;

(3)

If the work of art has not been completed, relevant information on the artists;

(4)

The estimated value of the work of art;

(5)

An estimate of any cost to the city for installing the work (including such items as cost of removal from and restoration of an existing site, relocation costs and site preparation costs);

(6)

If applicable, the identity of the persons installing the work and the manner in which the installation shall be accomplished;

(7)

A description of any repair or restoration work needed and an estimate of the cost of such repair or restoration.

(8)

A description of any necessary maintenance procedures and an estimate of the annual cost of such maintenance.

The manager of cultural affairs, to the extent feasible, shall assist potential donors in assembling this information.

(b)

The manager of cultural affairs shall forward information received on a proposed gift of a work of art to the commission on cultural affairs and, if applicable, to the department head in charge of the proposed display site.

(c)

The commission on cultural affairs shall make a recommendation to the city council on whether to accept the proposed gift of a work of art. In making its recommendation, the commission shall consider the following factors:

(1)

The quality of the work of art;

(2)

If the work has not been completed, the ability of the artist;

(3)

The appropriateness of locating the work of art at the proposed display site;

(4)

Any proposed restrictions on the gift;

(5)

The technical feasibility of accepting and installing the work of art;

(6)

The cost to the city of accepting the work of art.

In considering a proposed gift of a work of art, the commission shall consider the comments of the department head in charge of the proposed display site and the comments of any authorities or experts with whom the commission has consulted.

(d)

The city council shall decide whether to accept or reject works of art offered to the city.

(Ord. No. 15073, § 1, 12-2-96)

Secs. 2-238—2-250. - Reserved.

DIVISION 3. - BICYCLE/PEDESTRIAN COMMISSION

***Cross reference—Motor vehicles and traffic, Ch. 14.**

Sec. 2-251. - Establishment; members; qualifications; appointment; terms.

The bicycle/pedestrian commission is hereby established. The commission shall be composed of eleven (11) members. One (1) member shall be a member of the planning and zoning commission chosen by that commission; one (1) member shall be a member of the parks and recreation commission chosen by that commission; one (1) member shall have knowledge of street construction and maintenance; four (4) members shall have knowledge of bicycling, bicycle safety, or bikeways; and four (4) members shall have an interest in pedestrian safety and infrastructure. All members shall be qualified voters of the city. The

members succeeding the original members shall be appointed by the city council for three-year terms. The members from the planning and zoning commission and the parks and recreation commission shall be voting members but shall not be eligible to serve as officers of the bicycle/pedestrian commission.

(Code 1964, § 2.2360; Ord. No. 11202, § 1, 9-15-86; Ord. No. 11890, § 1, 5-16-88; Ord. No. 15790, § 1, 10-19-98; Ord. No. 17522, § 1, 12-2-02; Ord. No. 17798, § 1, 8-18-03)

Sec. 2-252. - Meetings; quorum; attendance.

The commission shall meet at the call of the chair. A quorum for the transaction of business shall consist of not less than six (6) members. The commission shall elect from its members a chair, vice-chair and a secretary. The chair shall preside at all meetings, and in the absence of the chair or the inability of the chair to preside at any meeting, the vice-chair shall preside. The secretary shall keep a permanent record of the proceedings of the commission and forward a report of such proceedings to the city council. The commission shall establish its own rules and procedures. The members appointed shall serve for the terms of their appointments, and until their successors are appointed and qualified, and each shall serve without compensation. The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair of the commission to promptly notify the appointing authority of the vacancy.

(Code 1964, § 2.2370; Ord. No. 15790, § 1, 10-19-98; Ord. No. 17522, § 1, 12-2-02; Ord. No. 17798, § 1, 8-18-03)

Sec. 2-253. - Powers and duties.

The powers and duties of the commission shall be to:

- (1) Develop a master bike plan for the city, such master plan being subject to periodic review and revision by the commission based on changes in traffic patterns and other changes associated with the growth of Columbia.
- (2) Work in concert with the administration in preparation and submission of yearly grant requests.
- (3) Implement the plan as money becomes available according to priorities based on need and cost of bike routes.
- (4) Develop programs and methodology for teaching proper bike use and registration.
- (5) Advise the city council on issues relating to city sidewalks, walkways and trails.

(Code 1964, § 2.2380; Ord. No. 15790, § 1, 10-19-98)

Secs. 2-254—2-265. - Reserved.

DIVISION 4. - BOONE COUNTY COMMUNITY SERVICES ADVISORY COMMISSION

***Editor's note—**

Ord. No. 11027, § 1, enacted May 5, 1986, repealed Div. 4, §§ 2-266—2-269, pertaining to Boone County Community Services Advisory Commission, which derived from Code 1964, §§ 2.2300—2.2320. Section 2 of said ordinance enacted a new Div. 4, to read as herein set out.

***Cross reference—Conley poor funds, § 1-13.**

Sec. 2-266. - Establishment of commission; powers and duties.

There is hereby established the Boone County Community Services Advisory Commission whose purpose is to advise the city council and county commission in all matters regarding the planning and contracting for human service programs to adequately meet the needs of the citizens of the City of Columbia and Boone County, especially the low-income. To meet this responsibility, the commission shall:

- (1) Determine the social service needs of the citizens of Columbia and Boone County. This process would include the awareness of existing social services and of any proposed changes in programs and funding which would affect the community.
- (2) Prepare each year, in conjunction with the office of community services, a comprehensive plan for Columbia and Boone County which outlines the needs and services essential to meet those needs. The commission shall encourage and seek public input in the discussion and decision-making process. The plan shall include the recommended amount of funds to be allocated for each service and shall be reviewed by and subject to approval of the city council

and county commission.

(3)

Recommend to the city council and county commission the appropriate providers of the approved services, including the quality, quantity and cost of each service. Recommendations shall be submitted to the city council and county commission as a part of the annual budget process. No requests for funding of human services shall be considered by the city council or county commission without accompanying written recommendations from the advisory commission.

(4)

Review, as necessary, the provision of social services in the City of Columbia and Boone County and recommend measures for increasing effectiveness and efficiency whenever possible.

(5)

Maintain liaison with and review the actions of state and federal government and other funding sources having an effect, on social services in Columbia and Boone County, and develop strategies for providing input into any decisions affecting the city or county.

(6)

Exercise such other powers and duties as the city council and/or county commission may from time to time direct.

(7)

The provisions of this section related to the powers and duties of the Boone County Community Services Advisory Commission do not apply to funding requests, activities or services administered by or under the supervision of any department of the City of Columbia or Boone County.

(Ord. No. 11027, § 2, 5-5-86)

Sec. 2-267. - Members, terms.

The Boone County Community Services Advisory Commission shall be composed of ten (10) members. Three (3) members shall be appointed by the county commission and seven (7) members shall be appointed by the city council. The city manager shall designate the staff of the office of community services as consultant and advisor to the commission. Members appointed by the city council shall be qualified voters and residents of the City of Columbia, shall serve without compensation, and shall not be paid officers or employees of the city. Selection of members will be made so as to encourage representation of social service professionals. Appointments shall be made to become effective January 1 of each year and the term of office shall be three (3) years. The first appointments made shall be for staggered terms as follows: Two (2) members for three (3) years, two (2) members for two (2) years and three (3) members will complete their present two-year terms; thereafter, appointments for all seven (7) member shall be for three (3) years. Appointments to fill vacancies shall be unexpired terms only.

(Ord. No. 11027, § 2, 5-5-86)

Sec. 2-268. - Meetings; quorum; attendance.

Meetings shall be held in accordance with rules established by the commission. A simple majority of all members shall constitute a quorum for the transaction of business. The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent from fifty (50) per cent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the city council of the vacancy.

(Ord. No. 11027, § 2, 5-5-86; Ord. No. 17658, § 1, 4-21-03; Ord. No. 20117, § 1, 11-17-08)

Sec. 2-269. - Election of officers; terms.

The commission shall elect annually a chair, two (2) vice-chairs (one (1) each from the county and city appointees), and a secretary. Each officer shall hold office for a term of one (1) year and shall be eligible for re-election. When there is a vacancy of any elected office, the commission shall elect an officer to serve until the next regular annual election. Duties of the officers shall be outlined in the commission's rules of procedure.

(Ord. No. 11027, § 2, 5-5-86; Ord. No. 17658, § 1, 4-21-03)

Sec. 2-270. - Conflicts of interest.

Commission members shall not serve on the board of directors or be employed by any agency which applies for funding through the commission or which receives funding upon recommendation of the commission. For purposes of this section, each academic and administrative unit of the University of Missouri shall be considered a separate agency and each school of the Columbia Public School District shall be considered a separate agency. Any commission member who violates this section shall automatically forfeit the office. It shall be the duty of the chair of the commission to promptly notify the city council of the vacancy.

(Ord. No. 11738, § 1, 1-4-88; Ord. No. 17658, § 1, 4-21-03; Ord. No. 19302, § 1, 11-20-06; Ord. No. 19720, § 1, 11-5-07)

Secs. 2-271—2-280. - Reserved.

DIVISION 5. - DOWNTOWN COLUMBIA LEADERSHIP COUNCIL

Sec. 2-281. - Established.

The Downtown Columbia Leadership Council is hereby established.

(Ord. No. 19852, § 1, 3-17-08)

Sec. 2-282. - Membership; officers.

The Downtown Columbia Leadership Council shall consist of sixteen (16) members, three (3) of whom shall be nonvoting members. Six (6) members shall be appointed by the city council. At least two (2) members appointed by the city council shall be representatives of recognized neighborhood associations. Applicants for these positions must submit with their application, a letter from an officer of the neighborhood association certifying that the applicant has been designated by the association as its representative. At least one (1) member appointed by the city council shall reside in the expanded downtown development concept plan and study area as defined in the "Downtown Columbia Leadership Council Interim Report" dated May, 2009. The director of planning and development and director of economic development shall be nonvoting members. Each of the following shall appoint one (1) member: the planning and zoning commission, the Boone County Commission, the Chancellor of the Columbia Campus of the University of Missouri, the President of Columbia College, the President of Stephens College, the Special Business District and the Historic Preservation Commission. The Columbia Housing Authority shall appoint a nonvoting member. Two (2) of the initial members appointed by the city council shall serve a term of one (1) year, two (2) shall serve a term of two (2) years and two (2) shall serve a term of three (3) years. Thereafter, appointments shall be for terms of three (3) years, except that appointments to fill vacancies shall be for unexpired terms only. Members shall serve without compensation. The Downtown Columbia Leadership Council shall elect from its members a chair, vice-chair and secretary. The chair shall preside at meetings. If the chair is absent or unable to preside, the vice-chair shall preside. The secretary shall keep a permanent record of the proceedings of the leadership council.

(Ord. No. 19852, § 1, 3-17-08; Ord. No. 20672, § 1, 7-6-10)

Sec. 2-283. - Duties.

The Downtown Columbia Leadership Council (DCLC) shall have the following duties:

- (1) Periodically review the boundaries of the expanded downtown development concept plan and study area as defined in the "Downtown Columbia Leadership Columbia Interim Report" dated May, 2009 (roughly Garth Avenue to Business Loop 70 to Old Highway 63 to Stewart Road and the northern edge of the University of Missouri campus).
- (2) Monitor current assets and additional opportunities within the expanded study area that would assist in the area's redevelopment.
- (3) Advise city staff and consultants on preparation of a blight/conservation study and preparation of a Missouri Downtown and Rural Economic Stimulus Act (MODESA) application.
- (4) Work with city-funded consultants to conduct annual downtown planning activities and to create a comprehensive downtown strategic plan.
- (5) Recommend to the city council possible development guidelines and physical attributes for downtown Columbia.
- (6) Monitor the implementation of recommendations resulting from the downtown planning charrette project and future DCLC downtown planning projects.
- (7) Review and comment on all future downtown public finance mechanisms including tax increment financing (TIF), Brownfields and other economic incentives.
- (8) Provide downtown awareness and outreach to include, but not limited to, DCLC annual report (measurables, progress, investment, jobs, etc.), annual downtown awards program and quarterly downtown seminars and presentations.
- (9) The DCLC shall meet regularly and at the call of the chair. The chair is authorized to excuse any member from attendance at a meeting; provided, that the member had requested to be excused at least one (1) day before the meeting. Members who are absent, without being excused, from twenty-five (25) percent of the regular meetings held in a calendar year shall automatically forfeit their office. Members who are absent from three (3) consecutive regular meetings shall automatically forfeit their office. It shall be the duty of the chair to promptly notify the city council of any such vacancy. The DCLC shall have the power to adopt its own additional procedural regulations, provided that such regulations are consistent with city ordinances and state law.
- (10) Work on other projects requested by the city council.

(Ord. No. 19852, § 1, 3-17-08; Ord. No. 20672, § 1, 7-6-10)

Secs. 2-284—2-300. - Reserved.

DIVISION 6. - COMMUNITY COOPERATION

Sec. 2-301. - Establishment; composition; compensation; terms; activities declared to be for public municipal purpose.

An advisory commission, to be known as the commission on community cooperation, is hereby established. Such commission shall be composed of the city manager, a member of the city council to be selected by the council, and one representative from each of the following institutions and governmental bodies to be selected by such institution or body namely: the University of Missouri; Stephens College; Columbia College; the Board of Directors of the Columbia, Missouri, School District; the county court; the Columbia Housing Authority; and the executive secretary of the Columbia Chamber of Commerce. Each member shall serve without compensation and at the pleasure of his respective appointing authority for an unlimited term. The activities of the commission are declared to be for a public municipal purpose.

(Code 1964, § 2.1360)

Sec. 2-302. - Duties; officers, meetings.

The commission on community cooperation shall review the public plans and undertakings of the participating institutions and governmental bodies, provide cooperation and coordination in such plans and undertakings, and report the contemplated plans and undertakings of participants to the respective institutions and governmental bodies, so that better relations may be created among the participants, better coordination of public plans and undertakings may be secured, that communication and efficiency may be improved, and duplication of services eliminated. The chairman of the commission shall be selected from among the members at the first meeting of the calendar year, and the commission shall select from among its members a secretary who shall keep a record of and report on the activities of the commission to each participating institution and governmental body. The commission shall hold regular meetings at least four (4) times a year at such times and places as it shall determine, and shall hold special meetings upon the call of the chairman.

(Code 1964, § 2.1370)

Secs. 2-303—2-325. - Reserved.

DIVISION 7. - COMMUNITY DEVELOPMENT

Sec. 2-326. - Established.

The Columbia Community Development Commission is hereby established.

Sec. 2-327. - Members; qualifications; compensation; terms.

The community development commission shall be composed of nine (9) members, who shall be qualified voters of the city, and shall consist of one (1) member from the Boone County Community Services Advisory Commission chosen by that commission, one (1) member from each of the six (6) wards of the city, and two (2) at-large members. Selection of members shall be made so as to encourage substantial representation of low and moderate income citizens and members of minority groups in accordance with federal guidelines. They shall serve without compensation and shall not be paid officers or employees of the city. The terms of office shall be three (3) years. The city council shall, on or before the first day of November of each year, make appointments to fill the terms expiring at that time. The member from the Boone County Community Services Advisory Commission shall be a voting member but shall not be eligible to serve as an officer of the Columbia community development commission.

(Code 1964, § 2.1400; Ord. No. 17522, § 1, 12-2-02)

Sec. 2-328. - Election and terms of officers; vacancies.

The commission shall elect three (3) of its members to serve as chair, vice-chair and secretary. Each officer shall hold office for a term of one (1) year. When any officer's appointment to the commission expires or becomes vacant, the commission shall elect a new officer.

(Code 1964, § 2.1430; Ord. No. 17522, § 1, 12-2-02)

Sec. 2-329. - Meetings; quorum; attendance.

The community development commission shall hold meetings once each month at a time and place to be determined by the commission, and such special meetings as called for by the chair of the commission. When there is no business to conduct, the chair may cancel the monthly meeting. A simple majority of the current members of the commission shall constitute a quorum for the transaction of business. The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair of the commission to promptly notify the city council of the vacancy.

Sec. 2-330. - Duties and responsibilities.

The community development commission shall have responsibility and be required to:

- (1) Act in an advisory capacity in all matters pertaining to community development.
- (2) Consider the annual application for the expenditures of federal funds under the Housing and Community Development Act of 1974 and make recommendations with respect thereto to the city manager and the city council.
- (3) Assist in the planning of such funded activities, promote and stimulate public interest therein; and to that end, solicit to the fullest possible extent the cooperation of the neighborhood associations and other public and private agencies.
- (4) Provide citizens with an adequate opportunity to participate in an advisory role in planning, implementing and assessing the program in accordance with federal regulations now or hereafter adopted by providing adequate information to citizens, holding public hearings to obtain views of citizens, and providing citizens an opportunity to comment on the city's community development performance.

(Code 1964, § 2.1410)

Sec. 2-331. - Conflict of interest.

Commission members shall not serve on the board of directors or be employed by any agency which applies for funding through the commission or which receives funding upon recommendation of the commission. For purposes of this section, each academic and administrative unit of the University of Missouri shall be considered a separate agency and each school of the Columbia Public School District shall be considered a separate agency. Any commission members who violates this section shall automatically forfeit his office. It shall be the duty of the chairman of the board to promptly notify the city council of the vacancy.

(Ord. No. 11738, § 1, 1-4-88; Ord. No. 19302, § 1, 11-20-06; Ord. No. 19720, § 1, 11-5-07)

Secs. 2-332—2-345. - Reserved.

DIVISION 8. - ENVIRONMENT AND ENERGY

Sec. 2-346. - Established.

The Columbia Environment and Energy Commission is hereby established.

Sec. 2-347. - Members; qualifications; compensation; terms.

The environment and energy commission shall be composed of eleven (11) members. Four (4) members shall be appointed by the Boone County Commission. Six (6) members shall be appointed by the city council. One (1) member shall be a member of the planning and zoning commission chosen by that commission. The six (6) members appointed by the city council shall be qualified voters of the city. Members shall serve without compensation and shall not be paid officers or employees of the city. The terms of office shall be three (3) years. Appointments shall be made on or about the first day of June of each year. The member from the planning and zoning commission shall be a voting member but shall not be eligible to serve as an officer of the environment and energy commission.

(Code 1964, § 2.2000; Ord. No. 17522, § 1, 12-2-02; Ord. No. 17660, § 1, 5-5-03)

Sec. 2-348. - Election of officers; terms; vacancies.

The commission shall elect three (3) of its members to serve as chair, vice-chair and secretary. Each officer shall hold office for a term of one (1) year. When any officer's appointment to the commission expires or becomes vacant, the commission shall elect a new officer.

(Code 1964, § 2.2030; Ord. No. 17522, § 1, 12-2-02)

Sec. 2-349. - Meetings; quorum; attendance.

The commission shall hold meetings once each month at a time and place to be determined by the commission, and such special meetings as called for by the chair of the commission. Six (6) members of the commission shall constitute a quorum for the transaction of business. The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair of the commission to promptly notify the appointing authority of the vacancy.

Sec. 2-350. - Duties and responsibilities.

The environment and energy commission shall have the responsibility for and be required to:

- (1) Prepare a commission report to the city council on how a plan for energy conservation might be developed. In order to prepare this report, the commission should gather information from other parts of the country, particularly those cities who have such a plan in place; the commission, or representatives of the commission, should visit certain model cities who have ongoing plans in place, to see how that particular model has worked; and, in limited situations, may require the services of a consultant. The final report should be a blueprint for the city to proceed in the development of a comprehensive energy conservation plan.
- (2) Act in an advisory capacity to the council in all matters pertaining to environmental protection, which could include questions of energy efficiency and conservation, and of changing technology.
- (3) Assist in the planning of environmental improvements, promote and stimulate public interest thereon; and to that end, solicit to the fullest possible extent the cooperation of other public and private agencies.

(Code 1964, § 2.2010)

Secs. 2-351—2-360. - Reserved.

DIVISION 9. - YOUTH ADVISORY

***Cross reference**—Sale of alcoholic beverages to minors, § 4-10; consumption of alcoholic beverages by minors, § 4-11; sale and handling of alcoholic beverages by minors, § 4-12; misrepresentation of age by minors for purposes of purchasing alcoholic beverages, § 4-13; purchase or possession of alcoholic beverages by minors, § 4-14.

Sec. 2-361. - Establishment of commission; objectives.

There is hereby established a youth advisory commission in and for the city, with the following purposes and objectives:

- (1) To promote youth involvement in government affairs.
- (2) To advise the city council on the following areas: education, delinquency, cultural development, leisure activities, and social concerns.

(Code 1964, § 2.1700)

Sec. 2-362. - Members; qualifications; officer; terms.

- (a) The youth advisory commission shall consist of nine (9) regular youth members and three (3) adult advisory members. Youth members shall not be older than nineteen (19) years of age at the time of appointment.
- (b) Youth members, shall be appointed by the city council. It shall be the council's policy to appoint youth members of diverse backgrounds representing each high school and junior high school in Columbia.
- (c) Adult advisory members shall be appointed by the city council. It shall be the council's policy to appoint persons with a demonstrated concern for or involvement with youth. Adult members shall be advisory only and shall not be voting members. However an adult member may hold the office of secretary and/or treasurer.
- (d) Initially, three (3) youth members and one adult member shall be appointed for one-year terms; three (3) youth members and one adult member shall be appointed for two-year terms; and three (3) youth members and one adult member shall be appointed for three-year terms. At the expiration of the term of each member, the city council will appoint a successor who shall hold office for three (3) years.

(Code 1964, § 2.1710)

Sec. 2-363. - Election of officers; terms.

The youth advisory commission shall elect the following officers from their membership to serve one-year terms: chairperson, vice-chairperson, and secretary and/or treasurer.

(Code 1964, § 2.1740)

Sec. 2-364. - Meetings; quorum; attendance; vacancies.

Meetings shall be held periodically as necessary in accordance with rules established by the commission. A simple majority of all regular members shall constitute a quorum for the transaction of business. Any commission member having three (3) unscheduled absences without just cause within a period of one year, or who shall be continuously absent from meetings for any reason for a period of four (4) consecutive months (when regular meetings have been held in such four (4) months) without prior consent of the chairman, shall automatically forfeit his office. It shall be the duty of the chairman of the commission to promptly notify the city council of the vacancy.

(Code 1964, § 2.1720)

Secs. 2-365—2-369. - Reserved.

DIVISION 10. - SUBSTANCE ABUSE ADVISORY COMMISSION

***Editor's note—**

Ord. No. 10788, § 1, adopted Nov. 18, 1985, amended the 1964 Code by the addition of Art. XXIII, §§ 2.2500—2.2530, which provisions have been codified within this article as Div. 10, §§ 2-370—2-373.

Sec. 2-370. - Establishment of commission; objectives.

The substance abuse advisory commission of the City of Columbia is hereby established, and shall have the following purposes and objectives:

- (1) To advise the city council in matters pertaining to substance abuse.
- (2) To make recommendations intended to prevent and eliminate the abuse of alcohol and other controlled substances.
- (3) To promote the coordination of programs directed towards the youth of the community intended to prevent and eliminate alcohol and substance abuse.
- (4) To promote policies of inter-governmental cooperation in strengthening existing alcohol and drug abuse programs.

(Ord. No. 10788, § 1(2.2500), 11-18-85)

Sec. 2-371. - Members; terms.

- (a) The commission shall be composed of ten (10) members with the following qualifications: One (1) member shall be a representative of the University of Missouri appointed by the chancellor of the University of Missouri - Columbia; one (1) member shall be a representative of the Columbia Police Department appointed by the city manager; one (1) member shall be a representative of the Columbia School District appointed by the superintendent of Columbia Public Schools; one (1) member shall be a healthcare professional; one (1) member shall be a student under the age of twenty-five (25); and the five (5) remaining members shall have demonstrated interest in and concern for substance and alcohol abuse problems in the community.
- (b) The members shall be appointed for three-year terms, and shall serve without compensation. The first members of the commission shall be appointed for staggered terms as follows: Three (3) members three (3) years, three (3) members two (2) years, three (3) members one (1) year. Appointments to fill vacancies shall be for unexpired terms only.

(Ord. No. 10788, § 1(2.2510), 11-18-85; Ord. No. 10992, § 1, 4-21-86; Ord. No. 17603, § 1, 3-3-03; Ord. No. 20254, § 1, 4-20-09)

Sec. 2-372. - Meetings; quorum; attendance.

The commission shall meet at the call of the chair as necessary in accordance with the rules and procedures established by the commission. A quorum for the transaction of business shall consist of not less than five (5) members. Any member who is absent from fifty (50) per cent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the council of the vacancy.

(Ord. No. 10788, § 1(2.2520), 11-18-85; Ord. No. 17603, § 1, 3-3-03; Ord. No. 19997, § 1, 7-21-08)

Sec. 2-373. - Election of officers; terms.

The commission shall elect from its members a chair, vice-chair, and secretary. The chair shall preside at all meetings, and in the absence of the chair or the chair's inability to preside, the vice-chair shall preside. The secretary shall keep a permanent record of the proceedings of the commission, and forward a report of such proceedings to the council. The commission shall establish its own rules and procedures.

(Ord. No. 10788, § 1(2.2530), 11-18-85; Ord. No. 17603, § 1, 3-3-03)

DIVISION 11. - CAREER AWARENESS AND RELATED EXPERIENCE ADVISORY BOARD

Sec. 2-374. - Established.

The Career Awareness and Related Experience (C.A.R.E.) Advisory Board is hereby established.

(Ord. No. 11995, § 2, 9-6-88)

Sec. 2-374.1. - Duties and objectives.

The C.A.R.E. Advisory Board shall have the following duties and objectives:

- (1) To advise the city council in matters pertaining to the C.A.R.E. program.
- (2) To make recommendations to the staff regarding the operation of the C.A.R.E. program.
- (3) To promote the C.A.R.E. program to current and prospective employers in Columbia and Boone County.

(Ord. No. 11995, § 2, 9-6-88)

Sec. 2-374.2. - Membership; appointment terms.

- (a) The board shall be composed of eight (8) members as follows: one member shall be a present or former participant in the C.A.R.E. program appointed by the C.A.R.E. program director; one member shall be a representative of Columbia Public Schools appointed by the superintendent of Columbia Public Schools; one member shall be a representative of the Chamber of Commerce appointed by the board of directors of the Chamber; one member shall be a representative of the University of Missouri-Columbia appointed by the chancellor of the University of Missouri-Columbia; one member shall be a representative of the Housing Authority of the City of Columbia appointed by the board of commissioners of the Housing Authority; the remaining three (3) members shall be appointed by the city council. One of the members appointed by the city council shall be an employer who has previously employed C.A.R.E. trainees.
- (b) The members appointed by an appointing authority other than the city council shall serve at the pleasure of the appointing authority for an indefinite term. The members appointed by the city council shall be appointed at the first council meeting in October. After the initial members' terms, the terms of office of members appointed by the city council shall be three (3) years. Appointments to fill vacancies shall be for the unexpired terms only. All members shall serve without compensation.

(Ord. No. 11995, § 2, 9-6-88; Ord. No. 13619 § 1, 3-15-93)

Sec. 2-374.3. - Meetings; quorum; attendance.

The board shall meet at the call of the chair as necessary to perform its duties. Four (4) members shall constitute a quorum for the transaction of business. The chair of the board is authorized to excuse any member from attendance at a board meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular board meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the council of the vacancy.

(Ord. No. 11995, § 2, 9-6-88; Ord. No. 17658, § 1, 4-21-03)

Sec. 2-374.4. - Election of officers.

The board shall elect from its members a chair, vice-chair and a secretary. The chair shall preside at all meetings, and in the absence of the chair or the chair's inability to preside, the vice-chair shall preside. The secretary shall keep a permanent record of the proceedings of the board.

(Ord. No. 11995, § 2, 9-6-88; Ord. No. 17658, § 1, 4-21-03)

DIVISION 12. - INTERNET CITIZENS ADVISORY GROUP

Sec. 2-375. - Established.

The Internet citizens advisory group is hereby established.

(Ord. No. 14563 § 1, 7-17-95; Ord. No. 16613, § 2, 9-18-00)

Sec. 2-375.1. - Duties and objectives.

The Internet citizens advisory group shall make recommendations to the city staff and the city council on resource priority for

the city's effective utilization of the Internet. The Internet citizens advisory group shall serve as a focus group to assess the user friendliness and effectiveness of the city's Internet activities. The group shall submit an annual report to the city council.

(Ord. No. 14563 § 1, 7-17-95; Ord. No. 16613, § 2, 9-18-00)

Sec. 2-375.2. - Membership.

The Internet citizens advisory group shall consist of seven (7) members appointed by the city council. Two (2) of the initial members shall serve a term of one (1) year, two (2) a term of two (2) years, and three (3) a term of three (3) years. Thereafter, appointments shall be for terms of three (3) years, except that appointments to fill vacancies shall be for unexpired terms only. Members shall serve without compensation.

(Ord. No. 14563 § 1, 7-17-95; Ord. No. 16613, § 2, 9-18-00)

Sec. 2-375.3. - Officers; meetings; staff support.

The group shall elect from its members a chair, vice-chair and secretary. The chair shall preside at meetings. If the chair is absent or unable to preside, the vice-chair shall preside. The secretary shall keep a permanent record of the proceedings of the group. The city manager shall provide the group with information and staff needed for the group to make informed recommendations to the city staff and city council. The chair of the group is authorized to excuse any member from attendance at a group meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular group meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the city council of the vacancy.

(Ord. No. 14563 § 1, 7-17-95; Ord. No. 16613, § 2, 9-18-00; Ord. No. 17658, § 1, 4-21-03)

DIVISION 13. - DISABILITIES COMMISSION

Sec. 2-375.4. - Disabilities commission; establishment, composition, terms.

(a)

An advisory commission to be known as the Columbia Disabilities Commission is hereby established. The commission shall be composed of the city's ADA coordinator and twelve (12) members appointed by the mayor and approved by the city council. Seven (7) members shall be persons with significant disabilities as defined by the Americans with Disabilities Act. Two (2) members shall own or operate businesses in the Columbia area. Three (3) members shall have particular knowledge or experience in providing services to individuals with disabilities or an interest in the welfare of the city residents with disabilities. All appointed members shall be residents of the city.

(b)

Members shall serve three-year staggered terms. In order to establish staggered terms, four (4) members of the initial board shall be appointed to one-year terms, four (4) shall be appointed to two-year terms and four (4) shall be appointed to three-year terms. After the initial appointment, all members shall be appointed for three-year terms, except that appointments to fill vacancies shall be for unexpired terms only. Members shall serve until their replacements are appointed.

(Ord. No. 15229, § 1, 5-19-97)

Sec. 2-375.5. - Duties, meetings.

(a)

The commission shall meet at least quarterly. Seven (7) members shall constitute a quorum to do business. The commission shall elect a chair, a vice-chair and a secretary from its members. Each officer shall hold office for a term of one (1) year. The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the city council of the vacancy.

(b)

The commission shall hold public meetings to consider the concerns of residents of the city with disabilities and advise the city council as necessary.

(c)

The commission shall review or monitor accessibility of public and private facilities and shall educate the business community, civic groups and the public as to the concerns of residents with disabilities.

(d)

The commission shall act as liaison between the city and other organizations working with persons with disabilities and shall encourage communication and cooperate among them.

(Ord. No. 15229, § 1, 5-19-97; Ord. No. 17658, § 1, 4-21-03)

DIVISION 14. - TAX INCREMENT FINANCING COMMISSION

Sec. 2-375.6. - Definitions.

The following definitions apply to this division:

Act means the Real Property Tax Increment Allocation Redevelopment Act, RSMo §§ 99.800 thru 99.865, as amended.

Redevelopment area means an area designated by the city in respect to which the city, after consideration and recommendation of its TIF Commission, has made a finding that there exist conditions which caused the area to be classified as a blighted area, a conservation area, an economic development area or an enterprise zone pursuant to RSMo §§ 135.200 to 135.256, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project.

Redevelopment plan means the comprehensive plan for redevelopment of a redevelopment area by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, a conservation area, an economic development area or a combination thereof, and thereby enhance the tax base of the taxing districts which extend into the redevelopment area. Each redevelopment plan adopted shall conform to the requirements of Section 99.810 of the Act.

Redevelopment project means any redevelopment project within a designated redevelopment area in furtherance of the objectives of the redevelopment plan.

TIF Commission means the Tax Increment Financing Commission of the City of Columbia, Missouri.

(Ord. No. 19851, § 1, 3-17-08)

Sec. 2-375.7. - TIF commission established.

- (a) The Tax Increment Financing Commission of the City of Columbia, Missouri is hereby established.
- (b) The TIF commission shall consist of eleven (11) members. Six (6) members shall be appointed by the mayor with the consent of the city council. Two (2) members shall be appointed by the Board of Education of the Columbia School District. Two (2) members shall be appointed by the Presiding Commissioner of Boone County, Missouri with the consent of the Boone County Commission. One (1) member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the city council.
- (c) Of the members first appointed by the mayor, two shall serve terms of two (2) years, two shall serve terms of three (3) years and two shall serve terms of four (4) years. Thereafter, the members appointed by the mayor shall serve terms of four (4) years. Vacancies shall be filled for unexpired terms in the same manner as the original appointments.
- (d) Members who are appointed by taxing districts other than the city shall serve on the TIF commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the TIF commission. Such terms shall terminate upon final approval of the project, plan or designation of the area by the city council. If any taxing jurisdiction fails to appoint members of the TIF commission within thirty (30) days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation or redevelopment area, the remaining members shall proceed to exercise the power of the TIF commission.
- (e) All members shall serve without compensation.
- (f) The TIF commission shall elect from among its members a chair, vice-chair and secretary. Meetings of the TIF commission shall be open to the public to the extent provided by law and a record of each meeting shall be kept. The TIF commission shall have the authority to establish rules and procedures not in conflict with city ordinances or policies or the Act and shall meet as required to fulfill its obligations set forth in the Act.
- (g) The TIF commission shall serve as an advisory body to the city council as it relates to the consideration of tax increment financing proposals submitted by interested parties or initiated by any public agency in accordance with the Act. The TIF commission shall hold public hearings and give notice pursuant to Sections 99.825 and 99.830 of the Act on proposed redevelopment plans, redevelopment projects and designation of redevelopment areas and amendments thereto. The TIF commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas and amendments thereto, within thirty (30) days following completion of a hearing on any such plan, project, designation or amendment and shall make recommendations to the city council within ninety (90) days of a hearing referred to in Section 99.825 of the Act concerning adoption of or amendment to redevelopment plans, redevelopment projects or designation of redevelopment areas.

(Ord. No. 19851, § 1, 3-17-08)

Sec. 2-375.8. - Procedures for bids and proposals.

The city council hereby adopts the following procedures for bids and proposals for the implementation of redevelopment projects:

(1)

The city council or the TIF commission shall solicit proposals with respect to the implementation of proposed redevelopment projects.

(2)

Each request for proposals, or notice thereof, shall be published in a newspaper of general circulation in the city and shall be mailed to those persons or firms that the city manager or the city's planning consultant determines might be interested in submitting a bid. Each request for proposals shall provide at least thirty (30) days for the submission of a proposal.

(3)

Criteria for the selection of proposals will include the impact of the proposed project on the city and other taxing jurisdictions, including the projected term for which tax increment financing will be utilized. The city council may establish such additional criteria as it deems appropriate for the selection of bids and proposals. The city council or the TIF commission shall provide reasonable opportunity for any person to submit alternative proposals or bids.

(Ord. No. 19851, § 1, 3-17-08)

Sec. 2-375.9. - Reserved.

DIVISION 15. - PUBLIC TRANSPORTATION ADVISORY COMMISSION

Sec. 2-375.10. - Established.

The public transportation advisory commission is hereby established.

(Ord. No. 20501, § 1, 12-21-09)

Sec. 2-375.11. - Duties.

The commission shall have the following duties:

(1)

Advise city staff with regard to transit policy and safety matters concerning all forms of transit issues affecting the city, for example, conventional vehicles, transit, alternative modes, accessibility and customer amenities.

(2)

Serve as a sounding board for citizen transit, pedestrian and safety and access issues and make recommendations to the city council and city staff for appropriate action.

(3)

Recommend rules and procedures governing public transit service programs, equipment and facilities considering regulatory guidelines, service improvements, and activities of persons utilizing transit services and facilities.

(4)

Aid in the development of a city transportation improvement program by providing citizen input on needed projects for submission to the metropolitan planning organization.

(5)

Create and review surveys and facilitate public input on public transit programming and facility usage.

(6)

Recommend and promote marketing strategies for community outreach programs in order to strengthen the transit image, increase usage, and integrate its role within the community.

(7)

Study issues arising under the Columbia Transit Master Plan as they relate to transportation, make recommendations to the city council and metropolitan planning organization, and prepare reports to aid in the development, implementation and general improvement of the master plan relating to the public transit in the city.

(8)

Other duties assigned by the city council.

(Ord. No. 20501, § 1, 12-21-09)

Sec. 2-375.12. - Membership.

(a)

The commission shall consist of nine (9) members. One (1) member shall be a representative of the University of Missouri appointed by the chancellor of the University of Missouri. One (1) member shall be a member of the disabilities commission appointed by the disabilities commission. One (1) member shall be a member of the bicycle/pedestrian commission appointed by the bicycle/pedestrian commission. The other members shall be appointed by the city council.

(b)

Three (3) of the initial members appointed by the city council shall serve terms of one (1) year and three (3) shall serve terms

of two (2) years. The member appointed by the disabilities commission shall serve a term of two (2) years. The member appointed by the bicycle/pedestrian commission shall serve a term of two (2) years. Thereafter, appointments made by the council shall be for terms of two (2) years, except that appointments to fill vacancies, occurring other than by expiration of terms, shall be filled for the unexpired term only. It shall be the duty of the chair to promptly notify the city council of a vacancy.

(Ord. No. 20501, § 1, 12-21-09)

Sec. 2-375.13. - Officers.

The commission shall annually elect one of its members as chair at the first meeting after the beginning of each fiscal year. The chair shall appoint a vice-chair from the remaining commission members. The chair shall preside at all meetings. In the absence of the chair or the chair's inability to preside, the vice-chair shall preside. The commission rules may specify the duties of the officers.

(Ord. No. 20501, § 1, 12-21-09)

Sec. 2-375.14. - Meetings; quorum; rules.

The commission shall meet at least quarterly. Five (5) members shall constitute a quorum to do business. The commission may adopt rules for the conduct of its business.

(Ord. No. 20501, § 1, 12-21-09)

Sec. 2-375.15. - Reserved.

DIVISION 16. - STORMWATER ADVISORY COMMISSION

Sec. 2-375.16. - Established.

The stormwater advisory commission is hereby established.

(Ord. No. 20553, § 1, 2-15-10)

Sec. 2-375.17. - Duties.

The commission shall have the following duties:

- (1) Advise city staff with regard to policy and long-range goals in all matters concerning the storm water utility.
- (2) Serve as a sounding board for citizen concerns regarding storm water issues and make recommendations to the city council and city staff for appropriate action.
- (3) Other duties assigned by the city council.

(Ord. No. 20553, § 1, 2-15-10)

Sec. 2-375.18. - Membership.

- (1) The advisory commission shall consist of five (5) members. One (1) member shall be appointed by the Chancellor of the University of Missouri to represent the University. Four (4) members shall be appointed by the city council. Two (2) of the initial members appointed by the city council shall serve terms of one (1) year and two (2) members shall serve terms of two (2) years. Thereafter, appointments made by the city council shall be for terms of two (2) years, except that appointments to fill vacancies, occurring other than by expiration of terms, shall be filled for the unexpired term only.
- (2) Members shall be qualified voters and residents of the City of Columbia for at least one year prior to their appointment and remain so throughout the duration of their service.
- (3) Commission members shall be sympathetic with the principle of municipal stormwater management that ensures sound and efficient management of the system.
- (4) Commission members shall serve without pay.

(Ord. No. 20553, § 1, 2-15-10)

Sec. 2-375.19. - Officers.

The commission shall annually elect one of its members as chair at the first meeting after the beginning of each fiscal year. The chair shall appoint a vice-chair from the remaining commission members. The chair shall preside at all meetings. In the

absence of the chair or the chair's inability to preside, the vice-chair shall preside. The commission rules may specify the duties of the officers.

(Ord. No. 20553, § 1, 2-15-10)

Sec. 2-375.20. - Meetings; quorum; rules.

- (1) The commission shall meet regularly at such times and places as the commission shall determine, but shall meet at least quarterly.
- (2) Three (3) members shall constitute a quorum to do business.
- (3) The chair is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) percent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the city council of the vacancy.
- (4) The commission may adopt rules for the conduct of its business.

(Ord. No. 20553, § 1, 2-15-10)

ARTICLE VI. - ARMORY BOARD

***Charter reference—Administrative organizations, § 22.**

Sec. 2-376. - Established.

There is created and established an executive board of the city to be known as "the armory board."

(Code 1964, § 2.800)

Sec. 2-377. - Composition; appointment, qualifications, compensation and terms of membership; organization.

The armory board shall consist of the senior line officer of the unit of the military forces of the state which is domiciled in the armory building, located at Seventh and Ash Streets in the city, who shall serve as chairman of such board, ex-officio, and three (3) electors of the city who shall have resided therein for a period of two (2) years next before their appointment. The three (3) electors on such board shall be appointed by the mayor and confirmed by the council, shall serve without compensation and shall hold office for terms of three (3) years each, or until their successors are appointed and qualified. The armory board shall organize with such officers as it may deem necessary and proper.

(Code 1964, § 2.810)

Sec. 2-378. - Records and reports.

The armory board shall keep and preserve a true record of all its proceedings and official acts, and shall furnish the mayor and council such information as may be requested of it from time to time. Such board shall make an annual written report of all business under its supervision, including a detailed financial statement of all moneys received and disbursed by it for each year ending March 31.

