

BILL NO. 13

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 2 AND 19 OF THE CODE OF ORDINANCES RELATING TO APPOINTMENTS TO AND FILLING VACANCIES OF THE POLICE ADVISORY BOARD, BUSINESS DEVELOPMENT COMMITTEE, FINANCE COMMITTEE, CLAIRE GEMPP DAVIDSON MEMORIAL CONSERVATION AREA COMMISSION, SWIM AND DIVE ADVISORY COMMITTEE, PUBLIC WORKS COMMITTEE, PARK AND RECREATION COMMISSION, AND BOARD OF ADJUSTMENT, AND AMENDMENTS TO CHAPTER 2 REGARDING GENERAL APPOINTMENT PROCEDURE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 2, Art. VI. – “Police Advisory Board,” Sec. 2-212. – “Membership” of the Code of Ordinances is hereby amended by adding [text] the following text:

“Sec. 2-212. – Membership.

The board shall consist of seven (7) members with one (1) member from each ward (who may also be an alderman), one (1) alderman and two (2) members at large. All members shall have a vote and shall serve at the will of the mayor and board of aldermen. The mayor, or any member of the board of aldermen, or both may nominate members, and all members shall be approved by a majority of the board of aldermen.”

Section 2. Chapter 2, Art. VII. – “Business Development Committee,” Sec. 2-217 “Composition; term; chairman” of the Code of Ordinances is hereby amended by adding [text] and deleting [text] the following text:

“ Sec. 2-217.- Composition; term; chairman.

The committee shall be composed of eight (8) members, consisting of the chairman of the planning and zoning commission and seven (7) other members whose terms shall be of a two (2) year duration. No more than three (3) members may be elected officials. The mayor, or any member of the board of aldermen, or both may nominate members to the committee, subject to ~~Members shall be appointed by the mayor with~~ the approval of a majority of the board of aldermen. The chairman shall be selected by the mayor with majority approval of the board of aldermen. The city engineer shall be an ex-officio, nonvoting member. Vacancies shall be filled by nomination by the mayor, or any member of the board of aldermen, or both and approval by a majority of the board of aldermen for the unexpired term only.

Section 3. Chapter 2, Art. IX. – “Finance Committee,” Sec. 2-242. – “Composition; terms,” of the Code of Ordinances is hereby amended by adding [text] and deleting [text] the following text:

“(a) *Membership; appointment; terms.* The committee shall consist of six (6) members. Two (2) shall be aldermen and four (4) shall be citizens. ~~Members shall be appointed by the~~ The mayor, or any member of the board of aldermen, or both may nominate members, all members shall be subject to the approval of a majority of the board of aldermen. Each member shall serve for a term of two (2) years or until a successor is appointed and qualified. There shall be no limit on the successive terms a member may serve. One (1) of the aldermen shall serve as chair. The chair shall be appointed by the mayor, subject to the approval of a majority of the board of aldermen. The chair shall serve a one (1) year term and there shall be no limit on the number of successive terms the chair may serve. The three (3) citizen members, as a group, should possess the combined skill set to be regarded as financially literate as determined by the following attributes:

- (1) An understanding of generally accepted accounting principles (GAAP) and financial statements
- (2) Experience in preparing, auditing, analyzing, or evaluating financial statements
- (3) An understanding of internal controls and procedures for financial reporting
- (4) A basic understanding of investments

In order to qualify as financially literate, a person must have acquired one (1) or more of the above attributes via the following:

- (1) Education and experience as a financial and/or accounting officer, controller, certified public accountant, auditor, or other related experience
- (2) Supervisory experience as a principal financial, accounting, auditing, or other related function

A quorum shall consist of four (4) members; two (2) of which shall be elected officials.

(b) *Vacancy; compensation.* In the event of a vacancy, a new member shall be nominated ~~appointed~~ by the mayor, or any member of the board of aldermen, or both, subject to the approval of a majority of the board of aldermen, to fill the unexpired term. All members of the finance committee shall serve without compensation.”

Section 4. Chapter 2, Art. XI. – “Claire Gempp Davidson Memorial Conservation Area Commission,” Sec. 2-262. – “Membership; appointment,” of the Code of Ordinances is hereby amended by adding [text] and deleting [text] the following text:

“Sec. 2-262. – Membership; appointment.

The commission shall consist of five (5) members, each of which shall be appointed by Members may be nominated by the mayor, or and any member of the board of aldermen, or both, and shall be approved by a majority of the board of aldermen. In the event of a vacancy, a new member may be nominated by the mayor, or any member of the board of aldermen, or both, subject to approval by a majority of the board of aldermen, to fill the unexpired term.”

Section 5. Chapter 19, Art. II. – “Public Swimming Pools and Bathing Places,” Div. 3. – “Municipal Swimming Pool,” Sec. 19-44. – “Swim and dive advisory committee.” is hereby amended by adding [text] and deleting [text] the following text:

“Sec. 19-44. – Swim and dive advisory committee.

- (a) *Membership; application; terms.* The city's swim and dive advisory committee shall consist of seven (7) members. At least four (4) must be city residents and the remaining three (3) can be non-residents. No more than two (2) members may be elected officials. Members shall be ~~appointed~~ nominated by the mayor, or any member of the board of aldermen, or both, subject to the approval of a majority of the board of aldermen. The original terms shall be three (3) members will be appointed for three (3) years, two (2) members for two years and two (2) members for one-year terms; thereafter each term shall be three (3) years. There shall be no limit on the number of successive terms a member can serve. The city's representative shall be a nonvoting, ex officio member of the commission and shall attend committee meetings.
- (b) *Vacancy; compensation.* In the event of a vacancy, a new member shall be nominated ~~appointed~~ by the mayor, or any member of the board of aldermen, or both, subject to the approval of a majority of the board of alderman, to fill the unexpired term.

