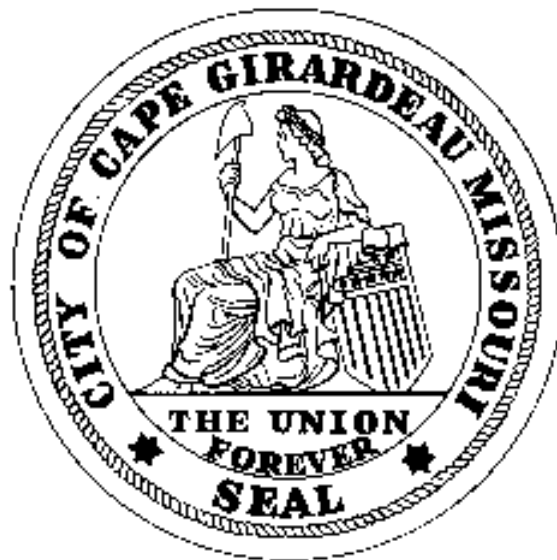


City of Cape Girardeau

Advisory Boards and Commissions Handbook





CITY OF CAPE GIRARDEAU

Office of the Mayor and City Council

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Dear New Board or Commission Member:

Thank you for volunteering your service to the City of Cape Girardeau! We are sincerely glad you have joined an advisory board and welcome you to our team. It is through the efforts of elected officials, volunteers and staff members working together that we have been able to continue to grow. Only through the continued dedication, loyalty and pride in our City will the tradition of outstanding government service and professionalism continue as a leader in the region.

The City Council depends on the advice and expertise of our advisory boards. If you have any questions, please feel free to contact me or the staff liaison to your board.

Again, thank you for your service to the City of Cape Girardeau.

Sincerely,

Scott A. Meyer
City Manager

Harry E. Rediger
Mayor

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**BOARD AND
COMMISSION
DEFINITIONS**

BOARDS AND COMMISSIONS

Boards and Commissions are divided into two categories: advisory and administrative. Advisory Boards have no decision-making authority unto themselves. Advisory Boards consider matters delegated to them by the City Council and recommend actions on those matters back to the City Council. They also can make recommendations to staff on matters pertaining to the advisory Board, but these recommendations are advisory as well.

Administrative Boards, on the other hand, have decision-making powers on specific items. Some Administrative Boards have quasi-legislative powers and can adopt rules to govern other specifically delegated situations. Some have quasi-judicial powers to decide whether an applicant complies with a given rule or code. Others have executive functions and can carry out decisions made by that board. Some Administrative Boards can have legislative, judicial, and executive functions that do not have to be approved by the city Council. Appeals to these decisions can be taken directly to the Circuit Court (rather than the City Council), pursuant to the Administrative Appeals Act.

The following is from Section VI of the City Council Handbook relating to Boards and Commissions:

The Council may establish boards or commissions to serve solely in an advisory capacity. Unless otherwise required by law, the Council shall appoint such boards or commissions. Applicants to City Boards and Commissions must complete a Board Member Summary Form, which provides pertinent information to the City Council to assist them in making these appointments. Permanent boards and commissions shall be established by ordinance.

The Council shall establish and maintain a Planning and Zoning Commission whose powers and duties are prescribed by ordinance in a manner not inconsistent with the charter or the requirements of State statutes. Except as otherwise required by ordinance or State statutes, city board and commission members:

- (a) Must be residents of the City;
- (b) May serve on only one (1) Board or Commission at a time;
- (c) May not be members of the City Council, except that City Council Members may serve in ex officio positions on Boards and Commissions;
- (d) Must resign from the Board or Commission if (s)he is selected to the City Council; and
- (e) Will be notified and asked if (s)he wants to continue membership on the Board or Commission if he misses two (2) of three (3) consecutive regularly scheduled meetings or three (3) regularly scheduled meetings in any twelve (12) continuous months without just cause. This attendance requirement does not apply to alternate members. (Adopted 10/2/95, amended 5/16/05);
- (f) Shall serve for no more than three consecutive terms. This will apply only to members appointed after the date of adoption of this recommendation; it shall not apply to present members. (Adopted 1/6/96, amended 6/17/04).

CITY DEPARTMENT DESCRIPTIONS

CITY DEPARTMENTS AND SERVICES

Form of Government

The City of Cape Girardeau is a municipal corporation organized under the State of Missouri Statutes. Specifically, we are a Charter City operating under the Council/Manager plan.

The City Charter functions somewhat like the “constitution” for the City. The charter sets rules on how the city government is to be managed. The Charter was initially adopted by a vote of the people, and amendments to the Charter are put before a public vote. Voters most recently adopted amendments to the City Charter in 1994.

The City government also operates through the passage of ordinances by the City Council. Any policy decision, such as a zoning change or adopting the annual operating budget, must be voted on by the City Council. Ordinances are compiled in the City Code, which is continually updated so that the City complies with all laws and policies.

Under the Council/Manager form of government, the Mayor and City Council establish policy and law, and the City Manager handles the day-to-day management of the City organization. The Mayor is elected at large (citywide) for a four-year term while the six City council members are elected from wards for staggered four-year terms. The Mayor and City Council appoint the City Manager, and the City Manager appoints all but a few of the employees.

City Manager’s Office

The City Manager is the CEO of the City government. Appointed directly by the City Council, the City Manager is in charge of the day-to-day operations of the City. When the City Council makes a decision on ordinance, law, or policy, the City Manager is responsible for implementing those policies.

The City Manager’s Office coordinates the operations of the City’s five departments and sixteen divisions. The Manager is responsible for the preparation of a proposed operating budget and its presentation to the City council. The budget as adopted by the Council provides funding, staffing, and general guidance to the City Departments for that budget year.

Administrative Services Department

Legal

The City Attorney is responsible for all operations of the City Attorney’s Office including, but not limited to, City Council and Staff support, preparing ordinances and resolutions, coordination of trials and lawsuits, providing legal opinions concerning local, state and federal statutes and regulations, and supervision of the office staff and Assistant City Attorney.

The Assistant City Attorney's primary responsibilities include prosecution of City ordinance violations in Municipal Court, appearances before City boards, legal research, and ordinance drafting.

Municipal Court is an arm of the Legal Department consisting of a Municipal Judge and four full time court employees. Violators of municipal violations (such as speeding, property code violations, and DWI) are prosecuted in the City Council Chambers on Tuesday and Thursday mornings. The maximum penalty for a municipal violation is \$500 or 90 days in the Municipal Jail.

Human Resources

The Human Resources (HR) Division administers, coordinates, and provides oversight and support in all areas of personnel policy, procedure, record keeping, payroll, and Risk Management. The HR office also provides information to employees, staff, and City Council on all personnel and loss control areas.

Human Resources employees maintain all permanent and official personnel, health, payroll records, job description and evaluation masters. Additionally, the office provides reference materials and support functions dealing with local, state, and federal personnel laws and regulations.

Risk Management responsibilities include the administration and coordination of the City's Safety Program and all City insurance policies and claims.

Customer Service

The Customer Service Office provides the following services:

- Billing and collecting for City-provided sewer, water and trash services
- Processing of liquor licenses, new business licenses, and other general licenses.

Approximately 14,500 customers are billed for sewer, water, and trash services each month.

Finance

The Finance Division provides the following services to the City and its citizens:

- Processing of licenses, including merchant, security, hotel and restaurant;
- Billing and collecting for City-provided services;
- Bidding and paying for City-purchased goods and services;
- Helping departments meet their computer and data information needs;
- Preparing financial reports; and
- Insuring adherence to the City's annual operating budget.

The Finance Division's Management Information System staff maintains and supports the City's computer system, which is used by more than 100 employees.

Cape Girardeau Regional Airport

The Cape Girardeau Regional Airport (CGI) and Cape Aviation, the Fixed Base Operation, is City-owned and operated, located in Scott County approximately ten miles southwest from City Hall. The Airport operations staff is responsible for the daily administration and maintenance of the airfield and facilities, including compliance with regulations established by the Federal Aviation Administration and the Transportation Security Administration. CGI also features the only tower-controlled, all-weather airport on the Mississippi River between St. Louis and Memphis. The Cape Aviation staff is responsible for the daily management of the airport's fixed base operation, including duties associated with aircraft fueling, towing, and storage, as well as customer services related to general aviation pilots, air charter and aircraft repairs and maintenance.

Cape Regional provides ample runways for all classes of personal, business and commuter aircraft. Some of its specifications include: 68 acres of pavement, three runways, with a main runway 6,500 feet long and a crosswind runway of 4,000 feet capabilities to serve moderately-sized cargo aircraft.

Public Information Office

The Public Information Office provides internal and external communication services for the city. Internal communications include the employee newsletter, *Department Dittos*, including a calendar of events. External communication involves publishing the monthly citizen newsletter, *Cape Chronicle*, as well as other activities such as writing news releases relating to City events, coordinating and supporting Cable Access Channel CG-993, and coordinating public events and press conferences.

Development Services Department

Planning Services Division

The Planning Services Division is charged with regulating types of land uses, the subdivision of property as well as overall long-term comprehensive planning for the City. The division is involved in planning streets, water, sewer and public facilities. The division provides planning services for other City departments, the City Manager, the City Council, and the public. Annexations by the City, including both voluntary and involuntary actions, are administered by the division.

Planning Services staff administer the City's Zoning Ordinance, Subdivision Regulations, Historic Preservation Ordinance, and Floodplain Management Ordinance. The City's Five-Year Capital Improvement Program also is compiled by the division. Staff provides administrative support for the Planning and Zoning Commission, Historic Preservation Commission, and the Downtown Special Business District.

The Community Development Block Grant Program and other similar grant programs are also under the responsibility of the Planning Services Division. Additionally, the division administers the City's Dangerous Building Ordinance and condemnation of derelict structures.

The division maintains the Geographic Information system (GIS), a computerized mapping system that includes digital aerial photographs, streets, property lines, City utilities, topography lines and numerous other layer of information. The division publishes an updated street map annually as well as a number of special purpose maps for use by decision makers.

The division also plays a crucial role in major projects by managing right-of-way and easement acquisitions. Examples of major projects undertaken in recent years include: the Transportation Trust Fund I, II and III projects, major water main extensions, storm water projects and sewer main extensions.

Engineering Services Division

The Engineering Division is responsible for four main functions:

- Reviewing subdivision plats along with street, water and sewer plans and storm water detention facilities;
- Coordinating the design, construction, and contact administration of the City's capital and infrastructure improvement projects;
- Providing technical support and advice to the public, elected officials, City Management and other City departments; and
- Traffic Engineering.

The Engineering Division is headed by the City Engineer, who must be registered in the State of Missouri. The division is also the home of the City Surveyor and City Construction Inspectors, who are responsible for surveying and constructing all major infrastructure projects in the city, including, streets, water, stormwater and sanitary sewer.

Inspection Services Division

The Inspection Services Division is responsible for building inspection, building plan review, site layout review, interpretation and enforcement of the International Building Codes, construction standards, sign regulations and any local construction codes adopted by the City Council. The division's seven employees also provide information concerning subdivision plats and existing sewer lines and connections. The division is also responsible for the inspections and enforcement of the City's minimum property standards. Licensing of the certain trades including plumbers, electricians, heating and cooling installers and construction contractors are included in the division's responsibility.

Much of the Inspection Services Division's duties require close coordination with the other divisions in the Developmental Services Department and the Fire Department. New construction (both residential and commercial) requires the involvement of several City divisions and departments, including Inspection Services, Engineering, Planning, Water, and Fire. Applications for construction are taken by Inspection Services, and staff works with these

divisions to ensure consistency and efficiency for the applicants as well as health and safety for citizens.

The division provides staff support for the Board of Adjustments, the Board of Appeals, and the Board of Examiners.

Public Safety Departments

Police Department

The Cape Girardeau Police Department is a general law enforcement agency that strives to provide a safe and secure environment and to enhance the overall quality of life for Cape Girardeau citizens. Among the department's many services are:

- Preventing crime;
- Investigating crimes and apprehending criminals;
- Maintaining order and safeguarding property;
- Facilitating the safe flow and movement of traffic; and
- Providing other miscellaneous services.

In addition to the general law enforcement services, the department houses the municipal jail, and also provides animal control and weed abatement services,

Fire Department

The Fire Department delivers fire, rescue, emergency medical, and emergency management services to the community from four stations strategically located throughout the City.

The Fire Department centers on protecting the quality of life in our community by delivering services in the most effective, efficient, safe, and professional manner possible with the resources available to us. We achieve this through many activities including:

- Conducting Public Education programs regarding fire safety, CPR and First Aid, injury prevention, and emergency preparedness;
- Conducting construction plans reviews, fire safety inspections, and pre-fire plans;
- Participating in continuous training of our personnel;
- Maintaining personnel, apparatus, and equipment in a constant state of readiness;
- Responding to fire, rescue, emergency medical, and hazardous material incidents;
- Planning and preparing for, and responding to, natural and man-made disasters;
- Investigation of the origin and causes of fires; and,
- Maintaining records and reports of all activities.
- 911 Communications

Public Works Department

The Public Works department is separated into seven operational areas: Street Maintenance, Fleet Management, Stormwater Maintenance, Sewer Maintenance, Wastewater Treatment Plant, Solid Waste and Water Treatment/Distribution.

Street Maintenance

Street Maintenance Division duties include repairing city streets, street cleaning, minor pavement overlays, emergency response during storms and floods, striping, signing for Cape Girardeau's 230 miles of streets as well as operating and maintaining city owned traffic signals. The Street Division is also responsible for the annual leaf collection program, snow removal, special event signs and barricades, street light management and maintenance and many other general right-of-way maintenance activities.

Fleet Management

The Fleet Management Division maintains more than 900 pieces of city equipment, including small engine equipment, vehicles and heavy construction equipment and heavy trucks. Fleet also manages fuel dispensing citywide and the central fueling station for all city owned vehicles and equipment.

Stormwater Maintenance

Stormwater Maintenance responsibilities include repairing and maintenance of over 200 miles of storm water facilities spread out over 5 watersheds. These facilities include the Cape LaCroix and Walker Branch channels, stormwater sewer lines, numerous ditches and channels. The division also maintains numerous detention basins throughout the city, over 5,000 stormwater inlets and is responsible for the nuisance abatement activities of mosquito fogging and weed abatement mowing.

Sewer Maintenance

Sewer Maintenance personnel clean, inspect and repair more than 200 miles of sanitary sewer lines throughout the city. In addition, sewer maintenance repair manholes, provide utility locates and eliminate and monitor the inflow and infiltration of ground water into the sanitary sewer system.

Wastewater Treatment

Wastewater Treatment employees are responsible for operating and maintaining a 7 million gallon per day wastewater treatment plant that provides primary and secondary treatment collected and in the city's sanitary sewer system for proper discharge into the Mississippi River in compliance with state and federal regulations. Wastewater staff also manages and monitors the proper disposal of the biosolids resulting from the treatment process through land application in accordance with applicable state and federal regulations. The treatment facility houses its own

laboratory that is utilized to ensure compliance with all regulations. Personnel at the facility are also responsible for maintaining more than 20 lift stations throughout the low lying areas of the city. As a part of Wastewater Treatment operations, staff also administers a Pretreatment program that ensures that outside commercial and industrial companies comply with city ordinances designed to comply with the regulations and to protect the wastewater treatment facility.

Solid Waste

Solid Waste operations provide weekly solid waste and recycling pickups to more than 10,000 households in the city. Additionally, Solid Waste operates the recycling public drop off facility, the recycling processing center, located at the Public Works property and the Transfer Station located off of South Sprigg St. Special programs are also administered through Solid Waste such as household hazardous waste, special Wednesday pickups and recycling education and tours.

Water Treatment and Distribution

Water Treatment and Distribution is operated through a contract with Alliance Water Resources. The division is responsible for operating and maintaining more than 200 miles of water lines, numerous pumping stations throughout the city, and two water treatment plants. The average amount of water produced each day is between 5.5 and 6 million gallons per day with a maximum production capability of over 10 million gallons per day.

Parks and Recreation Department

The Cape Girardeau Parks and Recreation Department provides the citizens of this community with quality parks and recreation opportunities, as well as preserving, protecting, and interpreting the history of our city. The department consists of seven organizational divisions.

Park and Facility Maintenance

The division is responsible for the maintenance, planning, and improvement of City parks, cemeteries, City buildings, park facilities, and other designated areas.

Recreation Division

Responsible for the planning, organization, and implementation of recreation classes, leagues, and special events.

Golf Course Division

Responsible for planning, maintenance, and operation of an 18-hole public golf course.

Aquatics Division

Responsible for the planning, maintenance, and operation of the public swimming pools. Cape Splash Family Aquatic Center is located next to the Osage Centre, and opens each summer from Memorial Day to Labor Day. Central Pool is an Olympic-sized pool adjacent to Cape Central High School that is operated year round through the use of a protective bubble in the winter.

Shawnee Park Center

Multi-use facility that is used for recreation, conventions, and meetings.

Shawnee Park Sports Complex

Responsible for the operation and maintenance of a softball/soccer complex and concession. The division also organizes adult softball leagues and tournaments.

A.C. Brase Arena

Multi-use facility that is used for recreation, conventions, and meetings.

Osage Centre

Multi-use facility that is used for recreation, conventions, and meetings.

Municipal Library District

The library does not receive any funds from the City, but collects revenue through its own unique tax district. The Library Tax District's boundaries were frozen in 1965, thus causing them to be within those of the city of Cape Girardeau. Revenues are received through a percentage of the property tax.

The library offers the full range of library materials and services at no additional charge to the residents of the municipal library district, employees of the City of Cape Girardeau, faculty and students of Southeast Missouri State University, and teachers (K-12) employed within the County of Cape Girardeau.

Our materials include:

- Books, books on tape, books on CD, and large print books
- Compact discs
- Genealogy information
- Magazines and newspapers
- Toys
- Video Tapes and DVD's

Library services include:

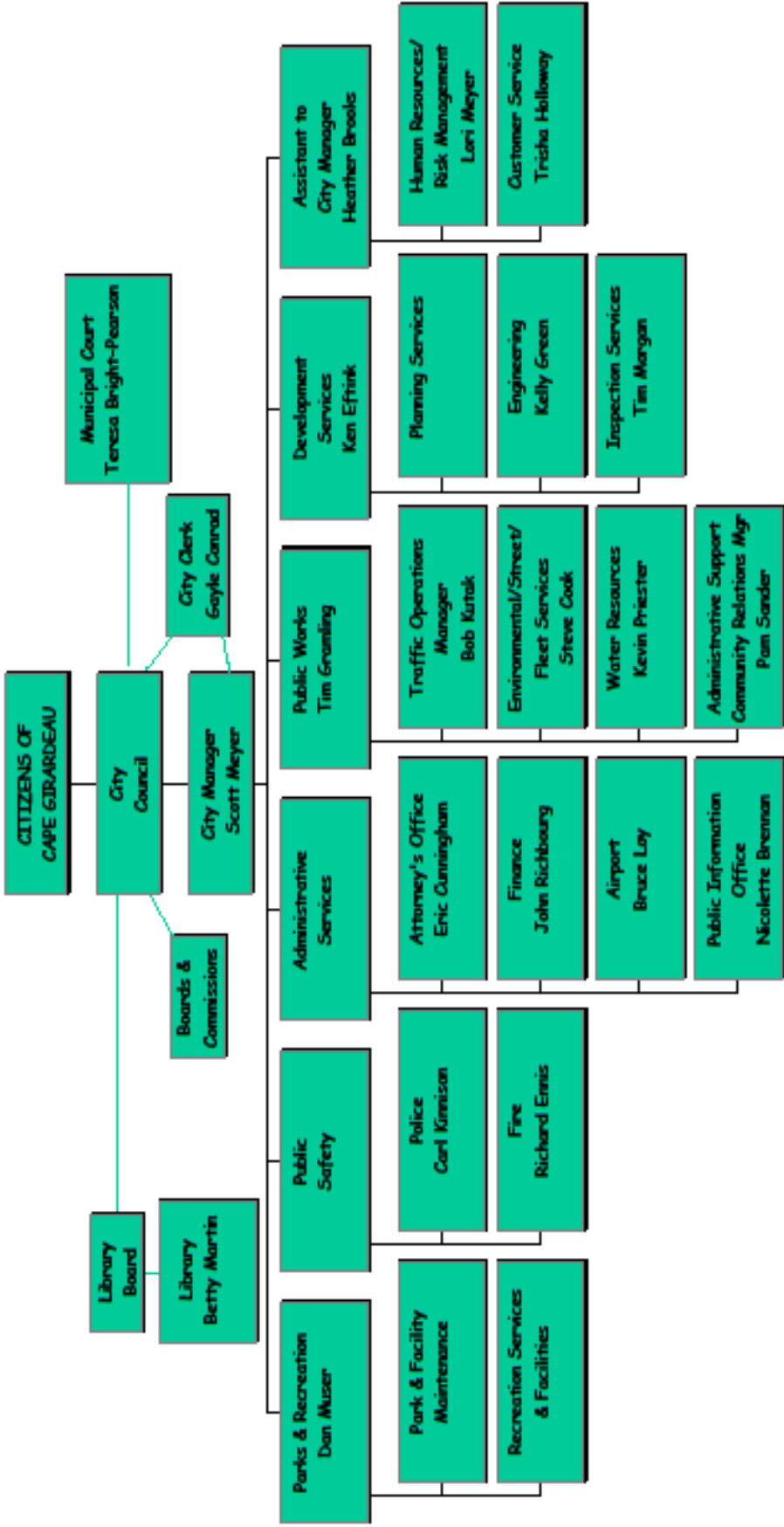
- Public access Internet terminals

- A computerized index to 2,600 periodicals and subscriptions to several other online databases
- Foreign language tapes and books
- Community meeting room that can be reserved year round by non-profit organizations

The library provides many special programs throughout the year for all age groups. Library hours of service are: Monday through Thursday, 9:00 a.m. to 9:00 p.m.; Friday and Saturday, 9:00 a.m. to 5:00 p.m.; and Sunday (mid-September to mid-May) 1:00 to 5:00 p.m.

CITY ORGANIZATIONAL CHART

CITY OF CAPE GIRARDEAU, MISSOURI ORGANIZATIONAL CHART



**BOARD AND
COMMISSION
DESCRIPTIONS**

CITIZEN BOARD AND COMMISSION DESCRIPTIONS

Boards and Commissions are divided into two categories: advisory and administrative. Advisory Boards have no decision-making authority unto themselves. Advisory Boards consider matters delegated to them by the City Council and recommend actions on those matters back to the City Council. They also can make recommendations to staff on matters pertaining to the Advisory Board, but these recommendations are advisory as well.

Administrative Boards, on the other hand, have decision-making powers on specific items. Some Administrative Boards have quasi-legislative powers and can adopt rules to govern other specifically delegated situations. Some have quasi-judicial powers to decide whether an applicant applies with a given rule or code. Others have executive functions and can carry out decisions made by that board. Some Administrative Boards can have legislative, judicial and executive functions that do not have to be approved by the City Council. Appeals to these decisions can be taken directly to the Circuit Court (rather than the City Council), pursuant to the Administrative Appeals Act.

The following list of boards and commissions indicates whether they are advisory or administrative, minimum requirements to serve, and general duties of each board and commission.

Airport Advisory Board (Advisory)

Three-year term. Two members may be from the following regions: Scott, Bollinger or Perry Counties. Meetings held second Tuesday at 5:00 p.m. at the Cape Girardeau Regional Airport. Council member may serve as liaison. Staff contact - Airport Manager.

- ◆ Reviews Airfield Activity Report and discusses different ways to improve usage of the airport (i.e., passenger boarding aircraft activity).
- ◆ Provides recommendations to airport manager on policy and operations for the airport (i.e., airport leases; airport events and activities; city, state, and federal legislation; general and corporate aviation).

Board of Adjustment (Administrative)

Five-year term. Meetings held first Thursday at 7:00 p.m. in the City Council Chambers. Director of Inspection Services meets with the Board. Staff contact - Inspection Services Director.

- ◆ Hears and decides appeals from decisions of the building official in the enforcement of the zoning ordinance.
- ◆ Hears requests for variances from provisions of the zoning ordinance where strict enforcement would cause undue hardship due to circumstances unique to the individual under consideration.
- ◆ The Board of Adjustment shall not permit, as a variance, any use in a district that is not permitted under the zoning ordinance. The Board may impose conditions in the granting of variances to insure compliance and to protect adjacent property.

Board of Appeals (Administrative)

Five-year term. No more than two members from each of the following professions:

- (1) Registered design professional that is a registered architect or a builder or superintendent of building construction with at least 10 years experience;
- (2) Registered design professional with structural engineering or architectural experience;
- (3) Registered design professional with mechanical or plumbing engineering experience or a mechanical or plumbing contractor with 10 years experience;
- (4) Registered design professional with electrical engineering experience or an electrical contractor with at least 10 years experience;
- (5) Registered design professional with fire protection engineering experience or a fire protection contractor with at least 10 years experience.

Meetings held second Thursday at 7:00 p.m. in City Council Chambers. Staff contact - Inspection Services Director.

- ◆ Board members required to have specialized knowledge in engineering, architecture or building trades in order to address all appeals dealing with building codes and minimum property standards.
- ◆ Reviews ordinances and makes recommendations to the City Council.
- ◆ Reviews disputes in decisions of the Building Official.

Board of Examiners (Administrative)

Three-year term. Seven members must be licensed in and actually engaged in working at one of the construction trades at the time of appointment. Four members must have six years practical experience in their construction trade, and no more than two of each of the following: plumber, mechanical installer, electrician, construction contractor, master drainlayer or plumbing fixture installer. One member need not be a licensed practitioner of the construction trades.

Meetings held first Wednesday at 7:00 p.m. in City Council Chambers. Staff contact - Inspection Services Director.

- ◆ Board members must be licensed tradesman.
- ◆ Accepts and reviews applications for all tradesman licensing.
- ◆ Reviews licensing ordinance and makes recommendations to the City Council.

Girardeau Goes Green Advisory Board (Advisory)

Three-year term. Seven citizen members, two non-resident ex-officio members, one city council ex-officio member. Meetings held second Tuesday at 7:00 p.m. at the Cape Girardeau Public Library.

- ◆ Members should possess a demonstrated interest in promoting environmental sustainability in City operations.

- ◆ Board shall include members representing such disciplines as environmental science, engineering, resource management, transportation, public works, recreation, facilities management, construction or any other field related to environmental science.
- ◆ Develops cost effective recommendations for how the City Government can reduce energy consumption, improve energy use efficiency, reduce the City's environmental impact, participate in environmental projects, enhance its sustainability, and serve as role model by providing education information to the community

Golf Course Advisory Board (Advisory)

Three-year term. Meetings held fourth Thursday at noon at the Osage Centre. City Council member may serve as liaison. Staff contact - Parks and Recreation Director.

- ◆ Liaison between citizens and staff.
- ◆ Recommends policy regarding capital improvements and programming to staff.

Historic Preservation Commission (Advisory/Administrative)

Three-year term. Meetings held third Wednesday at 7:00 p.m. in the City Council Chambers. Staff contact - City Planner.

- ◆ Administers the City's Historic Preservation program and advises the Planning and Zoning Commission and City Council on matters relating to Historic Preservation.
- ◆ Accepts and reviews applications for designation of local historic landmarks and historic districts.
- ◆ Recommends designation to Planning and Zoning Commission and City Council.
- ◆ Accepts and reviews applications for nomination to the National Register of Historic Places.
- ◆ Plans for Historic Preservation in the community.
- ◆ Educates community on historic preservation.
- ◆ Commission members should have a demonstrated interest in historic preservation.
- ◆ To the extent available, the commission shall include professional members representing such disciplines as architecture, law, real estate, history and or any other field related to historic preservation.

Parks and Recreation Advisory Board (Advisory)

Three-year term. Meetings held second Monday at 5:30 p.m. at the Osage Centre. Staff contact - Parks and Recreation Director.

- ◆ Liaison between citizens and staff
- ◆ Recommends policy regarding capital improvements and programming to staff.

Planning and Zoning Commission (Advisory/Administrative)

Four-year term. Meetings held second Wednesday at 7:00 p.m. in the City Council Chambers. Staff contact - City Planner.

- ◆ Prepares and maintains the comprehensive plan for development of the community, including the city's major street plan.
- ◆ Accepts and reviews applications for zoning changes and special use permits and recommends actions to the City Council.
- ◆ Reviews preliminary and record subdivision plats and recommends action on these to the City Council.
- ◆ Recommends changes in the City's zoning ordinances, subdivision regulations, and floodplain management regulations to the City Council.

Public Library Board of Trustees (Administrative)

Three-year term. Meetings held fourth Thursday at 7:00 a.m. at the Cape Girardeau Public Library. Council member may serve as liaison. Staff contact - Library Director.

- ◆ Policy making board and governing body of the Cape Girardeau Public Library.

River Campus Board of Managers

Three-year term. Meetings held quarterly. Three members appointed by City Council; three members appointed by Southeast Missouri State University Board of Regents. One City Council appointment shall be from the hotel/motel industry.

- ◆ Supervises the use of the River Campus facility.
- ◆ Proposes written policies for use of the River Campus facility.

Show Me Center Board of Managers

Three-year term. Meetings held quarterly at the Show Me Center. Three members appointed by City Council; three members appointed by Southeast Missouri State University Board of Regents.

- ◆ Supervises the use of the Show Me Center and schedules all multi-use center events.
- ◆ Proposes written policies for use of the Show Me Center.
- ◆ Promotes the use of the Show Me Center for University and community purposes.

Special Business District Advisory Commission (Administrative)

Three-year term. Meetings called by Commission Chairman at least one time per year. City Manager or designee serves as ex-officio member. Staff contact - City Planner.

- ◆ Develops plans for the improvement of Special Business District #2 (the downtown Main St. area), in conjunction with the downtown redevelopment corporation. They then administer implementation of the plan again in conjunction with the Downtown Redevelopment Corporation with property tax revenues generated within the district.
- ◆ Recommends changes in the plan for the improvement of Special Business District #2.

Tree Board (Advisory)

Three-year term. Board consists of the Public Works Director, Parks & Recreation Director, one member of the City Parks & Recreation Advisory Board (selected by the Chairman of the Board), and two residents of Cape Girardeau selected by the City Council. Meetings held every other month beginning in February at the Osage Centre. Staff contact – Parks & Recreation Director.

- ◆ Develops, administers, and updates a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of Public Trees in parks, along streets, and in other public areas.
- ◆ Presents the written plan annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Cape Girardeau.
- ◆ Investigates and recommends action on special matters within the scope of its work when requested by the City Council.

**ADVISORY BOARDS
AND COMMISSIONS
ORDINANCE**

ADVISORY BOARDS AND COMMISSION ORDINANCE

ARTICLE V. BOARDS AND COMMISSIONS

Sec. 2-96. Boards and commissions covered.

Except as otherwise required by state or federal law, the City Charter, or another city ordinance specifically dealing with a particular board or commission, the provisions of this article shall apply to the following boards and commissions:

Cape Girardeau Airport Board, Board of Adjustment, Board of Appeals, Board of Examiners, Cable Television Advisory Committee, Ethics Commission, Cape Jaycee Municipal Golf Course Advisory Board, Cape Girardeau Historic Preservation Commission, Park and Recreation Advisory Board, Planning and Zoning Commission, Public Library Board, Special Business District Advisory Commission, Tree Board, and any other board or commission established by the city council pursuant to Sections 5.04, 5.05 and 5.06 of the City Charter.

(Ord. No. 2701, art. 2, 4-3-00; Ord. No. 3043, art. 1, 9-3-02; Ord. No. 3859, art. 1, 10-15-07; Ord. No. 3981, art. 1, 12-1-08)

Sec. 2-97. Eligibility for membership.

(a) No member of the city council, the mayor, any city employee, nor any appointed city official shall serve on any board or commission heretofore established or hereafter established by the city council during his or her tenure as council member, mayor, city employee or appointed official, except as an ex officio member.

(b) The city council shall not nominate or appoint to any board or commission any person who is a member of the immediate family of a council person. Further, no city employee's immediate family member may serve on a board or commission in which the employee is directly employed by the department involved. "Immediate family" for the purpose of this section is defined as spouse, child, brother, sister, parent, grandparent, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law, and shall also include step-relatives of the same degree.

(c) Every member of a board or commission appointed by the city council shall be a resident of the City of Cape Girardeau. If a board member moves from city residence, he or she will automatically forfeit his or her position on that board.

(Ord. No. 2701, art. 2, 4-3-00)

Sec. 2-98. Appointment of members; term limits.

(a) Except as otherwise required by law, each member of a city board or commission shall serve at the pleasure of the city council, and may be removed at any time and for any reason by a majority vote of the city council.

(b) Except as otherwise provided in this section, no person may serve more than three (3) consecutive full terms on the same board or commission, beginning with terms that commenced

on or after January 6, 1996. This term limitation shall not apply if the city council makes a finding that special expertise is required and there are no other qualified applicants. The term limitations shall also not apply to alternate members. If a member is reappointed to succeed himself to serve the balance of his or her unexpired term, the combined periods shall constitute service of a full term within the meaning of this subsection as if no break in service had occurred.

(c) All persons desiring appointment or reappointment to a particular board or commission shall submit the appropriate application form before the proposed appointment is submitted to the city council for consideration.

(d) Each member of a city board or commission shall continue in the office to which he was appointed until his or her successor is appointed and qualified, unless such member has resigned, forfeited or been removed from his position pursuant to the terms of this article.

(e) If a vacancy occurs on any board or commission, the city council shall fill the vacancy by appointing a new member to serve the balance of the unexpired term.

(f) After a person has served three (3) consecutive full terms on the same board or commission, as described in subsection (b) of this section, that person may be reappointed to that board or commission after the expiration of one (1) full calendar year from the conclusion of those three (3) terms.

(Ord. No. 2701, art. 2, 4-3-00; Ord. No. 2941, art. 1, 10-15-01; Ord. No. 3323, art. 1, 6-7-04)

Sec. 2-99. Multiple board memberships.

No person may serve on more than one (1) city board or commission at any one time. Any current board or commission member desiring to apply to another board or commission, must submit an appropriate application form for that board or commission.

(Ord. No. 2701, art. 2, 4-3-00)

Sec. 2-100. Resignations.

All resignations from any board or commission must be in writing, and submitted to the city clerk.

(Ord. No. 2701, art. 2, 4-3-00)

Sec. 2-101. Attendance of members of boards and commissions required.

Except as otherwise provided in the Code of Ordinances for the City of Cape Girardeau for a specific board or commission, the following rules shall apply:

(1) If any board or commission member misses three (3) consecutive regularly scheduled meetings of the board or commission, or four (4) regularly scheduled meetings in any twelve (12) continuous months, their position on such board or commission shall automatically be deemed vacant and a replacement shall be named as provided. In

computing attendance, no allowances shall be made for any excuses. This attendance requirement shall not apply to alternate members.

- (2) Written notice by the mayor or his designee shall be given to each advisory board or commission member when two (2) consecutive regularly scheduled meetings or three (3) regularly scheduled meetings in any twelve (12) continuous months, have been missed notifying that member of his or her status on the board or commission.
- (3) Whenever any current or former member of any board or commission applies for appointment or reappointment to a particular board or commission, city staff shall advise the city council of the attendance record of the board or commission member during his last twelve (12) months of service.
(Ord. No. 2701, art. 2, 4-3-00; Ord. No. 2941, art. 2, 10-15-01; Ord. No. 3492, art. 1, 5-16-05; Ord. No. 3859, art. 2, 10-15-07)

Sec. 2-102. Organization.

Each city board or commission shall annually elect one of its members as chairman, another as vice-chairman, and another as secretary, plus such other officers as they deem necessary, to serve a term of one (1) year. The names of the new officers shall be reported to the city council within thirty (30) days after the election.

(Ord. No. 2701, art. 2, 4-3-00)

Sec. 2-103. Quorum.

A majority of the board or commission shall constitute a quorum for the transaction of business.

(Ord. No. 2701, art. 2, 4-3-00)

Sec. 2-104. Majority votes.

All decisions or actions of any board or commission shall be made by a majority vote of all the members present at a meeting where a quorum exists.

(Ord. No. 2701, art. 2, 4-3-00)

Sec. 2-105. Staff support.

The city manager shall appoint a city employee to serve as staff liaison for each board or commission.

(Ord. No. 2701, art. 2, 4-3-00)

Sec. 2-106. Compensation.

All members of boards or commissions shall serve without compensation, but may be reimbursed actual expenses upon the prior approval of the city manager.

(Ord. No. 2701, art. 2, 4-3-00)

Sec. 2-107. Rules of procedure.

Each board or commission may adopt such rules of procedure as it deems necessary for the conduct of its business, procedure and the faithful performance of its duties. Such rules shall not be inconsistent with state or federal law, nor with any provision contained in the City Code or City Charter.

(Ord. No. 2701, art. 2, 4-3-00)

Sec. 2-108. Advisory capacity.

Except as otherwise required by law, each board or commission enumerated herein shall act solely as an advisory group to the city council and city manager regarding the betterment of administrative operations within its field and as to any specific problems referred to it by ordinance, resolution, motion or by the city manager.

(Ord. No. 2701, art. 2, 4-3-00; Ord. No. 3323, art. 2, 6-7-04)

Sec. 2-109. Formation of not-for-profit corporations.

No board or commission of this city shall form any not-for-profit corporation for any purpose whatsoever without prior approval of the city council.

(Ord. No. 2701, art. 2, 4-3-00)

Secs. 2-110--2-115. Reserved.

**MISSOURI
SUNSHINE
LAW**

MISSOURI SUNSHINE LAW

Chapter 610 of the Revised Statutes of Missouri states that it is the public policy of the State of Missouri that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public. This section, commonly referred to as the “Sunshine Law”, is to be liberally construed to promote the public policy of open and public discussion, debate and decision making.

GENERAL PROVISIONS

All “public governmental bodies” are subject to the provisions of the Sunshine Law. As that term is defined in the statutes, it includes city councils, advisory boards and commissions, and any committee appointed by or at the direction of any of these entities and which is authorized to report to any of these entities. Hence, even though boards and commissions may only be “advisory”, those boards and commissions, as well as any committees or subcommittees formed under them, are subject to the requirements of the Sunshine Law.

There is no concrete rule as to how many members need to be present to require compliance with the Sunshine Law. Certainly, if a quorum of the board or any subcommittee is involved, it would be subject to the law. However, that number could be as few as two (2) or three (3) people, depending on the circumstances. Whenever there is any question as to whether compliance is required, contact your staff person.

A “public meeting” subject to this statute is any meeting of the public governmental body at which public business is discussed, decided or public policy formulated, whether corporeal or by means of communication equipment. This includes not only meetings that occur in person, but also those which occur electronically, and even the electronic polling of votes of members who are not physically present. The term “public meeting” also includes conference calls, video chats, internet conferences and internet message boards, but it does not include an informal gathering of members of the public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of the Sunshine Law.

When a public meeting of a public governmental body is held, minutes of that meeting must be taken, and shall be open to the public for inspection and duplication. Those minutes must include the subjects that were discussed as well as a record of which members were present and of all votes that were taken at the meeting. All votes taken by roll call may only be made by members who are physically present at a meeting, and not by electronic communication. However, this rule only relates to elected bodies, such as the City Council, and not to advisory boards and commissions they appoint. Any votes taken during a closed meeting shall be taken by roll call.

When any message relating to public business is sent by electronic means (such as e-mail) by one member of a public body to other members of the public body such that, when counting the sender, a majority of the body’s members are copied, a copy must also be sent concurrently to the public office computer or custodian of records in the same format. Advisory board members

should make arrangements with their staff contact to determine where those messages should be sent. The message is a public record, subject to any applicable closed records exceptions.

NOTICE REQUIREMENTS

The Sunshine Law establishes specific requirements for providing notice of meetings to the public and the media. Under the statute, the notice must include the time, date, place, and tentative agenda, and must be given in a manner so as to reasonably apprise the public of that information. Typically, the staff contact for your board will take care of posting these notices. 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. Efforts must be made to permit access to the handicapped or disabled. Generally, twenty-four (24) hours' notice, exclusive of weekends and holidays, is required unless good cause exists for less notice. The nature of that "good cause" must be reflected in the minutes of the meeting.

CLOSED MEETINGS

Closed meetings are authorized for limited purposes and with specific procedures under Section 610.021 RSMo. All closed meetings will begin as open meetings. Then, before closing the meeting, the body must act on a motion to recess to a "closed or executive meeting". The motion must state the specific reason for closing the meeting, and the reason for closure must be entered in the minutes. Most advisory boards and commissions have no reason for a closed meeting. If a closed session is appropriate, it will probably be in one (1) of three (3) areas:

1. Legal actions, or confidential communications between the board and the city attorney.
2. Leasing, purchasing, or sale of real estate.
3. Hiring, firing, disciplining or promoting an employee. (However, this is seldom appropriate because few boards have their own employees.)

In addition, Section 610.026(6) RSMo. provides an "absolute defense" to claims for violations of the Sunshine Law in certain circumstances. If a member of a public body believes that a closed meeting would violate the Sunshine Law, that member may state his or her objection to the motion to close the meeting on the record. If that same member votes in opposition to closing the meeting, this objection and vote serve as an "absolute defense" to any claim filed against the member alleging a violation of the Sunshine Law.

If at any time you wish to have a closed session, please discuss this matter with your staff contact.

VIOLATIONS

Any person, taxpayer or citizen, the attorney general, or the prosecuting attorney may bring an action to enforce the Sunshine Law. If a violation occurred, the court may void the action taken by the governmental body. Further, if the court finds the law was "knowingly" violated, the individual members of the public body may be subject to a civil fine not to exceed one thousand

dollars (\$1,000.000) per person, including the possibility of payment of court costs and reasonable attorney fees. If the court finds the law was “purposefully” violated, the individual members may be subject to a civil fine of up to five thousand dollars (\$5,000.00) per person, and in that event, the court is required to assess all court costs and reasonable attorney fees. When in doubt as to any of the provisions of the Sunshine Law, you should discuss the matter with your staff contact and ask for an opinion from the City Attorney’s Office.

W. Eric Cunningham
City Attorney
August, 2004

**CONFLICTS OF
INTEREST
LAW**

CONFLICTS OF INTEREST

As an advisory board member for the City of Cape Girardeau, Missouri, you are prohibited from taking the following actions.

1. Acting or refraining from acting in your official capacity because of any payment or promise to pay anything other than compensation from the City.
2. Using confidential information obtained in the course of your official capacity with the intent to result in financial gain for yourself, your spouse, your dependent child in your custody, or any business with which you are associated; or disclosing such confidential information to result in financial gain for yourself or any other person.
3. Performing any service for the City, or selling, renting or leasing any property to the City, by which you will receive compensation from the City in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per year. (This does not include transactions pursuant to competitive bidding.)
4. Attempting to influence a decision of the City to accept the performance of a service, or the sale, rental or lease of any property to the City for consideration in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) per year to yourself, your spouse, a dependent child in your custody, or to any business with which you are associated. (This does not include transactions pursuant to competitive bidding.)
5. Attempting to influence a decision of the City for any consideration from any person, other than compensation from the City. This prohibition continues for one (1) year after the termination of your office, and continues forever on any matter in which you personally participated as a board member.

Advisory board members may participate in matters of general application even if he or she also will be affected. The prohibitions contained in the law typically relate to specific matters, which may result in a direct financial gain or loss to you, your spouse, your dependent child in your custody, or to any business with which you are associated.

If you have a conflict of interest:

- (a) You must disclose the nature of that interest on the minutes of your meeting; and
- (b) You are disqualified from voting on the issue; and
- (c) You are disqualified from discussing the matter with other board member or taking to City staff regarding the issue.

Even if you are in doubt as to whether you have a conflict of interest, you should always disclose, disclose, disclose, the nature of that interest. Speak with your board's staff representative about the matter, and he or she will obtain direction from the City Attorney's

Office regarding how to proceed. This will help you avoid possible penalties for the violation, which include being kicked off the board and possible criminal prosecution.

“The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.” City of Cape Girardeau, City Code, Section 2-81(a).

W. Eric Cunningham
City Attorney
November, 2006

**TIPS ON
PARLIAMENTARY
PROCEDURE**

TIPS ON PARLIAMENTARY PROCEDURE

Parliamentary procedure and Robert's Rules of Order are used to facilitate open and constructive deliberation in-group situations. Below are some guidelines on parliamentary procedure that may be used for board or commission meetings.

1) Principles of Parliamentary Procedure

- a) The majority rules.
- b) Members have equal rights to speak and vote.
- c) Only one matter should be discussed at any one time.
- d) A courteous atmosphere must prevail.

2) The By-laws for parliamentary organizations contain lesser details than the organization's constitution.

- a) Method of electing officers
- b) Duties of officers
- c) Standing committees and their duties
- d) Order of business
- e) Statement of quorum
- f) Statement of parliamentary authority
- g) Method of amending by-laws

3) Qualifications of Presiding Officer

- a) Should be fair and impartial, firm, be able to supply information as to the status of a motion.
- b) Should be carefully chosen and elected to a term of office.

4) Secretary and the minutes

The secretary is the record keeper. The minutes should at least show:

- a) Time and place of meeting
- b) Name of presiding officer
- c) Names of those present
- d) A record of all business transacted with names of movers and seconders
- e) Other items that should go into the permanent record
- f) Time of adjournment
- g) Secretary's signature

5) Order of business

- a) Call to order
- b) Reading of the minutes - correction and approval
- c) Officers reports
- d) Standing committees reports
- e) Special committees reports
- f) Unfinished business
- g) New business
- h) Special programs

i) Adjournment

6) Quorum

No business can be transacted unless a legal minimum number of members, known as a quorum, is present.

7) The main motion

Business of a group is transacted through main (or principle) motions. To get a main motion before the group:

- a) The member addresses the chair.
- b) The chair recognizes the member.
- c) The member states his motion.
- d) Another member seconds the motion.
- e) The chairman states the motion.
- f) The chairman puts the question.

8) Other motions

Motions may be grouped as follows: privileged, subsidiary, incidental, and unclassified. A presiding officer must know:

- a) What is the precedence of the motion?
- b) Does the motion require a second?
- c) Is the motion debatable?
- d) Is the motion amendable?
- e) What vote is required?
 - i) simple majority
 - ii) 2/3 vote
 - iii) no vote at all
- f) Is the motion in order when another has the floor?
- g) Can the motion be reconsidered?

9) Privileged motions

These are the five highest-ranking motions:

- a) Fix the time which to adjourn: requires a second, not debatable if made when another motion is before the assembly; amendable; majority vote, not in order when another has the floor, can be reconsidered.
- b) Adjourn: requires a second, not debatable, not amendable, majority vote, not in order when another has the floor, cannot be reconsidered.
- c) Recess: requires a second, not debatable if made when another motion is before the assembly, amendable, majority vote, not in order when another has the floor, cannot be reconsidered.
- d) Question of privilege: does not require a second, not debatable, not amendable, majority vote, in order when another has the floor, cannot be reconsidered.
- e) Call for the order of the day: does not require a second, not debatable, not amendable, majority vote, in order when another has the floor, cannot be reconsidered.

10) Subsidiary motions

Next in order:

- a) Lay on the table: requires a second, not debatable, not amendable, majority vote, not in order when another has the floor, cannot be reconsidered.
- b) Previous question: requires a second, not debatable, not amendable, 2/3 vote, not in order when another has the floor, cannot be reconsidered after a vote has been taken on the motion to which it has been applied.
- c) Limit debate: requires a second, not debatable, amendable, 2/3 vote, not in order when another has the floor, can be reconsidered.
- d) Postpone to a definite time: requires a second, debatable, amendable, majority vote not in order when another has the floor, can be reconsidered.
- e) Refer to a committee: requires a second, debatable, amendable, majority vote, in order when another has the floor, cannot be reconsidered after a committee has begun its work, committee can be discharged at any time by a 2/3 vote.
- f) Amend: you may amend in these ways:
 - i) by adding
 - ii) by deleting
 - iii) by inserting
 - iv) by striking out and inserting.

11) Incidental motions

These have no precedence among themselves:

- a) Point of Order: no second, not debatable, not amendable, majority vote (if needed), in order when another has the floor, cannot be reconsidered.
- b) Appeal: requires a second, debatable, not amendable, majority vote, in order when another has the floor, can be reconsidered.
- c) Parliamentary Inquiry: no second, not debatable, not amendable, no vote, in order when another has the floor, can be reconsidered.
- d) Leave to withdraw a motion: no second, not debatable, general consent or majority vote, not in order when another has the floor, yes vote cannot be reconsidered.
- e) Division of the assembly: no second, not debatable, not amendable, no vote, in order when another has the floor, cannot be reconsidered.
- f) Division of the question: no second, not debatable, can be amended, in order when another has the floor, majority vote, cannot be reconsidered.
- g) Suspension of the rules: second, not debatable, not amendable, 2/3 vote not in order when another has the floor, cannot be reconsidered.
- h) Object to reconsideration of the question: no second, not debatable, not amendable, 2/3 vote, in order when another has the floor, yes vote cannot be reconsidered.

12) Unclassified Motions

No precedence:

- a) Taken from the table: a second, not debatable, not amendable, majority vote, not in order when another has the floor, cannot be reconsidered.
- b) Reconsider: requires a second, not debatable when motion to be considered is not debatable, not amendable, majority vote, in order when another has the floor, cannot be reconsidered.

- c) Reconsider and have entered on the minutes: a second, not amendable, not debatable, no vote, in order when another has the floor, cannot be reconsidered.
- d) Rescind: a second, debatable, amendable, 2/3 vote, not in order when another has the floor, yes vote cannot be reconsidered.
- e) Nominations: do not need a second, debatable, majority vote, not in order when another has the floor, cannot be reconsidered.

Robertson, William E. Putting Robert's Rules to Work. Revised 1988: pp. 57-59.