(Code 1964, § 2.840)

Sec. 2-379. - Armory building—Priority of state military forces in use.

The armory building in the city shall at all times be subject to the prior use, for military purposes, by the military forces of the state and the necessity for such use shall be determined by the senior line officer of the unit of the military forces of the state which is domiciled in the armory building.

(Code 1964, § 2.820)

Sec. 2-380. - Same—Management and control of nonmilitary use; fees.

- (a) The armory board shall manage and control all use of the armory building for purposes other than military purposes of the military forces of the state and is authorized to approve, on behalf of the city, the nonmilitary use of the armory building. The armory board shall make such reasonable rules and regulations, and shall fix such rates and collect such charges for the nonmilitary use of the armory building as it may deem necessary, and shall expend the moneys so collected by it on such equipment and upkeep of the armory building as to it may seem to be necessary to cause such building to be of the greatest benefit to the greatest number of citizens of the city.

(b)

In no event shall the armory board charge the department of parks and recreation or any other department or agency of the city any fees for the use of the armory building. The board may exclude, from the use and enjoyment of the armory building, any and all persons, groups and organizations who shall wilfully violate the rules and regulations established by the armory board.

(Code 1964, § 2.830)

Sec. 2-381. - Same—Portion of maintenance cost to be borne by city.

The city shall furnish to the armory building as its portion of the ordinary maintenance cost of such building, as defined in section 71.330 of the Revised Statutes of Missouri, 1978, such items as shall be agreed to by the city council and the military forces of the state, and a record of such agreement shall be entered in the minutes of the council.

(Code 1964, § 2.850)

Secs. 2-382—2-400. - Reserved.

ARTICLE VII. - FINANCE ADVISORY AND AUDIT COMMITTEE

***Editor's note—**

Section 1 of Ord. No. 12503, adopted Feb. 5, 1990, repealed former Art. VI, §§ 2-401—2-403, which pertained to the audit committee and derived from Code 1964, §§ 2.2330, 2.2340 and 2.2350. Ord. No. 17658, § 1, added new provisions as Art. VII, §§ 2-401—2-405. Ord. No. 18577, § 1, adopted July 5, 2005, changed the title of Art. VII of this chapter from "Finance Advisory Committee" to "Finance Advisory and Audit Committee."

Sec. 2-401. - Establishment; composition; terms.

The finance advisory and audit committee is hereby established. The committee shall be composed of five (5) members appointed by the city council to serve three-year staggered terms. Members shall be qualified voters and residents of the City of Columbia for at least one (1) year prior to their appointment. One (1) member appointed must be a commercial banker, with knowledge of public finance and investment banking. One (1) member appointed must be a certified public accountant with knowledge of public administration and finance. Consideration shall be given to the appointment of at least one (1) member who is an owner of a business. Members appointed by the city council shall serve without compensation. Appointments to fill vacancies shall be for unexpired terms only. Members shall serve until their successors are appointed. The committee shall elect its own chair annually. The finance director or the director's designee shall serve as a nonvoting ex-officio member. Staff for the committee shall be provided by the finance department.

(Ord. No. 17658, § 1, 4-21-03; Ord. No. 18577, § 1, 7-5-05)

Sec. 2-402. - Meetings.

The committee shall meet as needed. Three (3) members appointed by the city council shall constitute a quorum for the transaction of business.

(Ord. No. 17658, § 1, 4-21-03)

Sec. 2-403. - Duties.

The finance advisory and audit committee shall be solely advisory to the city council. The committee shall make recommendations on financial matters to the city council as needed. In formulating reports, policies and recommendations to the city council, the committee may consider the following areas:

- (1) Accounting and financial reporting policies.
- (2) Debt management and fiscal policies.
- (3) Cash and investment management policies.
- (4) Purchasing policies.
- (5) Business services policies.
- (6) Other matters as may be referred by the city council.

(Ord. No. 17658, § 1, 4-21-03; Ord. No. 18577, § 1, 7-5-05)

Secs. 2-404—2-420. - Reserved.

ARTICLE VIII. - OFFICE OF COMMUNITY SERVICES

Sec. 2-421. - Office established; responsibility.

There is hereby established an office of community services, which shall be a division of the health department. The office of community services shall be responsible for coordinating, monitoring, evaluating and planning for community human service programs for the city.

(Code 1964, § 2.1100; Ord. No. 18868, § 1, 1-17-06)

Sec. 2-422. - Powers and duties.

(a)

The office of community services shall have the power and shall be required to:

(1)

Present to the Boone County Community Services Advisory Commission and to the city manager plans and recommendations regarding the appropriation of public funds for community human services.

(2)

Make application and negotiate with funding sources including the city, county, state and federal governments for funds, and to expend appropriated funds for coordinating, monitoring, evaluating and planning community human services.

(3)

Perform administrative duties related to grants and purchase of service agreements.

(4)

Provide technical assistance to the Boone County Community Services Advisory Commission and the several human service provider agencies.

(5)

Monitor the administration of agencies who receive funding from the city council either directly or through state and federal programs. The office of community services may conduct reviews of those agencies which may include a review of the agency's effort in administering human services, the agency's expenditure of funds received pursuant to contracts with the city, and any and all acts which relate to its contract with the city.

(6)

Exercise such other powers and duties as the city manager may from time to time direct.

(b)

The provisions of this section relating to the duties of the office of community services do not apply to funding requests or activities or services administered by or under the supervision of any department of the city.

(Code 1964, § 2.1110; Ord. No. 18868, § 1, 1-17-06)

Secs. 2-423—2-435. - Reserved.

ARTICLE IX. - SPECIAL BUSINESS DISTRICT BOARD

**Cross reference—Public improvements contract letting procedure, § 22-71 et seq.*

**State law reference—Special business districts, RSMo § 71.790.*

Sec. 2-436. - Establishment; purpose.

There is hereby established an advisory board to the city council, to be known as the board of directors of the Columbia Special Business District, for the purpose of advising the council regarding the special business district established by city council pursuant to the provisions of section 71.790 et seq., RSMo., to promote business activity within the district and the city, to enhance the environment therein, to aid in the continued existence of established businesses in the area of the proposed district and the establishment of new businesses therein, and to generally promote and stimulate the economy of the community and thus contribute to the health, safety and welfare of the people of the city.

(Code 1964, § 2.2390)

Sec. 2-437. - Membership; compensation; terms.

The board of directors of the Columbia Special Business District shall be composed of nine (9) members to be appointed by the city council, who shall be owners of real property within the district, residents of the district and persons who own, manage, operate, or are employed by a business located in the Columbia Special Business District. At least three (3) members shall own real property within the Columbia Special Business District and at least three (3) members shall be residents of the district or be employed by, own, manage or operate a business located within the Columbia Special Business District established herein. They shall serve without compensation and shall not be paid officers or employees of the city. The terms of office shall be three (3) years. On or before the first day of January of each year, the city council shall make appointments to fill the terms expiring at that time. Insofar as possible, the city council, in making appointments, will seek to represent the diverse interests of the Columbia Special

Business District area, including the interests of property owners, tenants, merchants and other direct interests.

(Code 1964, § 2.2390)

Sec. 2-438. - Meetings; quorum; attendance.

The board of directors of the Columbia Special Business District shall hold meetings once each month at a time and place to be determined by the board and such special meetings as shall be called by the chairperson of the board of the city council. Five (5) members of the board shall constitute a quorum for the transaction of business. Any board member having three (3) unscheduled absences without just cause within a period of one year, or who shall be continuously absent from meetings for any reason for a period of four (4) consecutive months (when regular meetings have been held in such four (4) months) without prior city council consent, shall automatically forfeit his office. It shall be the duty of the chairperson of the board to promptly notify the city council of the vacancy.

(Code 1964, § 2.2400)

Sec. 2-439. - Powers and duties.

(a)

The board of directors of the Columbia Special Business District shall have the responsibility and be required to:

(1)

Make recommendations to the city council as to public improvements within the Columbia Special Business District which will be funded by additional revenues collected within the district.

(2)

Make recommendations to the city council on the use of additional revenues derived from any special tax to be imposed within the Columbia Special Business District pursuant to this division, provided that the use of such revenue shall be referred to the board for its review and recommendation.

(3)

Advise and assist the council on such other matters specifically relating to the Columbia Special Business District on which the council may seek recommendation.

(b)

The board of directors of the Columbia Special Business District shall make an annual report to the city council in March of each year, which shall include the board's recommendation on the special tax levy to be imposed upon the property within the boundaries of the district for the coming year and recommendations on any public improvement to be constructed within the Columbia Special Business District which should be included within the capital improvements program for the subsequent fiscal year.

(c)

The board shall make such other reports to the city council as the council may from time to time request or the commission may deem advisable.

Secs. 2-440—2-457. - Reserved.

ARTICLE X. - PURCHASING

***Editor's note—**

Ord. No. 18178, § 2, adopted July 19, 2004, repealed former Art. X, in its entirety, and enacted provisions designated as a new Art. X to read as herein set out. Prior to inclusion of Ord. No. 18178, Art. X pertained to similar subject matter and derived from Code 1964, §§ 2.760, 2.770, 2.710, 2.720, 2.730, 2.740, 2.750, 2.780, 2.785, 2.787, 2.790, 2.795, 2.797; Ord. No. 10249, § 1, 8-6-84; Ord. No. 10789, § 1(2.797), 11-18-85; Ord. No. 12044, § 1, 10-3-88; Ord. No. 13511, § 1, 11-16-92; Ord. No. 14459 § 1, 4-17-95; Ord. No. 15267, § 1, 6-16-97; Ord. No. 15991, § 1, 5-3-99. See also the Code Comparative Table.

***Cross reference—**Powers and duties of finance director generally, § 2-208.

Sec. 2-458. - Scope of article; rules and procedures.

(a)

This article delegates authority to the city manager and the purchasing agent to contract for the purchase of supplies, materials, equipment and services. It does not impose procedural limitations on the city council or otherwise limit the power of the city council to contract for the purchase of supplies, materials, equipment and services.

(b)

The director of finance is authorized to establish rules and procedures for the purchasing division.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-459. - Authority of purchasing agent to contract.

(a)

Subject to the provisions of this article, the purchasing agent is authorized to contract for the purchase of supplies, materials, equipment and services for which appropriated funds are available.

(b)

Subject to the competitive bidding provisions of this article, when appropriated funds are available, the purchasing agent is authorized to contract for any project that fits into any of the following categories:

(1)

Ordinary maintenance of public improvements,

(2)

Construction of electric utility capital improvements other than electric generation projects costing more than one million dollars (\$1,000,000.00);

(3)

Construction of water distribution mains sixteen (16) inches or less in diameter;

(4)

Construction of water utility capital improvement projects costing two hundred fifty thousand dollars (\$250,000.00) or less;

(5)

Construction of sanitary sewer utility public improvement projects costing one hundred thousand dollars (\$100,000.00), or less;

(6)

Construction of stormwater utility public improvement projects costing one hundred thousand dollars (\$100,000.00), or less, and

(7)

Construction of sidewalk curb cut, repair or replacement projects costing fifty thousand dollars (\$50,000.00) or less.

Public improvement projects falling within any of these categories may be contracted for under this subsection without following the public improvement process of Chapter 22. However, special assessment tax bills shall not be issued for any public improvement unless the public improvement process of Chapter 22 has been followed.

If a project with a cost limitation is bid under this subsection and the bid of the lowest and best, responsive and responsible bidder is for more than the authorized amount, the contract may be entered into only with the specific authorization of the city council.

The total amount of all change orders executed in connection with any contract for capital or public improvements authorized by this article shall not exceed fifteen (15) per cent of the contract price without the written approval of the city manager.

(c)

The purchasing agent is authorized to contract for any public improvement project specifically authorized by the city council to be bid through the purchasing division.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-460. - Bids and requests for proposals required; exceptions.

(a)

Except as otherwise provided in this article, all contracts for projects authorized by section 2-459(b) and all contracts for purchases of supplies, materials, equipment and services which have not been specifically authorized by the city council shall be entered into only after a competitive bidding process or a request for proposals process.

(b)

The purchasing agent may enter into contracts for emergency purchases without following a competitive bidding process or a request for proposals process. "Emergency purchases" are purchases necessitated by nonrecurring emergency situations posing a substantial danger to the health, safety and welfare of the citizens or of a risk of substantial financial loss to the city unless the required supplies, materials, equipment or services are obtained as expeditiously as possible. The department head requesting an emergency purchase shall certify that the purchase is an emergency within the meaning of this section by a memorandum which sets forth the nature of the emergency. If the purchasing agent and the department head do not agree that the proposed purchase is an emergency purchase, the matter shall be referred to the city manager for final decision.

(c)

The purchasing agent may enter into contracts with sole source suppliers and governmental entities without following a competitive bidding process or a request for proposals process. "Sole source suppliers" are suppliers of supplies, materials, equipment or services which are unique or which are not available from more than one (1) competitive source in the normal course of business. The purchasing agent shall certify in writing that each purchase from a sole source supplier under this subsection meets the requirements of this subsection.

(d)

The city manager may enter into contracts for professional and other services without following a competitive bidding process or a request for proposals process when factors such as prior experience, skills, education, local knowledge or unique knowledge are considerations in selecting the contractor. The city manager may waive attorney conflicts of interest if the manager determines that the waiver is in the city's interest. This subsection shall not apply to contracts for auditing services for the annual fiscal audit or to contracts for architectural, engineering and land surveying services.

(e) The purchasing agent may enter into contracts for specialized services relating to art conservation, restoration, archiving and installation without following a competitive bidding process or a request for proposals process when the required services are not widely available and when factors such as experience and local knowledge play an important role. The department head requesting these services shall document and certify that the proposed contract meets the requirements of this subsection.

(f) The city manager and purchasing agent are encouraged to pursue informal bidding and requests for proposals in the above categories of exceptions whenever time and business conditions permit.

(Ord. No. 18178, § 2, 7-19-04; Ord. No. 19271, § 1, 10-16-06)

Sec. 2-461. - No contract to exceed five years.

The purchasing agent has no authority to contract for the purchase of any supplies, materials, equipment or services for a term exceeding five (5) years. The purchasing agent has no authority to extend the term of any contract for the purchase of any supplies, materials, equipment or services so that the length of the original term plus all extended terms exceeds five (5) years and three (3) months.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-462. - Procurement of architectural, engineering and land surveying services.

The city council may, by ordinance, establish special procedures and guidelines for procurement of architectural, engineering and land surveying services.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-463. - Sale of surplus material.

(a) A department head having charge of any surplus, obsolete or unused supplies, materials or equipment may request the purchasing agent to dispose of the property. The purchasing agent is authorized to sell the property in any form of open market competition to the highest bidder. The purchasing agent may set a minimum sale price and may reject any bid that, in the purchasing agent's judgment, is not a fair sale price.

(b) The purchasing agent, with the approval of the city manager, is authorized to sell any surplus, obsolete or unused supplies, materials or equipment to any governmental entity without open market competition.

(Ord. No. 18178, § 2, 7-19-04)

Secs. 2-464, 2-465. - Reserved.

Sec. 2-466. - Bidding process; contracts for fifteen thousand dollars or more.

(a) Except as otherwise provided in this article, the purchasing agent shall not contract for the purchase of any supplies, materials, equipment or services costing fifteen thousand dollars (\$15,000.00) or more unless the bidding process of this section has been followed.

(b) The purchasing agent shall advertise for sealed bids in a newspaper of general circulation in the city at least five (5) days before the time set for opening bids. All bids must be sealed and addressed to the purchasing division and must be received by the purchasing division by 2:00 p.m. on the day specified in the advertisement for bids. The bids shall be opened by the purchasing agent at the purchasing agent's office between 2:00 p.m. and 5:00 p.m. on the day the bids are due, if practicable. If not practicable, then the bids shall be opened on the earliest day thereafter that the purchasing agent is able to open the bids. The purchasing agent may require bidders to deposit a cashier's check or a certified check drawn on a solvent financial institution or a surety bond in an amount not less than five (5) per cent of the bid. The deposit shall be forfeited to the city if the successful bidder fails or refuses to execute the contract.

(c) The purchasing agent may use an electronic bidding system if the system is secure and allows the bids to be opened only at the time designated for bid opening.

(d) The purchasing agent, after consulting with all affected departments and subject to the provisions of subsection (e), may reject any or all bids, may award the contract to the bidder that is, in the judgment of the purchasing agent, the lowest and best, responsive and responsible bidder, or may split the award between two (2) or more bidders if, in the judgment of the purchasing agent, it is in the best interest of the city to split the award.

(e) Before taking any action on bids, the purchasing agent shall inform all affected departments of the purchasing agent's proposed action. The head of any affected department who disagrees with the purchasing agent's proposed action may inform the purchasing agent and the head of any other affected department of the disagreement. If, after conferring on the

matter, the purchasing agent and the heads of all affected departments are unable to agree on an appropriate action on the bids, the matter shall be referred to the city manager for final decision.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-467. - Bidding process; contracts for one thousand dollars or more but less than fifteen thousand dollars.

(a)

Except as otherwise provided in this article, the purchasing agent shall not contract for the purchase of any supplies, materials, equipment or services costing one thousand dollars (\$1,000.00) or more but less than fifteen thousand dollars (\$15,000.00) unless the bidding process of this section or the bidding process of section 2-466 has been followed.

(b)

The purchasing agent shall solicit by telephone, written notice or otherwise at least three (3) bids, if three (3) independent vendors are available.

(c)

Bids shall be awarded or rejected as provided in section 2-466.

(d)

The purchasing agent shall keep a record of all solicitations made under this section.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-468. - Contracts for less than one thousand dollars.

The purchasing agent may contract for the purchase of any supplies, materials, equipment or services costing less than one thousand dollars (\$1,000.00) by following the provisions of section 2-467 or by making open market purchases from vendors with proven ability to furnish supplies, materials, equipment and services at the lowest and best price.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-469. - Reserved.

Sec. 2-470. - Plans, specifications and descriptions to be kept by purchasing agent.

When calling for bids, the purchasing agent shall keep on file the plans, specifications or descriptions of the article or service to be purchased. These plans, specifications or descriptions shall be available for public inspection. The purchasing agent may require a deposit for the return of plans or specifications taken from the office. The deposit shall not exceed the reasonable cost of preparing the plans or specifications.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-471. - Requests for proposals.

The purchasing agent may authorize a request for proposals process instead of a bidding process whenever the purchase of supplies, materials, equipment or services may be facilitated by such a process.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-472. - Cooperative purchasing.

The purchasing agent is authorized to participate in cooperative purchasing programs with the United States or any agency of the United States; with the State of Missouri or any agency, municipality or political subdivision of the State of Missouri; with other states or any agency, municipality or political subdivision of any other state; or with any association of municipalities or political subdivisions; provided, that the cooperative purchasing program follows a competitive bidding process.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-473. - Recycled and environmentally preferable products.

(a)

For purposes of this section:

(1)

Environmentally preferable product means a product which by its chemical or physical nature has a less adverse impact on the environment when compared to a similar product with a different chemical or physical nature or a product whose manufacturing process is less harmful to the environment than the manufacturing process of an equivalent product.

(2)

Post consumer waste means material generated by a consumer which has served its intended end use and has been separated or diverted from the solid waste stream for the purpose of collection, recycling and disposition.

(3)

Recycled product means a product that utilizes recycled materials or materials diverted from the waste stream, including an appropriate amount of post consumer waste, in its manufacture and construction.

(b)

In evaluating bids and awarding contracts, the purchasing agent is authorized to give preference to recycled and environmentally preferable products as follows:

(1)

The cost of recycled product may exceed by up to ten (10) per cent the lowest priced bid on a comparable product which does not utilize recycled materials.

(2)

The cost of an environmentally preferable product may exceed by up to five (5) per cent the lowest priced bid on a comparable product which is not environmentally preferable.

(c)

In order to qualify for recycled consideration on paper and paper products, proposed stock must meet U.S. Environmental Protection Agency recommended minimum content standards of selected papers and paper products. Standards identifying the minimum content of recovered materials and products other than paper products shall be done on a case by case basis. The purchasing division shall utilize standards established by industry organizations, federal agencies such as the Environmental Protection Agency, nationally recognized standards organizations such as the American Society for Testing and Materials and state agencies.

(d)

All bidders who wish to receive a preference on products made with recycled materials must properly complete, sign and return with their bid a certification of product content.

(e)

The city manager is authorized to designate certain post consumer recycled materials for use in city projects to demonstrate and encourage the use of these products. Wherever possible, markers shall be erected listing the recycled content of the products. These products shall not exceed one hundred thousand dollars (\$100,000.00) annually.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-474. - Debarment.

(a)

The purchasing agent is authorized to debar a person from consideration for award of contracts for any of the following reasons:

(1)

Conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

(2)

Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of integrity or honesty which currently, seriously and directly affects responsibility as a city contractor or vendor.

(3)

Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.

(4)

Deliberate failure without good cause to perform in accordance with contract specifications or within the time limit provided in the contract.

(5)

A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor or vendor shall not be considered a basis for debarment.

(6)

The person is in arrears on any debt owed the city or has a history of being chronically in arrears on debts owed the city.

(7)

Any other cause so serious and compelling as to affect responsibility as a city contractor or vendor, including debarment by another governmental entity for any cause listed in this article.

(b)

The length of debarment shall not exceed three (3) years.

(c)

The purchasing agent shall initiate a debarment by serving written notice of the debarment to the person the purchasing agent intends to debar. The notice shall set forth the specific grounds for the debarment and advise the person of the right to appeal. The notice shall be served by registered or certified mail or by delivering a copy of the notice to the person subject to debarment or the person's agent or employee. The debarment shall take effect ten (10) days after service of the notice unless an appeal is taken to the director of finance. If an appeal is taken, the debarment shall not take effect until a final order upholding the debarment is entered by the director or until the appeal is dismissed by the appellant.

(d)

Within ten (10) days after service of a written notice of debarment, the person affected by the notice may file a written

request for a hearing before the director of finance contesting the debarment.

- (e) The director of finance shall set the matter for hearing on the record within thirty (30) days of the receipt of a request for a hearing. At least ten (10) days notice of the hearing shall be given to the affected person and to the purchasing agent.
- (f) At the hearing, each party shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses and impeach any witness. Oral evidence shall be taken on oath or affirmation. All evidence shall be suitably recorded and preserved. The technical rules of evidence shall not apply, but the director may exclude evidence which is irrelevant or repetitious. Each party shall be entitled to present oral arguments or written briefs at or after the hearing.
- (g) Within ten (10) working days of receipt of the transcript of the hearing, the director of finance shall make written findings of fact and conclusions of law and issue a final order. Findings of fact shall be based upon competent and substantial evidence found in the record as a whole. A copy of the director's order, findings of fact and conclusions of law, shall be delivered or mailed to the purchasing agent and to the affected person.
- (h) An appeal from the director's order shall be to the circuit court pursuant to chapter 536, RSMo.
- (i) Nothing in this section shall limit the authority of the purchasing agent to accept the bid which in the judgment of the purchasing agent is the lowest and best bid, or to reject any or all bids or to reject a bid on grounds which could have been used to debar the bidder.

(Ord. No. 18178, § 2, 7-19-04)

Sec. 2-475. - Contracts involving hazardous materials.

- (a) In evaluating bids or proposals for contracts involving the transportation, handling or disposal of hazardous materials, the purchasing agent and the head of the department requesting the contract shall consider the following factors:
 - (1) The experience of the bidder in successfully completing similar projects;
 - (2) The financial strength and stability of the bidder;
 - (3) The ability of the bidder to provide adequate insurance to protect the city from the bidder's negligence; and
 - (4) The history of the bidder in complying with federal and state environmental laws.
- (b) In awarding a contract involving the transportation, handling or disposal of hazardous materials, the purchasing agent shall award the contract to the bidder which the purchasing agent and the head of the department requesting the contract have determined to be the best bidder, regardless of whether that bidder has submitted the lowest bid. If the purchasing agent and the department head cannot agree, the matter shall be referred to the city manager for final decision.

(Ord. No. 18178, § 2, 7-19-04)

Secs. 2-476—2-485. - Reserved.

ARTICLE XI. - SELF-INSURANCE PROGRAM

Sec. 2-486. - Self-insurance program coverage.

The city's self-insurance program covers the following losses and claims: workers' compensation, automobile and property damage, automobile liability, public officials' liability and general liability for which sovereign immunity does not exist. The scope of workers' compensation coverage is governed by applicable state statutes. The scope of all other self-insurance program coverage is limited to the types of claims and losses covered by the city's most recent excess insurance policies. However, a noncontractual monetary claim against the city excluded from an excess insurance policy may be included by the city manager in the self-insurance plan.

(Ord. No. 15402, § 1, 10-20-97)

Sec. 2-487. - Sovereign immunity; no rights established.

The city's self-insurance plan does not provide coverage for claims or losses for which sovereign immunity exists and nothing in the self-insurance plan shall be construed as a waiver of sovereign immunity. Nothing in the city's self-insurance plan shall be construed as conferring any rights on any person or establishing any remedies for any person.

(Ord. No. 15402, § 1, 10-20-97)

Sec. 2-488. - Settlement authority; third party administrator.

(a)

The city manager is authorized to settle or resist all claims covered by the self-insurance program. The city manager may delegate the authority to settle claims covered under the self-insurance program; provided, that no claim shall be settled for more than fifteen thousand dollars (\$15,000.00) without the approval of the city manager. The city manager shall notify the city council of any claim settlement exceeding fifty thousand dollars (\$50,000.00).

(b)

The services of a third party administrator for the self-insurance program may be contracted for under the provisions of this chapter.

(Ord. No. 15402, § 1, 10-20-97)

Secs. 2-489—2-499. - Reserved.

ARTICLE XII. - COLUMBIA TRUST

Sec. 2-500. - Columbia Trust established.

The city council hereby establishes the City of Columbia Community Trust Funds to be known collectively as the Columbia Trust. The Columbia Trust shall exist separately from the general fund and is for the purpose of holding, aggregating and investing charitable contributions to be used for the betterment of the city. Establishment of the Columbia Trust shall not affect charitable programs established by the city council or city manager within the general fund or other city funds.

(Ord. No. 15993, § 1, 5-3-99)

Sec. 2-501. - Administration.

(a)

Columbia Trust accounts shall be established for receipt of unrestricted charitable contributions made to the Columbia Trust. Assets in the Columbia Trust shall be commingled and invested in a way that provides for the growth and security of the Columbia Trust.

(b)

The city council or city manager may establish individual funds or accounts in the Columbia Trust for special purposes or to receive restricted gifts or contributions. Restricted gifts or special purpose accounts shall be managed in a fiscally advantageous manner and in compliance with the restrictions or special purposes.

(c)

All Columbia Trust assets shall be managed and accounted for according to procedures approved by the city manager. The city manager shall report the status of the Columbia Trust to the city council annually.

(Ord. No. 15993, § 1, 5-3-99)

Sec. 2-502. - Gifts.

(a)

Gifts to the Columbia Trust of real property may be accepted only by the city council.

(b)

Gifts to the Columbia Trust of personal property and gifts in cash may be accepted by the city manager or, in his discretion, referred to the city council.

(c)

Restricted gifts, other than those made to an existing restricted or special program or account, of personal property valued at one thousand dollars (\$1,000.00) or less or of one thousand dollars (\$1,000.00) or less in cash shall not be accepted for the Columbia Trust.

(Ord. No. 15993, § 1, 5-3-99)

Sec. 2-503. - Expenditures.

(a)

Columbia Trust funds shall be expended only after they have been appropriated by the city council.

(b)

A restricted gift shall be used only for the purpose specified by the donor. If any restricted gift of personal property or cash is used for a purpose other than that specified by the donor, the donor or the donor's heirs or successors shall have the right to a return of the gift or its cash equivalent.

(Ord. No. 15993, § 1, 5-3-99)

Secs. 2-504—2-514. - Reserved.

ARTICLE XIII. - SALE, TRADE OR LEASE OF REAL PROPERTY

Sec. 2-515. - Sale, trade or lease of real property.

(a)

Except as otherwise provided in this section, real property owned by the city may be sold, traded or leased only when authorized by ordinance and only after competitive bids have been obtained. The real property may be sold, traded or leased only to the person submitting the highest and best bid.

(b)

City property may be sold, traded or leased without competitive bids:

(1)

To any person to whom the property has a unique or enhanced value because of its accessibility, configuration, location, size or use;

(2)

To any adjacent property owner at fair market value as determined by an appraisal;

(3)

When use of the property is limited to public purposes specified by the council;

(4)

When the sale, trade or lease is part of a settlement in a condemnation proceeding; and

(5)

When the council determines that it is in the public interest to sell, trade or lease the property to a particular person.

(c)

Farmland owned by the city may be leased by the city manager without obtaining competitive bids and without further council authorization under the following circumstances:

(1)

The person seeking to lease the property conducts a farming operation adjacent to the property sought to be leased from the city;

(2)

The person seeking to lease the property has previously leased the property and has demonstrated good farming practices; or

(3)

The property was acquired by the city from the person seeking to lease the property.

(Ord. No. 18178, § 3, 7-19-04)

Secs. 2-516—2-525. - Reserved.

ARTICLE XIV. - COLUMBIA VISION COMMISSION

Sec. 2-526. - Established.

The Columbia Vision Commission is hereby established for the purpose of tracking and monitoring and otherwise assisting with the implementation of visioning, all as further provided below.

(Ord. No. 20081, § 1, 10-6-08)

Sec. 2-527. - Visioning defined.

Visioning refers to the process that (i) began as "Imagine Columbia's Future," (ii) resulted in the preparation of the final vision report which was accepted by the city council on February 4, 2008, and (iii) is continuing with the ongoing implementation of the vision set forth in that report. As is recognized in the final vision report, visioning is a continuing and evolving process where information in the final vision report is integrated with other ongoing activities within the community, new information is obtained, and new people become involved. The vision and goal statements in the final vision report will, however, serve to both inform the changes to be made and set a standard against which the outcomes of various changes can be measured.

(Ord. No. 20081, § 1, 10-6-08)

Sec. 2-528. - Duties; staff liaison.

The commission shall have the following duties and authority:

(a)

Tracking measuring and reporting. The commission shall conduct periodic reviews and, beginning in December 2009, issue an annual report on the progress of visioning implementation to the community. This report shall also include a summary and analysis of the commission's own efforts in the areas set forth below. The commission shall, by March 31, 2009, select an initial reporting format and identify the information to be tracked and included in such report. The annual progress report shall be provided to the city council and made available to the public.

(b)

Coordination with other governmental boards, commissions, departments and nongovernmental entities. The commission shall have the authority to solicit the cooperation of other boards and commissions in the city and throughout the region as needed to assist with its reporting and other duties, and also to solicit and receive

information from other entities involved in visioning implementation.

(c)

Recommendation of implementation tasks. Beginning one year after the city council's approval of the initial implementation report as provided in section 2-533, and every two years thereafter, the commission shall, after seeking the input of other city boards, commissions, and departments, recommend implementation tasks to be undertaken over the two years following the period covered in the then effective implementation report, and the additional resources needed to accomplish such tasks. In preparing these recommendations, the commission shall also coordinate with other relevant boards and commissions, including the Boone County Commission, and with the city manager's office. A discussion draft of the commission's recommendations should be (i) posted for public comment for at least thirty (30) days, (ii) revised as may be appropriate to incorporate comments received, and (iii) included in the progress report provided for in subsection (a).

(d)

Public education and outreach. The commission should offer public programs on the visioning process, track the groups involved in various implementation tasks, and work to recruit a diverse participant base in such tasks. The commission may, as independent resources become available, either on its own or in conjunction with others, operate a website that is separate from the city website for the purposes of public education, outreach and engagement.

(e)

Convening of public dialogues. The commission shall convene community-wide dialogues at five-year intervals, beginning in 2014, to review the vision and the progress being made in implementation. These dialogues shall be structured in a way that is consistent with the principles of inclusiveness and transparency. The commission may in its discretion also convene dialogues to address conflicts that arise within the community over implementation of different goals or strategies, including disputes that arise over the allocation of scarce resources. The commission may request that the city hire facilitators to help with such dialogues.

(f)

Fundraising and administration. The commission shall have the authority to seek grants and other funds to be used to offset the costs of its work and to aid in the administration of visioning implementation efforts by citizen and other groups. The city shall serve as the fiscal agent for any such funds.

(g)

Incidental authority. The commission shall have such other authority as may be assigned by the city council from time to time and shall act in an advisory capacity in making recommendations to improve the ongoing process of visioning implementation.

(h)

Staff liaison. The city manager shall appoint a staff liaison to work with the commission.

(Ord. No. 20081, § 1, 10-6-08)

Sec. 2-529. - Composition; compensation; terms; vacancies.

(a)

The commission shall consist of nine (9) members that are designated as the "coordinating committee." The commission may also include up to five (5) resource members as defined below, and liaison members as defined below. The majority of members of both the coordinating committee and resource members shall be qualified voters residing within the City of Columbia. Two members of the coordinating committee shall be residents of Boone County, not residing within the city limits of Columbia. The members of the commission should, to the extent practicable, reflect a broad cross section of the community. "Liaison members" are nonvoting members of the commission who are appointed by the commission to help with outreach to the community or to communicate with identified citizen groups that are assisting with visioning, and to otherwise work with the commission on public education and outreach. "Resource members" are nonvoting members of the commission and are appointed by the coordinating committee to help in the work of the commission and share their expertise in one or more substantive areas such as, but not limited to, data collection, fundraising, intergovernmental cooperation, management, or process design.

(b)

The coordinating committee shall be appointed by the city council following the nominating and application process set forth in section 2-530 below. All members of the commission shall serve without compensation.

(c)

Members of the coordinating committee shall serve for a term of three (3) years, except as otherwise provided below in relation to initial terms, and until their successors are appointed and qualified. The first three (3) members appointed to the coordinating committee shall serve for five (5) years, the second two (2) members appointed shall serve for four (4) years, the third two (2) members shall serve for three (3) years and the final two (2) members shall serve for two (2) years. Thereafter, each new member of the coordinating committee shall be appointed for three (3) years or until a successor has been appointed. Resource members shall serve for two (2) year terms and liaison members shall serve for one (1) year terms. Members whose terms expire may be reappointed for successive terms.

(d)

Vacancies in any coordinating committee position shall be filled by the city council. Vacancies shall be filled for the unexpired term only. The council shall as near as possible appoint someone with similar qualifications to fill a vacated seat.

(Ord. No. 20081, § 1, 10-6-08; Ord. No. 20161, § 1, 1-5-09)

Sec. 2-530. - Nominating and application process.

- (a) Citizens and organizations may nominate candidates for the commission by a process approved by the council and all such nominees shall be invited to apply for a position on the commission. This includes self-nominations. In order to be considered for appointment, candidates must fill out an application detailing their background and interest in serving on the commission, and addressing the factors set forth in subsection (b) below. In appointing members to the coordinating committee, preference shall be given to citizens previously involved in the visioning process, and the appointment of members currently serving on other city boards and commissions to the coordinating committee is not encouraged.
- (b) Candidates shall be evaluated based on their demonstrated commitment to the visioning process, ability to work with data and understand systemic relationships, ability to work collaboratively, management skills, independence and existing memberships or positions, and contributions to the diversity of the commission.
- (Ord. No. 20081, § 1, 10-6-08)*

Sec. 2-531. - Officers; meetings; quorum.

- (a) The commission shall select its chair who shall preside over meetings, and a vice chair who shall preside in the absence of the chair. The commission shall annually appoint a secretary who shall keep a record of its activities and actions, and shall also fill any vacancy in such position for the remainder of the term.
- (b) A majority of those duly appointed and acting members of the commission required to vote on a matter shall be a quorum for making decisions.
- (c) The commission shall hold monthly meetings during at least ten (10) months of the year. Other meetings may be scheduled at the call of the chair. One of the monthly meetings shall be a regularly scheduled annual meeting which shall include the appointment of officers. Special meetings may also be called at the request of any three (3) or more voting members of the commission. Notice of any special meeting shall be provided as prescribed by law prior to such meeting. The city manager or the manager's designee shall receive notice of all meetings of the commission. The commission shall designate a regular place for its meetings which can be changed from time to time. In scheduling and conducting meetings, the commission shall comply with the sunshine law and other applicable laws and regulations.
- (d) The chair of the commission is authorized to excuse any member from attendance at a board meeting if the member requests to be excused prior to that meeting. Any member of the commission who is absent without asking to be excused from four (4) or more of the regular meetings held in a calendar year shall automatically forfeit the office. Any such member who is absent without being excused from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the city council of any vacancy on the coordinating committee.
- (e) The commission may from time to time adopt such rules for the conduct of its meetings and business as it may deem proper provided that such rules are not inconsistent with city ordinances or other applicable law.
- (f) Attendance at commission meetings may be by teleconference or such other electronic medium to the extent such is allowed by law.
- (Ord. No. 20081, § 1, 10-6-08; Ord. No. 20161, § 1, 1-5-09)*

Sec. 2-532. - Conflicts of interest.

- (a) In order to promote public trust in the impartiality and independence of the vision commission, members of the commission should avoid conflicts of interest as defined below and the appearance of conflicts of interest.
- (b) A conflict of interest may exist when the current personal, financial, or professional interests or activities of a member of the commission could reasonably be viewed as competing with the interests or activities of the commission, and particularly when the member or their immediate families or an organization owned or controlled by such member or their immediate families could derive a financial or other material gain arising out of action by the commission. When there is doubt as to whether a conflict of interest exists, the matter shall be resolved by a vote of the commission, excluding the person that is the subject of the potential conflict. For purposes of this section "personal interest" means a more than nominal interest arising from family; close business, political or other associations; location of property owned by a member; or other factor likely to affect the welfare of the member or the member's family or close associate; and is something more than a well known opinion, or interest in, or academic study of, a subject matter.
- (c) When any conflict of interest relates to a matter requiring action by the commission, the interested person shall call it to the attention of the commission and such interested person shall not vote on any question or matter in which that board member has a financial interest or a personal interest. Such person may, however, be counted in determining the presence of a quorum for a vote. Unless requested to remain present during the meeting, the interested person shall retire from the room when the commission is voting on the matter related to the conflict and shall not participate in the final deliberation or decision regarding the matter under consideration, but shall provide the commission with any relevant information on the matter before retiring.

- (d) The minutes of the meeting of the commission shall reflect that a conflict of interest was disclosed and that the interested person was not present during the final discussion or vote and did not vote.
- (e) A copy of this conflict policy shall be provided to each member of the coordinating committee or resource member at the beginning of each calendar year. The commission may adopt other procedures and guidelines, not inconsistent with the above to ensure the independence of commission members and the confidence of the public in its impartiality.
- (f) No member of the commission shall intentionally use or disclose confidential information that is received by the commission in a way that could result in anything of value for such member, the member's family, or other person or organization with which such member is affiliated, unless the information has already been communicated to the general public or entered into the public record.
- (g) If the commission determines that a member has failed to disclose a conflict of interest and voted on a matter affected by such conflict of interest, or has otherwise violated this conflict of interest policy, then such member shall forfeit the office. Any claim that this policy has been violated shall be raised within a year of the date of the vote or alleged violation.

(Ord. No. 20081, § 1, 10-6-08)

Sec. 2-533. - Visioning implementation.

- (a) The office of the city manager shall complete the process of developing the initial draft implementation report that was provided for in the final vision report and shall present a draft of that report to the city council for review on or before March 31, 2009. Drafts of the implementation report that are posted on the city's website for public comment prior to that date shall also be forwarded to members of the city council for their review and comment. The city council's review and approval of that report will be scheduled to coincide with the city council's review and approval of the budget for the following fiscal year.
- (b) After approval of the initial implementation reports, the preparation of periodic updates, including periods of public comment, should be scheduled so that any update is received by the city council on or before March 31 of the applicable year which will allow for the review and approval of such update to be coordinated with the city's budgeting process. Copies of drafts of updates to the implementation report that are presented for public comment shall also be provided to members of the city council for their review and comment at the same time as they are presented to the public for comment.
- (c) The council acknowledges that visioning implementation has already begun and does not intend by setting the above timeline to delay or defer actions being taken to implement visioning by existing boards, commissions, departments, or other entities. Such actions are encouraged and boards and commissions that make recommendations for council action both prior to and following approval of the draft implementation report are encouraged to provide explanations of how visioning guided or influenced such recommendations.

(Ord. No. 20081, § 1, 10-6-08)

Sec. 2-534. - Responsibilities of city boards and commissions in relation to visioning.

- (a) *Efficient use of resources.* One goal of the visioning implementation process is to promote the efficient utilization of resources, both monetary and nonmonetary, and both governmental and nongovernmental, in accomplishing identified goals. Boards and commissions who are assigned specific responsibilities in the visioning implementation report should, in furtherance of this goal, collaborate with other boards and commissions and with nongovernmental entities as needed to promote the efficient utilization of resources.
- (b) *Transparency and citizen involvement.* The visioning process has been built on the principles of inclusiveness, transparency and openness. Boards and commissions who are assigned specific responsibilities in the visioning implementation report should, in furtherance of these principles, seek to engage the public in their work in a manner consistent with the guidelines for convening, management, and coordination of citizen groups that are included in the implementation report approved by the city council, as such report may be amended from time to time.
- (c) *Cooperation with Columbia Vision Commission.* Boards and commissions who are assigned specific responsibilities in the visioning implementation report should, in furtherance of those responsibilities, respond to requests for information that are made by the Columbia Vision Commission, and participate as requested by that commission in preparing recommendations for implementation tasks and in such public dialogues as may be convened relating to their responsibilities.

(Ord. No. 20081, § 1, 10-6-08)