[subsequent provisions remain unchanged].”

Section 6. Chapter 24, Art. II. – “Public Works Committee,” Sec. 24-23. – “Nomination.” is hereby amended by adding [text] the following text:

“Sec. 24-23. – Nomination.

The members shall be nominated by the mayor, or any member of the board of aldermen, or both for a term which coincides with the alderman's term of office, and approved by a majority of the board of aldermen. In the event of a vacancy, a new member shall be nominated by the mayor, or any member of the board of aldermen, or both, subject to the approval of a majority of the board of aldermen, to fill the unexpired term.”

Section 7. Appendix B, Sec. 9.1 – “Board of Adjustment” is hereby amended by adding [text] the following text:

“9.1 – Board of Adjustment.

9.1-1 Appointment; term; vacancies and organization:

- (A) The board of adjustment shall consist of five (5) members, who shall be residents in the City of Sunset Hills. The term of office of the members of the

board of adjustment shall be for five (5) years. All members shall be nominated by the mayor, or any member of the board of aldermen, or both, subject to the approval of a majority of the board of aldermen.

- (B) Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the board of aldermen upon written charges and after public hearing.
- (C) The board of adjustment shall elect its own chairperson who shall serve as such for one (1) year.
- (D) Vacancies on the board shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as provided for the appointment of such member.”

Section 8. Chapter 2, Art. III. – “Officers,” Div. 1 – “Generally,” Sec. 2-50. – “Nomination procedure for term appointment” is hereby amended by adding [text] and/or deleting [text] the following text:

“Sec. 2-50.- Nomination procedure for term appointment.

- (a) The city clerk shall notify the mayor and all members of the board of aldermen of the expiration of any term of a member of any board, committee, or commission. Such notification shall be provided at least sixty (60) days prior to the expiration of the term but not earlier than ninety (90) days prior to the expiration of such term. Within the same time limits, the city clerk shall post a public notice at city hall and on the city's website.
- (b) Upon such notification, the mayor and all members of the board of aldermen may submit nominees together with a brief resume or description of such nominee to the city clerk. Nothing contained herein shall prohibit the mayor or a board of aldermen member from renominating an existing board member for reappointment to a board, committee, or commission unless the provisions of the code applicable to such board, committee, or commission prohibit successive terms.
- (c) All nominations should be submitted to the city clerk fifteen (15) days prior to the expiration of the term of office. Thereafter, the city clerk shall prepare a list of all nominees and such list shall be distributed to the mayor and board of aldermen for their consideration. Appointments to the boards, committees, and commissions shall be made pursuant to the appointment procedure for each specific board, committee, and commission as laid out in this Code of Ordinances. ~~by appointment of the mayor with the consent of a majority of the board of aldermen.”~~

Section 9. Chapter 2, Art. III. – “Officers,” Div. 1 – “Generally,” Sec. 2-51. – “Filling vacancy” is hereby amended by adding [text] and deleting [text] the following text:

“Sec. 2-51. – Filling vacancy.

In the event that a position on any board, committee, or commission shall become vacant, the city clerk shall notify the mayor and board of aldermen of such a vacancy as soon thereafter as possible. Within the same time limits, the city clerk shall post a public notice at city hall and on the city's website announcing the vacancy. Within thirty (30) days following such notification, the mayor and board of aldermen may submit nominees together with a brief resume or description of such nominee to the city clerk. Following such thirty (30) day period, the city clerk shall prepare a list of all nominees and such list shall be distributed to the mayor and board of aldermen for their consideration. Appointments to fill the vacancy shall be made by appointment of the mayor, or any member of the board, or both, ~~with~~ subject to the consent of a majority of the board of aldermen.”

Section 10. Chapter 19, Art. I. – “In General,” Sec. 19-2. “Park and recreation commission,” is hereby amended by adding [text] and deleting [text] the following text:

“Sec. 19-2. - Park and recreation commission.

- (a) *Membership; appointment; terms.* The city park and recreation commission shall consist of ~~eleven (11)~~ nine (9) members. Two (2) ~~of the~~ members shall be appointed from each ward, and there shall be ~~three (3)~~ one (1) members appointed at large. No more than three (3) members may be elected city officials. Members shall be appointed by the mayor subject to the approval of a majority of the board of aldermen. Each member shall serve for a term of ~~three (3)~~ five (5) years or until a successor is appointed and qualified. There shall be no limit on the number of successive terms a member can serve. The parks director shall be a nonvoting, ex officio member of the commission and shall attend commission meetings.

Section 11. The Provisions contained herein shall remain in full force and effect in the event the City or third-party Municipal Code codification company the City engages makes non-substantive changes to the language herein contained or section numbers herein referenced.

Section 12. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phases, and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phase, or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phases, and words of this ordinance since the same would have been enacted by the Board of Aldermen without incorporation in the ordinance of an such unconstitutional or invalid portion of this ordinance.

Section 13. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED this _____ day of _____, 2022

MAYOR

APPROVED this _____ day of _____, 2022

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR